

**Public Consultation on the European Union's Action Plan 'Towards a Zero Pollution Ambition for Air – Water and Soil'.
- Netherlands contribution -**

Introduction and general ambition

This document builds on the non-paper 'Dutch vision on the Zero Pollution Ambition' (Annex I). The perspective is on the environmental compartments: water, air and soil. Other aspects, such as pollution of consumer products and light, may be part of the Zero Pollution Action Plan (ZPA), but are not (yet) part of this contribution. The intention of the ZPA as stated by the European Commission is adhered to in this response. Questions raised by the European Commission in the context of the public consultation will be included where relevant.

The Netherlands supports the goal, the broad scope and the interrelated solutions that the Commission is looking for, including through the links with actions in the field of climate change and adaptation, the circular economy, the common agricultural policy and the biodiversity strategy. This ambition must be translated into an effective policy, learning from previous relevant strategies. In view of the many actions and interrelationships, it is of great importance to keep an eye on the relationship between them, so that all the actions in the various policy fields result in a coherent approach that contributes to achievement of the environmental targets. For The Netherlands, the link with the National Environmental Vision (NOVI) and the National Environmental Policy Framework (NMK) applies.

With regard to the ambition to reduce pollution to zero, it is important that this ambition is translated into concrete environmental goals. It must be made clear whether the ambition to reduce pollution to zero means that the environmental quality requirements of various directives must be met, or whether, for example, emissions to water, air and soil must actually be reduced to zero. Feasibility and practicability should be kept in mind. A general point of concern is the timeline by which the implementation must take place, in combination with sufficiently involving stakeholders in the process. Proposals from the Commission must be accompanied by a well-founded Impact Assessment, including budgetary implications for all stakeholders.

Commitment to the prevention of pollution and restoration of water, air and soil

To ensure clean air, water and soil, healthy ecosystems and a healthy living environment for all Europeans, the EU must ultimately reduce pollutant emissions to zero and ensure this is done through appropriate regulation, monitoring and reporting, surveillance and enforcement. In addition, the ambition to combat pollution must be integrated into all further policy developments within the EU in such a way that economic growth and the progressive reduction of pollution go hand in hand. The Netherlands agrees that this ambition must be the guiding principle for future EU policy. Pollution is not a problem that is limited to the European level, but it is a global issue. The Netherlands endorses the importance of (continuing to) put this problem and possible solutions on the international agenda.

At the moment, a wide range of legislation and regulations is already in place at European level. This varies from regulations about the access to the market and the use of substances and products, limiting emissions, discharges and losses and taking measures to combat environmental pollution. This comprehensive package has in itself helped reduce environmental pollution, but it is nowhere near enough. This is also the conclusion of the 6th edition of "The environment in Europe - Status and outlook 2020" (SOER2020) published by the European Environment Agency once every five years, containing the results of an extensive analysis of the state of the environment in Europe. SOER2020 puts the current environmental status and the results achieved so far, along the bar of the policy objectives set out in the 7th EAP: (1) to protect, conserve and enhance the natural capital of the EU; (2) transform the EU into a resource-efficient, green and competitive low-carbon economy and (3) protect EU citizens from environmental pressures and risks to health and well-being. The message of SOER2020 is clear: Europe is undeniably making insufficient progress in tackling environmental problems. The protection of biodiversity and the protection against environmental risks for health and well-being are of the greatest concern.

The aforementioned ambition rightly pays attention to prevention. The development of chemical substances and preparations that are in themselves safe for humans and the environment and production processes from which no emissions into the environment take place, in combination with recycling, is expected to be a long-term process. Until then, attention remains necessary for stopping or combating emissions, discharges and losses to water, air and soil through a source-

based approach. In the coming years too, efforts will continue to be necessary in innovation and the development of emission-limiting measures, including tightening up Best Available Techniques.

Many routes contribute to exposure. For instance through (un)intended emissions to air, water and soil, of substances as well as mixtures, but also via materials and products during production, the life cycle and the waste phase. We call upon the Commission to come up with an integrated approach in the ZPA that addresses all these exposure pathways, in order to protect human health and ecosystems effectively and efficiently. We also request to address with priority, the emissions of substances that meet the criteria for identification as substances of very high concern, such as carcinogenic, mutagenic and reprotoxic substances (CMR), persistent bioaccumulative and toxic substances (PBT) very persistent and very bioaccumulative substances (vPvB), persistent and mobile toxic substances (PMT), very persistent and very mobile substances (vPvM) and endocrine disrupting substances (EDS). It is also proposed to investigate how closing material cycles can contribute to the autonomy of the Union, such as recovery of struvite from urine in livestock farming and from wastewater. This can improve strategic autonomy with regard to phosphate extraction outside the EU, while at the same time substantially reducing emissions of heavy metals, especially cadmium, to agricultural land.

