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*****I**
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.

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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 (A6-0125/2007),
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. ***As a matter of priority, causes of pollution should be identified and dealt with at source, in the most economically***

¹ Not yet published in OJ.

and environmentally effective manner.

Justification

This recital reflects Recital 11 of the Water Framework Directive and the need for pollution to be tackled at source, in accordance with the polluter-pays principle, the precautionary principle and the principle of prevention.

Amendment 2

RECITAL 1 A (new)

(1a) In accordance with Article 174 of the EC Treaty, Community policy on the environment is based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay.

Amendment 3

RECITAL 1 B (new)

(1b) Properly conducted small-scale organic farming is necessary in order to guarantee good water quality.

Amendment 4

RECITAL 2 A (new)

(2a) Member States should implement the necessary measures in accordance with Article 16(1) and (8) of Directive 2000/60/EC with the aim of progressively reducing pollution from priority substances and ceasing or phasing out emissions, discharges and losses of priority hazardous substances;

Justification

To clarify that the proposal is daughter directive of the WFD and therefore (as in the WFD)

Member States should not be required to take measures that are disproportionately costly or technically infeasible in order to achieve the objectives of the proposal.

Amendment 5
RECITAL 4

(4) There have been adopted numerous Community acts since 2000 which constitute pollution control measures in accordance with Article 16 of Directive 2000/60/EC for individual priority substances. Moreover, many environmental protection measures fall under the scope of other existing Community legislation. Therefore priority should be given to implementation and revision of existing instruments rather than establishing new controls which may duplicate existing ones.

(4) There have been adopted numerous Community acts since 2000 which constitute pollution control measures in accordance with Article 16 of Directive 2000/60/EC for individual priority substances. Moreover, many environmental protection measures fall under the scope of other existing Community legislation. Therefore, ***in the short term***, priority should be given to implementation and revision of existing instruments rather than establishing new controls which may duplicate existing ones. ***However, following the transmission of the river basin management plans produced by the Member States pursuant to Article 13 of Directive 2000/60/EC, including the programme of measures established pursuant to Article 11 of that Directive, the Commission should assess whether the implementation and revision of existing instruments fully achieved the objectives of Directive 2000/60/EC, or whether specific action is required pursuant to this Directive.***

If compliance with environmental quality standards can be achieved only by means of restrictions on use or the banning of individual substances, such measures should be implemented by means of existing or new Community legal acts, in particular in the context of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council

Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.

Justification

The Commission decided to disregard its obligations under the water framework directive, which calls for proposals for emissions control measures by the end of 2003. While other Community instruments may indeed achieve the same objective, there needs to be an assessment on the basis of the programme of measures submitted by the Member States whether the measures pursuant to other legal instruments are sufficient to achieve the objectives of the water framework directive.

With a view to guaranteeing uniform competitive conditions in terms of plant location, and on grounds of competence, legal restrictions on the use of chemicals or bans on individual substances can only be introduced under Community law. Compliance with environmental quality standards in the area of diffuse inputs into bodies of water cannot be guaranteed by means of national control measures.

Amendment 6
RECITAL 4 A (new)

(4a) Directive 2000/60/EC includes in Article 11(2) and Part B of Annex VI on the programme of measures a non-exhaustive list of supplementary measures which Member States may choose to adopt as part of the programme of measures, inter alia:

- legislative instruments,***
- administrative instruments, and***
- negotiated agreements for the protection of the environment.***

Justification

Besides the legal instruments, also the 'supplementary' measures as described in Article 11, paragraph 4 and part B of Annex VI of the Water Framework Directive (2000/60/EC) should be mentioned as possible solutions in case standards are frequently exceeded, as more voluntary, stimulating measures are often more effective, than a strict legal approach. This will help to increase the common ground for the directive as such, and environmental legislation in general.

Amendment 7
RECITAL 5

(5) As regards emission controls of priority substances from point and diffuse sources as referred to in Article 16(6) and (8) of Directive 2000/60/EC, ***it seems more cost-effective and proportionate for*** Member States ***to*** include, where necessary, in addition to the implementation of other existing Community legislation, appropriate control measures in the programme of measures to be developed for each river basin in accordance with Article 11 of Directive 2000/60/EC.

(5) As regards emission controls of priority substances from point and diffuse sources as referred to in Article 16(6) and (8) of Directive 2000/60/EC, Member States ***should*** include, where necessary, in addition to the implementation of other existing Community legislation, appropriate control measures, ***pursuant to Article 10 of Directive 2000/60/EC***, in the programme of measures to be developed for each river basin in accordance with Article 11 of Directive 2000/60/EC, ***where appropriate applying Article 10 of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control*** ¹.

