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*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on environmental quality standards in the field of water policy and amending
Directive 2000/60/EC
(COM(2006)0397 – C6-0243/2006 – 2006/0129(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Anne Laperrouze

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members, except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	15

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on environmental quality standards in the field of water policy and amending Directive 2000/60/EC

(COM(2006)0397 – C6-0243/2006 – 2006/0129(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0397)¹,
 - having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0243/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy, the Committee on Agriculture and Rural Development and the Committee on Fisheries (A6-0000/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 RECITAL 1

(1) Chemical pollution of surface water presents a threat to the aquatic environment with effects such as acute and chronic toxicity to aquatic organisms, accumulation in the ecosystem and losses of habitats and biodiversity, as well as threats to human health.

(1) Chemical pollution of surface water presents a threat to the aquatic environment with effects such as acute and chronic toxicity to aquatic organisms, accumulation in the ecosystem and losses of habitats and biodiversity, as well as threats to human health. ***Pollution should, as a matter of priority, be identified and handled at source, in the most economically and***

¹ Not yet published in OJ.

environmentally effective manner.

Justification

This recital reflects Recital 11 of the Water Framework Directive and the need for pollution to be controlled at source and through environmental quality standards. This principle should be applied in accordance with Article 4 of the Water Framework Directive.

Amendment 2
RECITAL 22 A (new)

(22a) Pursuant to Article 174 of the Treaty, and as reiterated in Directive 2000/60/CE, the Community must, in preparing its policy on the environment, take account of the available scientific and technical data, environmental conditions in the various regions of the Community, the economic and social development of the Community as a whole and the balanced development of its regions, as well as the potential benefits and costs of action or lack of action.

Justification

It is worth emphasising that a range of local situations exist concerning the chemical status of water, and also that the standards and control measures should draw on the most recent scientific techniques and data (Recital 12 of the Framework Directive).

Amendment 3
ARTICLE 1

This Directive lays down environmental quality standards for priority substances and certain other pollutants.

Pursuant to Article 16 of Directive 2000/60/EC, this Directive lays down environmental quality standards for priority substances and certain other pollutants.

Justification

Makes it clear that the Water Framework Directive is the basis for the directive regarding priority substances.

Amendment 4
ARTICLE 2, PARAGRAPH 1

1. Member States shall ensure that the composition of *their* surface waters complies with environmental quality standards for priority substances, expressed as an annual average and as a maximum allowable concentration, as laid down in Part A of Annex I and with environmental quality standards for pollutants listed in Part B of Annex I.

1. *In order to achieve a good chemical status for bodies of surface water pursuant to Article 4(1)(a) of Directive 2000/60/EC*, Member States shall ensure that the composition of *those bodies of* surface water complies with environmental quality standards for priority substances, expressed as an annual average and as a maximum allowable concentration, as laid down in Part A of Annex I and with environmental quality standards for pollutants listed in Part B of Annex I.

Justification

The proposal aims to define standards for the good chemical status of surface waters, but in its current form would set objectives (relating to all surface water rather than bodies of surface water) that do not form part of the Framework Directive. This amendment therefore seeks to ensure consistency with Article 4 of the Framework Directive.

Amendment 5
ARTICLE 2, PARAGRAPH 3, SUBPARAGRAPH 1, INTRODUCTION

3. Member States shall ensure that the following concentrations of hexachlorobenzene, hexachlorobutadiene and mercury are not exceeded in prey tissue (wet weight) of fish, molluscs, crustaceans *and* other biota:

3. Member States shall ensure that the following concentrations of hexachlorobenzene, hexachlorobutadiene and mercury are not exceeded in prey tissue (wet weight) of fish, molluscs, crustaceans *or* other biota:

Justification

Avoids having to require measures from Member States on a range of different 'biota'.

Amendment 6
ARTICLE 2, PARAGRAPH 3, SUBPARAGRAPH 2

For the purposes of monitoring of the compliance with the environmental quality standards of substances listed in the first subparagraph, the Member States shall either introduce a more stringent standard

For the purposes of monitoring of the compliance with the environmental quality standards of substances listed in the first subparagraph, the Member States shall either introduce a more stringent standard

for water replacing the one listed in Part A of Annex I, or set up an additional standard for biota.

for water replacing the one listed in Part A of Annex I, or **may** set up an additional standard for biota.

Justification

Avoids a proliferation of different quality standard values for water in the various Member States (which would run contrary to the arguments presented in support of this Directive).

