

## **EURACOAL Response to Inception Impact Assessment**

### **Water Framework Directive – revision of lists of pollutants affecting surface and groundwaters (Ares(2020)5809213 – 23/10/2020)**

EURACOAL members operate coal mines and power stations, involving activities covered by EU water legislation. We fully support the aim to improve the overall quality of European water bodies.

We also support a better implementation of the Water Framework Directive (2000/60/EC) in order to improve the current situation whereby the majority of water bodies fall under exemptions. To reach this aim, alternatives to the current “one-out-all-out” principle are needed to better assess water-quality improvements. With the current rule, as interpreted by the Court of Justice of the European Union in the Weser Case, even a minor class deterioration of a low-importance parameter cannot be compensated for by a significant increase of a priority parameter.

The “one-out-all-out” principle is widely seen as insufficient and disproportionate, as acknowledged in the Commission’s fitness-check review of December 2019. EURACOAL believes that complementary reporting methodologies (such as “distance-to-target”) should be considered by the Commission as an alternative to the one-out-all-out principle. When developing a new methodology, the overall environmental and socio-economic impacts of the Water Framework Directive should be considered, particularly in light of the Weser Case.

Clean waters are important across the whole EU, so it is important to find better ways to measure and report the improvements in water quality that are being made. Moreover, the impact assessment should consider how to differentiate environmental quality standards to reflect the actual carrying capacity of water bodies at different locations. Many of the pressures on water resources and related mitigation measures are location specific.

It should be observed that many of the substances of new concern are mostly linked to technological progress in sectors beyond the energy sector, such as pharmaceuticals, (micro) plastics and PFAS. As the Commission moves forward, due consideration should be given to many aspects, including:

- the additional monitoring and reporting requirements if the number of priority substances to be monitored increases, taking into account all significant sources and identifying a cost-effective and proportionate level of action;
- ensure monitoring requirements are differentiated to only monitor actual sources of potential pollution, *e.g.* monitoring antibiotic releases from energy sector operations would not be useful;
- mitigation costs where action is required on new priority substances, such as the cost of using substitute chemicals, which should not be disproportionate;
- costs associated with controlling emissions of any new priority substances, if substitutes or other source measures are not possible, which again should not be disproportionate.

Water quality is very important and yet current EU water regulation does not take into account natural changes in ecosystems, so the proposed path to reach objectives is uncertain. The good status objectives should be based on establishing a sustainable aquatic environment whose ecosystem is sufficiently resilient to withstand the long-term impacts of human activity, natural aquatic changes and climate change. Nevertheless, good status cannot be defined in relation to a static, primordial state without human influence.

26 November 2020