With a view to maintaining uniform competitive conditions in the internal market, all decisions to lay down control measures for point sources of priority substances should be based on the concept of the best available techniques enshrined in Directive 96/61/EC.

¹ OJ L 257, 10.10.1996, p. 26.

Justification

Member State measures concerning point sources have an impact on the competitiveness of towns and cities as plant locations and must therefore be tailored to uniform European standards. Directive 96/61/EC introduced a uniform European standard for plant locations in the form of the concept of 'best available techniques'. At the same time, the combined approach laid down in Article 16 of Directive 2000/60/EC provides for Community measures to control emissions.

This amendment seeks to avoid undermining the requirement from Article 10 of the water framework directive, which requires more stringent emission controls beyond best available techniques where this is necessary to comply with the environmental quality standards.

This amendment also clarifies that Member States shall apply the requirement of the IPPC directive (integrated pollution prevention and control) to insist on more stringent emission controls beyond best available techniques where this is necessary to meet the environmental quality standards.

Amendment 8
RECITAL 5 A (new)

(5a) Where an issue which has an impact on the management of water cannot be resolved by a Member State itself, that Member State may report it to the Commission in accordance with Article 12 of Directive 2000/60/EC. A Member State should also be able to report such an issue where Community measures seem to be more cost-effective or appropriate. In such a case, the Commission should launch an information exchange with all Member States and if Community action does appear to be the better option, the Commission should publish a report and propose measures.

Amendment 9
RECITAL 5 A (new)

(5a) As the majority of other relevant Community acts have not yet been fully adopted and implemented, it is currently difficult to determine whether the implementation of those policies will enable the objectives of the Water Framework Directive to be achieved, or whether further Community action will still be needed. Consequently, it would be appropriate to carry out a formal evaluation of the consistency and effectiveness of all Community legislative acts contributing directly or indirectly to achieving good water quality.

Amendment 10
RECITAL 6

(6) Decision N° 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of

(6) Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of

priority substances in the field of water policy and amending Directive 2000/60/EC sets out the first list of 33 substances or groups of substances that have been prioritised for action at Community level. Among those priority substances, certain substances have been identified as priority hazardous substances which are subject to phase-out or cessation of emissions, discharges and losses. Some substances were under review and should be classified.

priority substances in the field of water policy and amending Directive 2000/60/EC sets out the first list of 33 substances or groups of substances that have been prioritised for action at Community level. Among those priority substances, certain substances have been identified as priority hazardous substances which are subject to phase-out or cessation of emissions, discharges and losses. ***For substances occurring naturally or through natural processes, however, complete phase-out of emissions, discharges and losses from all potential sources is impossible.*** Some substances were under review and should be classified. ***Further substances should be added to the list of priority substances to achieve the objectives of Directive 2000/60/EC.***

Justification

It is important not to make commitments which are impossible to deliver on. For some naturally occurring substances complete cessation is not possible.

It is clear from the very wording of Article 16(8) of the water framework directive, which refers to a 'first' list of priority substances, and from Decision 2455/2001/EC, which calls for the progressive addition of further substances to the list, that the 'first' list was only the beginning and that further substances should be added to achieve the objectives of the water framework directive.

Amendment 11 RECITAL 6 A (new)

(6a) For substances occurring naturally or through natural processes, such as cadmium, mercury and poly-aromatic hydrocarbons, complete phase-out of emissions, discharges and losses from all potential sources is impossible.

Justification

Decision 2455/2001/EC, which established the list of Priority Substances, contained important recitals which were not transferred to the WFD when the Priority List substances were added as Annex X. The proposed additional recital conveys the purpose of Recital 4 to the Decision, a European Parliament amendment, and would carry through this intention.

Amendment 12
RECITAL 7

(7) From the point of view of Community interest and for a more effective regulation of the surface water protection, it is appropriate that EQS are set up for pollutants classified as priority substances on Community level and to leave to the Member States to lay down, **where necessary**, rules for remaining pollutants on national level subject to the application of relevant Community rules. Nonetheless, eight pollutants which fall under the scope of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC and form part of the group of substances for which good chemical status should be achieved by 2015 were not included in the list of priority substances. However, the common standards established for those pollutants proved to be useful and it is appropriate to maintain the regulation of their standards on Community level.

(7) From the point of view of Community interest and for a more effective regulation of the surface water protection, it is appropriate that EQS are set up for pollutants classified as priority substances on Community level and to leave to the Member States to lay down rules for remaining pollutants on national level subject to the application of relevant Community rules. Nonetheless, eight pollutants which fall under the scope of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC and form part of the group of substances for which good chemical status should be achieved by 2015 were not included in the list of priority substances. However, the common standards established for those pollutants proved to be useful and it is appropriate to maintain the regulation of their standards on Community level.