Amendment 7

ARTICLE 2, PARAGRAPH 4, SUBPARAGRAPHS 1 a and 1 b (new)

The Commission shall consider the latest developments in scientific information and technical progress relating to PAH (polyaromatic hydrocarbon) compounds in the aquatic environment and undertake preparatory work to establish EQS values for PAH compounds present in biota rather than in water.

By 2011 at the latest, the Commission shall present a proposal for the revision of those EQS values for PAH compounds.

Justification

The preferred avenue should be that of a revised proposal establishing EQS values in biota, and the Commission should therefore undertake the requisite preparatory work for this.

Bearing in mind that under the Framework Directive Member States have to meet the requirements of that Directive by 2015, the Commission should, by 2011 at the latest, bring forward a text on PAH compounds that replaces EQS values in water with EQS values in biota.

Amendment 8

ARTICLE 2, PARAGRAPH 5

5. The Commission **may**, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, set up the compulsory **calculation methods** referred to in the second paragraph of point 3 of

5. In order to achieve a cohesive and harmonised calculation method, the Commission must, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, set up the

Part C of Annex I to this Directive.

compulsory **methodologies** referred to in the second paragraph of point 3 of Part C of Annex I to this Directive.

Justification

Practical experience in this field has shown that where analytical procedures and sampling are not conducted in accordance with standards, this invalidates the comparison of results and effectiveness of the data. There is currently no suitable or standardised control method for certain substances.

Amendment 9
ARTICLE 3, PARAGRAPH 3

3. Member States shall carry out the review **of the permits referred to in Directive 96/61/EC or** of the prior regulations referred to in Article 11(3)(g) of Directive 2000/60/EC with the view to progressively reducing the extent of each transitional area of exceedance, as referred to in paragraph 1, identified in water bodies affected by discharges of priority substances.

3. Member States shall carry out the review of the prior regulations referred to in Article 11(3)(g) of Directive 2000/60/EC with the view to progressively reducing the extent of each transitional area of exceedance, as referred to in paragraph 1, identified in water bodies affected by discharges of priority substances.

Justification

It seems inappropriate for indications of what IPPC permits must cover to be given in this Directive concerning water policy.

Amendment 10
ARTICLE 3, PARAGRAPH 4

4. The Commission **may**, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, set up the method to be used by the Member States for the identification of the transitional area of exceedance.

4. The Commission **must**, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, set up the method to be used by the Member States for the identification of the transitional area of exceedance.

Justification

Where procedures are not conducted in a uniform manner, this invalidates comparison and may distort competition.

Amendment 11
ARTICLE 3, PARAGRAPH 5 A (new)

5a. In the case of port areas, the Commission must define the methods that Member States are to use to assess EQSs expressed as an annual average value.

Justification

The special case of port areas must also be addressed. Ports are areas that witness major changes in levels of suspended substances as a result of dredging. An adequate response must therefore be provided to those special circumstances.

Amendment 12
ARTICLE 4, PARAGRAPH 1

1. On the basis of the information collected in accordance with Articles 5 and 8 of Directive 2000/60/EC and under Regulation (EC) No. 166/2006, Member States shall establish an inventory of emissions, discharges and losses of all priority substances and pollutants listed in Parts A and B of Annex I for each river basin or its part within their territory.

1. On the basis of the information collected in accordance with Articles 5 and 8 of Directive 2000/60/EC and under Regulation (EC) No. 166/2006, Member States shall establish an inventory of emissions, discharges and losses of all ***the original sources of*** priority substances ***(both point and diffuse sources of pollution)*** and pollutants listed in Parts A and B of Annex I for each river basin or its part within their territory.

Justification

The expression 'original sources' has been added to ensure that water treatment plants are not considered as potential sources of priority substances when they do not generate priority substances and have not been designed to eliminate them. The inventory should therefore relate to 'original' sources upstream of the treatment plant, connected to the urban collection system. The inventory should, moreover, target not just point sources of pollution but also diffuse ones.

Amendment 13
ARTICLE 4, PARAGRAPH 6

6. The Commission ***may***, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, set up the method to be used by the Members States

6. The Commission ***must***, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, set up the method to be used by the Members States

for establishment of the inventories.

for establishment of the inventories.

Justification

Where analytical procedures and sampling are not conducted in a uniform manner, this invalidates the comparison of results and effectiveness of the data.