The burden on the environment by plastics and the effects this causes are evident. The EU Plastics Strategy is expected to lead to a reduction in this burden. In addition, attention is required to reduce the burden caused by so-called microplastics. The Netherlands supports the work of the European Chemistry Agency (ECHA) to achieve a ban under REACH for the conscious use of microplastics in products. It must be prevented that such a ban will lead to the use of nanoplastics as replacements. Measures to reduce the impact on the environment by microplastics that are created as a result of wear and tear of plastic material such as plastic litter, car tires and paint will also (have to) be addressed within the Plastics Strategy. Within the framework of the Multiannual Financial Framework (MFF), there is a call to stimulate fundamental research under Horizon2020 into the largely unknown effects of micro- and nanoplastics on human health and the environment.

In addition to the focus on prevention, it should also become clear what the ambitions are with regard to restoring soil and (ground) water quality in cases where contamination is still present. A system approach is important here.

Deployment per environmental compartment/subject

Water

- In practice, so-called emerging substances (such as PFAS, microplastics, pharmaceutical residues) are found in the environment, both water and soil. This may be due to the improved analytical methods, but there may be other reasons as well. Further research is useful in order to learn lessons from this. A knowledge program to identify omissions in the current legal framework and the risks of these substances, and measures to limit or control these risks should be part of this. Attention should also be paid to environmental effects that occur between member states, such as re-contamination via rivers.
- By 2027, measures must be taken to meet the environmental objectives of the Water Framework Directive (WFD). It should be possible in the WFD to take measures after 2027 to meet new challenges regarding water quality, if necessary.
- Use of other monitoring techniques such as effect-based monitoring and the potentially affected fraction of species by multiple substances (msPAF). In order to make this possible in practice, it must be possible to deviate from the current directive for reasons of cost-effectiveness.
- Implement the results of the SOLUTIONS project, whereby, in order to control the total expenditure on monitoring, room must be created for the now mandatory components that can be replaced with the results of SOLUTIONS.
- Although a source-based approach is the starting point to prevent harmful substances from entering the environment as much as possible, in the case of pharmaceutical residues it is the use of these pharmaceuticals that cause residual emissions. For this reason, additional treatment may be required at certain sewage treatment plants. For this reason, The Netherlands welcome the revision of the Urban Wastewater Directive to look at a further approach to emerging substances.
- In EU regulations that regulate access to the market, such as the Pesticides Regulation and REACH, substances are assessed for their risk to humans and the environment. It is important that the environmental quality standards, which are used to determine the risk of substances for the environment, are derived in an identical manner under the various legal regimes. The assessment of a substance with regard to risk to humans or the environment should be identical in all legal frameworks in which this takes place. The Netherlands welcomes therefor the principle of one-

substance-one assessment from the chemicals strategy for sustainability, where appropriate considering the characteristics of a substance.

- It is desirable to also take or take more into account the impact on the ozone layer and the greenhouse effect, because of their indirect effects on people and the environment. For example, when assessing plant protection products or biocides, the greenhouse effect of a substance is not a criterion at the moment. The combined criteria should promote replacement of high risk by low risk plant protection products and biocides.
- Despite the risk assessment for humans and the environment in the authorization of plant protection products and biocides, it is clear that these substances are still found in the environment at various locations in concentrations above the environmental quality standards. It is unlikely that this is only caused by use that deviates from the statutory instructions for use. In some cases it may be caused by differences in environmental quality standards used in the frame of risk assessments under different EU legislation. Low-input farming should be encouraged. However, as long as pesticides and biocides are still being used, it is recommended to continue reviewing the assessment methods and adjust them if necessary. A fast effect of new scientific evidence and monitoring data from practice in the admission of plant protection products and biocides is desirable.
- Finally, it is pointed out that the inclusion of substances on the list of Priority Substances under the Environmental Quality Standards Directive never keeps up with the rate of emergence of substances. Supplementing and updating standards for other specific pollutants (cf Annex V.1.1, WFD, also referred to as national or river basin specific pollutants) is not appropriate, as long as they are seen as part of the ecological status whose target should have been achieved in 2015.