Amendment 13
RECITAL 7 A (new)

(7a) Certain substances are very harmful to fish if present in surface waters but do not figure on the lists of environmental quality standards for water policy. These include in particular PFOS and Tetrabromobisphenol-A (TBBP-A). The Commission will if necessary submit proposals for adopting environmental quality standards in the field of water policy for these substances too.

Justification

PCBs, dioxins, PFOS and Tetrabromobisphenol are very damaging to the environment and should be included in the lists of substances to which environmental quality standards apply.

Amendment 14 RECITAL 9

(9) The aquatic environment can suffer from chemical pollution both in the short term and in the long term, and therefore both acute and chronic effects data should be used as the basis for establishing the EQS. In order to ensure that the aquatic environment and human health are adequately protected, annual average quality standards should be established at a level providing protection against long-term exposure, and maximum allowable concentrations should be established to protect against short term exposure.

(9) The aquatic environment can suffer from chemical pollution both in the short term and in the long term, and therefore both acute and chronic effects data should be used as the basis for establishing the EQS. In order to ensure that the aquatic environment and human health are adequately protected, annual average quality standards should be established at a level providing protection against long-term exposure, and maximum allowable concentrations should be established to protect against short term exposure. ***The application of maximum allowable concentrations, in accordance with the combined approach laid down in Article 10 of Directive 2000/60/EC, the treatment of outliers in particular, and the determination of emission controls should be harmonised.***

Justification

Maximum allowable concentrations are prone to bias by outliers and do not refer to any kind of time period but are of discrete nature. Therefore, any attempt to estimate or predict such values, which is a necessity in emission permit procedures, will be strongly biased. To provide for a level playing field, harmonised rules for dealing with these issues shall be developed.

Amendment 15 RECITAL 10

(10) In the absence of extensive and reliable information on concentrations of priority substances in biota and sediments at a Community level and in view of the fact that information on surface water seems to provide a sufficient basis to ensure comprehensive protection and effective

(10) In the absence of extensive and reliable information on concentrations of priority substances in biota and sediments at a Community level and in view of the fact that information on surface water seems to provide a sufficient basis to ensure comprehensive protection and effective

pollution control, establishment of EQS values should be, at this stage, limited to surface water only. However, as regards hexachlorobenzene, hexachlorobutadien and mercury, it is not possible to ensure protection against indirect effects and secondary poisoning by mere EQS for surface water on Community level. Therefore in those cases, EQS for biota should be set up. In order to allow Member States flexibility depending on their monitoring strategy they should be able either to monitor those EQS and check compliance with them in biota, or convert them into EQS for surface water. Furthermore, it is for Member States to set up EQS for sediment or biota where it is necessary and appropriate to complement the EQS set up on Community level. Moreover, as sediment and biota remain important matrices for monitoring of certain substances by Member States in order to assess long term impacts of anthropogenic activity and trends the Member States should ensure that existing levels of contamination in biota and sediments will not increase.

pollution control, establishment of EQS values should be, at this stage, limited to surface water only. However, as regards hexachlorobenzene, hexachlorobutadien and mercury, it is not possible to ensure protection against indirect effects and secondary poisoning by mere EQS for surface water on Community level. Therefore in those cases, EQS for biota should be set up. In order to allow Member States flexibility depending on their monitoring strategy they should be able either to monitor those EQS and check compliance with them in biota, or convert them into EQS for surface water. Furthermore, it is for Member States to set up EQS for sediment or biota where it is necessary and appropriate to complement the EQS set up on Community level. Moreover, as sediment and biota remain important matrices for monitoring of certain substances by Member States in order to assess long term impacts of anthropogenic activity and trends the Member States should ensure that existing levels of contamination in biota and sediments will not increase. ***To be able to do so, Member States should perform monitoring of priority substances in biota and sediment and communicate the results to the Commission. The Commission should propose EQS for biota and sediment pursuant to Article 16(7) of Directive 2000/60/EC on the basis of the information provided by Member States.***

Justification

The obligation on Member States to ensure that existing levels in biota and sediment do not increase becomes lip service if there are no concrete monitoring obligations. Member States should perform monitoring on biota and sediments, which in turn should form the basis for Community action on quality standards as called for in the water framework directive.

Amendment 16
RECITAL 11 A (new)

(11a) Lead, used in fishing equipment for

both recreational and professional fisheries, is a source of water pollution. In order to reduce the level of lead in fishing waters, Member States should encourage the fishing sector to replace lead by less hazardous alternatives.