Amendment 14 ARTICLE 4 A (new)

Article 4a

Measures to reduce pollution by priority substances

1. In order to achieve the objectives of reducing pollution by priority substances established under Article 4(1)(a)(iv) of Directive 2000/60/EC, Member States shall ensure that the programme of measures established pursuant to Article 11 of that Directive also takes into account control measures relating to point and diffuse sources of pollution, as well as the environmental quality standards laid down in the Directive.

Those measures should take into account the fact that, in the case of substances that are naturally-occurring or produced by natural processes, cessation or phase-out are impossible for all potential sources.

2. Member States shall ensure that the measures referred to in paragraph 1 are economically viable and technically feasible.

3. Member States must, above all, take into account the existing measures specified in the applicable Community legislation.

4. Where necessary, on the basis of Article 4 of Directive 2000/60/EC and in order to achieve the objectives set out therein, Member States must determine whether there is a need to review the implementation of existing measures or to introduce new measures for the reduction

and control of pollution by priority substances. If need be, the Commission shall bring forward the appropriate measures at Community level.

Justification

Control measures must be considered when establishing the programme of measures. Simply defining EQSs would amount to a fine-tuning of purification systems without improving the protection of bodies of surface water. Controls at source have a significant impact on release reduction, with this sustainable approach enabling the objectives of the Water Framework Directive to be achieved.

The measures adopted by the Member States must be based on a risk and cost-effectiveness approach, and provision must be made for a means of quantifying losses of substances arising or stemming from natural processes.

Amendment 15
ARTICLE 4 B (new)

Article 4b

Pollution originating from third countries
The Commission shall present to the European Parliament and the Council, no later than one year after the entry into force of this Directive, a report on the situations regarding pollution originating from third countries. On the basis of that report, the European Parliament and the Council shall, if this is adjudged necessary, ask the Commission to bring forward proposals.

Justification

The European Commission must address the issue of pollution originating from third countries.

Amendment 16
ANNEX I, TITLES OF ANNEX AND PART A

ANNEX I: ENVIRONMENTAL
QUALITY STANDARDS FOR

ANNEX I: ENVIRONMENTAL
QUALITY STANDARDS FOR

PRIORITY SUBSTANCES **AND**
CERTAIN OTHER POLLUTANTS

PART A: Environmental Quality Standards (EQS) **for Priority Substances** in surface water

PRIORITY SUBSTANCES

Environmental Quality Standards (EQS) in surface water

Justification

There is no reason to differentiate between priority substances and other pollutants, and it therefore makes sense to place them both in one table.

Amendment 17
ANNEX I , PART B, TITLE

PART B: Environmental Quality Standards (EQS) for other Pollutants

deleted

Justification

If amendment 16 is adopted, all the pollutants will be listed in part A of Annex I, regardless of whether they are 'priority substances' or 'other pollutants'. The title 'part B' will therefore be superfluous.

Amendment 18
ANNEX I , PART C, PARAGRAPH 3, SUBPARAGRAPH 2

If natural background concentrations for metals are **higher than the** EQS value or if hardness, pH or other **water quality** parameters affect the bioavailability of metals, Member States may take this into account when assessing the monitoring results against the EQS. If they choose to do so, the use of calculation methods set up pursuant to Article 2(5) is compulsory.

Where natural background concentrations for metals are **measurable, they shall be cumulated to the** EQS value. **If** hardness, pH or other parameters affect the bioavailability of metals, Member States may take this into account when assessing the monitoring results against the EQS. If they choose to do so, the use of calculation methods set up pursuant to Article 2(5) is compulsory.

Justification

Natural concentration levels can have a significant influence on compliance with EQSs, even when in themselves they are lower than the EQSs. Member States may take this into account.

Amendment 19
ANNEX II
ANNEX X, TABLE, LINES 33 A TO 33 I (new)

