



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate C – Zero Pollution  
ENV.C.1 – Sustainable Freshwater Management

Brussels  
ENV.C.1/HS/HC/RJH

Dear Ms Brooke,  
Dear Mr Eisma,

I would like to thank you for your letters of 26 May and 9 and 14 June 2023 in which you focus on the Tributyltin (TBT) sediment environmental quality standard (EQS) put forward in the proposal on ‘Integrated water management’<sup>(1)</sup>.

In your letters, you raise concerns *inter alia* regarding the economic costs to European ports and the navigation sector that might arise from application of the new sediment EQS and ask the Commission whether the impact assessment preceding the proposal addressed the practical, economic, and ecological consequences of the proposed sediment EQS.

We stress that the EQS in the Commission proposal are all based on the latest scientific knowledge and evidence concerning the toxicity of each substance, and thus ensure an appropriate level of environmental protection. The proposed TBT sediment EQS was derived in response to requests from the Member States which had difficulties to quantify TBT in water and thus required an alternative. The sediment EQS should be protective of sediment-dwelling (benthic) organisms. It is considered to provide roughly the same overall level of protection as the water EQS, although exact equivalence cannot be confirmed because of some uncertainties in the partitioning coefficient.

Since the proposed sediment EQS is considered to provide a similar level of protection, there should in theory be no significant change in the chemical status assessment as a result of introducing it, and thus no additional costs associated with its implementation.

You cite the statement in the guidance on sediment management on potential hazard (meaning risk) versus actual impact. The setting of EQS as risk levels is the agreed approach under the WFD for chemical pollutants – impacts on biological quality elements are considered in the context of ecological status. The Environmental Quality Standards Directive (EQSD) allows Member States to consider bioavailability when assessing compliance of metal concentrations with their EQS.

The final EQS dossier for TBT explains that the bioavailability of TBT in sediments is influenced by the organic carbon content, and that concentrations of the TBT cation should

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<sup>(1)</sup> [Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy](#), 26 October 2022, COM(2022) 540 final.

preferably be normalised to an organic carbon content of 5% before comparison with the EQS.

The Commission also seeks to ensure that the proposed EQS-values correspond to the most recent opinions of the Scientific Committee on Health, Environmental and Emerging Risks (SCHEER). In this case, the EQS dossier and the SCHEER acknowledge that other factors (pH, higher salinity) could reduce bioavailability in marine sediments, but also point out that there are no data on the potentially most sensitive marine taxonomic group (sediment-dwelling molluscs) and thus recommend the provisional use of the same EQS in freshwater and saltwater sediments in line with the precautionary principle. If more toxicity data become available, it may be possible in the future to confirm this use or propose a marine-specific sediment EQS.

We note and agree with your emphasis on the importance of sediments to ecosystems. We also note your recommendation that further research be carried out on management approaches. You will probably be aware that several projects are already underway, have been completed or are ongoing under Horizon 2020 on bioremediation.

I hope that the clarifications provided in this reply address the key issues raised. We look forward to continuing constructive discussion about the proposal.

Yours sincerely,

Claudia OLAZABAL  
Head of Unit