Air

- Despite significant improvements, air pollution is the main environmental cause of health problems in the EU and The Netherlands. Netherlands policy - both nationally and in the EU - focuses on generic measures that ensure that air pollution is reduced by means of an ambitious source-based policy and on an area-specific approach for densely populated locations with high concentrations of air pollution. A revision of the Air Quality Directive (2008/50/EC) is necessary to bring air quality requirements into line with the WHO guidelines, especially with regard to PM_{2.5}.
- From the perspective of protecting people and the environment, attention is also being drawn to the phasing out of substances that damage the ozone layer.
- The emission limit values based on the Industrial Emissions Directive for emissions from industry to the air must be tightened where possible, whereby the range of emission limit values must be narrowed, while maintaining a level playing field. In addition, it is desirable that the BREFs are revised more quickly than is currently the case.
- There must be stricter emission limits for house heating that is fired on solid fuels, such as wood stoves, which - unlike in the forthcoming Eco-design scheme - match well with the real emissions of these heating appliances.
- The new Euro7 emission limit values should apply to all vehicles regardless of engine type or fuel used and should also cover ammonia emissions. Enforcement requirements should ensure that service life of the vehicle under actual driving conditions the emission limits are met. The emission limit values should also take into account the greenhouse gas emissions of fluorinated refrigerants used in the air conditioning (F-Gas Regulation and the Mobile Air Conditioning Directive) so that synergy between both policy approaches takes place.
- An ambitious European source policy is also needed in the field of mobile equipment, inland shipping, agriculture and sustainable purchasing.

Soil

- In the Netherlands, thanks to an active soil policy, the unacceptable risks of historical pollution from local sources to humans, the ecosystem and groundwater are under control or remediated. A strategy for diffuse pollution is under development in the Netherlands. A knowledge program or plan for dealing with pollutants at the EU level is useful: from the discovery of new substances to actions that follow.
- The best available techniques (BAT) from European BREFs have been implemented in Dutch legislation and information documents for BAT. For preventive soil protection, the Dutch Soil Protection Guideline (NRB) is the information document with BAT. Statutory regulations comply with the NRB and permit regulations must be drawn up in accordance with the NRB. Prevention is by far the most desirable route for soil protection.
- The Commission recently published a public consultation for a new soil strategy. The relationship between the new soil strategy and the ZPA must be clarified.
- Soil differs from Member State to Member State. Soil policy, including the approach to contamination, can therefore differ. There must therefore be room for flexibility under the ZPA.

Elements such as the administrative organization, the geographic situation (the Netherlands as a delta country) and the national use of soil and groundwater also give cause for this.

Noise

- The Commission should continue to support the development of European standards (in particular common assessment and monitoring methods) for underwater noise pollution. In addition, the Commission should place the subject of underwater noise in marine ecosystems higher on the agenda of international fora, such as the International Maritime Organization (IMO). This is to better coordinate the regulation for energy-efficient shipping and the harmful effects of pollution caused by underwater noise. In addition, more research is needed into underwater noise and technical innovations that can reduce underwater noise.
- With regard to noise, quieter vehicles should be made by tightening tire noise limits, in combination with the promotion of electric vehicles and quieter road surfaces.

Strengthen monitoring and reporting

Digitization

- The revision of the E-PRTR regulation (EC/166/2006) must be in line with the objectives of the ZPA without unnecessarily increasing the regulatory burden and the administrative burden for businesses and government.
- There should be more flexibility for Member States to use innovative monitoring and assessment methods. Administrative (reporting) burdens must be limited as much as possible.
- The use of models and data science, also with existing measurement data and non-target screenings, can yield a lot of useful information for tackling substances that pollute the water and which have received insufficient attention for various reasons (due to high mobility and poor measurability).
- Joint monitoring of the marine environment is necessary to ensure consistent data collection that supports the development of tailor-made response solutions and allows the EU to take a leading role in the international management of oceans. The Commission should continue to support this effort by providing grants for EU projects in the various programs such as INTERREG, Horizon Europe and LIFE +, respecting the ceiling in the MFF.
- Environmental monitoring uses, among other things, satellites and drones. The disadvantage of satellites is the limited ability to bring them back in a controlled manner at the end of their useful life, creating an increasing amount of space debris. The use of drones is preferred, whereby it could also be looked at drones that can be deployed at greater heights and for a longer period of time, such as those that are used for defense purposes, for example.

Monitoring and coherence with existing monitoring

- Attention to smarter use of existing monitoring data, such as happens in the NORMAN network and / or usage patterns (big data). The precautionary principle must be applied before substances are allowed on the market. The replacement of substances by alternatives with comparable harmful properties must also be avoided.
- In addition, more attention must be paid to an approach to identify emerging substances at an early stage. Early warning systems and research into toxicological characteristics (including predictions) for substances help. Signaling should take place with a view to market developments in order to identify new substances. Within this approach, attention must be paid to national-EU cooperation (how will signaling systems fit together).
- In this context, attention is drawn to the deployment of, for example, a group of experts to exchange signals. An example of this is the involvement of such a group in the EU-funded project as SOLUTIONS. The EC is called upon to support the setting up of online communities of practice / platforms that facilitate knowledge exchange on the management and remediation of contamination.
- It is important that the monitoring and reporting of the ZPA is drawn up in accordance with the monitoring mechanism of the 8th Environmental Action Program. Coherence with other environmental monitoring, such as the monitoring of CE, is also seen as relevant.