Number	CAS number	EU number ²	Name of priority substance	Identified as priority hazardous substance
<i>(33a)</i>	<i>not applicable</i>	<i>xxx-xxx-x</i>	<i>DDT total¹</i>	<i>X</i>
<i>(33b)</i>	<i>50-29-3</i>	<i>200-024-3</i>	<i>para-para-DDT</i>	<i>X</i>
<i>(33c)</i>	<i>309-00-2</i>	<i>206-215-8</i>	<i>Aldrin</i>	<i>X</i>
<i>(33d)</i>	<i>60-57-1</i>	<i>200-484-5</i>	<i>Dieldrin</i>	<i>X</i>
<i>(33e)</i>	<i>72-20-8</i>	<i>200-775-7</i>	<i>Endrin</i>	<i>X</i>
<i>(33f)</i>	<i>465-73-6</i>	<i>207-366-2</i>	<i>Isodrin</i>	<i>X</i>
<i>(33g)</i>	<i>56-23-5</i>	<i>200-262-8</i>	<i>Carbontetrachloride</i>	<i>X</i>
<i>(33h)</i>	<i>127-18-4</i>	<i>204-825-9</i>	<i>Tetrachloroethylene</i>	<i>X</i>
<i>(33i)</i>	<i>79-01-6</i>	<i>201-167-4</i>	<i>Trichloroethylene</i>	<i>X</i>

DDT total comprises the sum of the isomers 1,1,1-trichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 50-29-3); 1,1,1-trichloro-2 (o-chlorophenyl)-2-(p-chlorophenyl) ethane (CAS number 789-02-6); 1,1-dichloro-2,2 bis (p-chlorophenyl) ethylene (CAS number 72-55-9); and 1,1-dichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 72-54-8).

EXPLANATORY STATEMENT

The justification for this Directive derives from a requirement contained in the Directive establishing a framework for Community action in the field of water policy. Article 16 of that framework directive lists various obligations relating to the Commission's drawing-up of proposals, including specific measures to combat water pollution by individual pollutants or groups of pollutants that pose a significant risk to or via the aquatic environment, establishing a list of priority substances, including priority hazardous substances and also setting quality standards applicable to the concentrations of priority substances in surface water, sediments and biota.

Those environmental quality standards are the levels of concentration of a pollutant or group of pollutants in water, sediments or biota that should not be exceeded in order to protect human health and the environment (Article 2(35) of the framework-directive). The proposed directive therefore sets surface water concentration limits for 41 pesticides, heavy metals and other hazardous chemical substances of particular risk to aquatic fauna and flora and human health. The Commission states that in drawing up its proposal it considered at length the possibility of introducing specific control measures for priority substances at EU level. It would appear that the impact assessment conducted for the proposal showed that such measures were not currently justified, given the host of Community measures that already exist, or are being adopted, to control emissions.

The links between these two texts should therefore be clarified and any ambiguities removed. In particular, the objectives and the measures proposed to attain these should be assessed in the light of the obligations set out in the framework directive, and their relevance appraised.

In this regard, your rapporteur would emphasise that this daughter directive is part of an global approach intended to combat the release of certain priority substances into surface waters. The main aim of this text is not, therefore, to establish criteria relating to drinking water quality.

The Commission did not bring forward measures on the control of discharges, holding that various texts relate to this (REACH, IPPC, etc.). Nevertheless, it must be ensured that these measures do not contradict one another or overlap, and above all that there are no sources of emission, discharge or loss that are not covered, while bearing in mind specific situations in which certain substances are historically or naturally present.

Your rapporteur has tried to provide a response to the above questions, and to the issue of diffuse pollution, as well as calling on the Commission to establish common methodologies for guaranteeing an adequate level of protection while also avoiding distortions of competition.

The Commission proposal makes a distinction between priority substances and other pollutants. That distinction simply creates confusion, and your rapporteur therefore suggests that these eight 'other pollutants' be reclassified as priority substances and even, in view of their intrinsic effects, as priority hazardous substances.

The special case of port areas must also be addressed. Ports are areas that witness major changes in levels of suspended substances as a result of dredging. An suitable response must therefore be provided to those special circumstances.

Your rapporteur calls on the Commission to address the issue of pollution originating from third countries.

Lastly, your rapporteur considers that certain issues warrant further debate. Some of the persons consulted during the preparation of this report in fact expressed their astonishment at some EQS values which did not tally with the methodology described in the documents available on CIRCA (Communication & Information Resource Centre Administrator). Your rapporteur would therefore stress the need for technical discussions on the following substances: benzene, cadmium, hexachlorobenzene, hexachlorobutadiene, mercury, nickel, lead and PAHs. The persons consulted disagreed, in particular, with the EQS values of 0,05 µg.L⁻¹ for mercury, which would fail to take into account secondary poisoning associated with methylmercury, and of 0,2 µg.L⁻¹ for cadmium. Concerning instances of accidental pollution, the exemptions possible under this directive should be consistent with the Water Framework Directive and must therefore be clarified by the Commission.