Amendment 17
RECITAL 11 B (new)

(11b) Polychlorinated biphenyls (PCBs) and dioxins are two groups of toxic substances that are persistent and bioaccumulable. Both groups of substances entail a considerable risk to human health and the environment, and have a highly negative impact on aquatic species and, therefore, on the viability of the fisheries sector. The Commission has, in addition, on various occasions stressed the need to include these substances in the list of priority substances. The present Directive should therefore provide for their future inclusion in this list.

Amendment 18
RECITAL 18 A (new)

(18a) Regulation (EC) No 1907/2006 provides for a review to assess the adequacy of the criteria for identifying substances which are persistent, bioaccumulative and toxic. The Commission should amend Annex X of Directive 2000/60/EC accordingly as soon as the criteria in Regulation (EC) No 1907/2006 have been modified.

Justification

The PBT criteria under REACH have been found to be deficient. They are so rigid that almost no PBT substances are identified. Unfortunately, the same criteria have been applied in the revision of Annex X of Directive 2000/60/EC. As soon as the criteria for PBT substances

under REACH have been corrected, the Commission should review Annex X.

Amendment 19
RECITAL 22 A (new)

(22a) Pursuant to Article 174 of the Treaty, and as reiterated in Directive 2000/60/EC, 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 20
ARTICLE 1

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

This Directive lays down ***measures to limit water pollution and*** environmental quality standards for priority substances and certain other pollutants ***in order to:***

(a) reduce discharges, emission and losses of priority substances by 2015; and

(b) cease discharges, emission and losses of priority hazardous substances, in accordance with Articles 1, 4 and 16 of Directive 2000/60/EC to achieve a good chemical status for all surface waters. The aim is also to prevent any further deterioration and by 2020 to achieve concentrations close to the natural background levels for all naturally occurring substances and concentrations close to zero for all anthropogenic synthetic

substances in accordance with international agreements on the protection of the sea.

Objectives set out in this Directive are to be treated as objectives under Article 4 of Directive 2000/60/EC.

The Commission shall, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, by 2020 present to the European Parliament and the Council a report on the success of implementation of this Directive

Justification

This amendment clarifies that the proposal includes measures to reduce and cease pollution.

This relates to the ultimate aims of the Water Framework Directive and demonstrates that the objective is not only to protect the environment and human health but to do so within the wider objectives of the WFD as laid out in Article 16. It is vital that the Commission reviews the implementation of this Directive to ensure that it achieves its aims.

Amendment 21

ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 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, sediment and biota* complies with environmental quality standards for priority substances, 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.

This amendment likewise clarifies what is also clearly stated in Article 16(7) of the WFD, that the Commission shall submit proposals for EQS in surface water, sediment and biota.

Amendment 22
ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 1 A (new)

Member States shall at all times take the measures required to ensure that plants which discharge into bodies of water waste water containing priority substances employ the best available production and waste water treatment techniques. These measures shall be based on the results of the exchange of information provided for in Article 16(2) of Directive 96/61/EC.

Justification

By insisting on the use of 'best available techniques', in keeping with the principle laid down in the IPPC Directive (96/61/EC), Member States can, on a uniform European basis, take effective action to reduce emissions of priority substances from point sources in a manner which has no impact on competition and is consistent with the precautionary principle and the polluter-pays principle.

Amendment 23
ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 2 A (new)

Member States must improve the knowledge and data available on sources of priority substances and ways in which pollution occurs in order to identify targeted and effective control options.

Amendment 24
ARTICLE 2, PARAGRAPH 1 A (new)

1a. Where a watercourse passes through more than one Member State, coordination of the monitoring programmes and of the national inventories compiled shall take place in order to avoid penalising Member States located downstream on watercourses.

Justification

It is important to coordinate monitoring on water courses passing through several Member States in order to tackle pollution at the source.

Amendment 25
ARTICLE 2, PARAGRAPH 2

2. Member States shall ensure, on the basis of monitoring of water status carried out in accordance with Article 8 of Directive 2000/60/EC, that concentrations of substances listed in Parts A and B of Annex I do not increase in sediment and biota.

2. Member States shall ensure, on the basis of monitoring of water status carried out in accordance with Article 8 of Directive 2000/60/EC, that concentrations of substances listed in Parts A and B of Annex I do not increase in **water**, sediment and biota.

Justification

This amendment clarifies that the proposal includes measures to reduce and cease pollution.

Amendment 26
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 water replacing the one listed in Part A of Annex I, or set up an additional standard for biota.

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.

Monitoring of other substances in Annex I may also be performed in sediment or biota instead of in water if Member States consider this to be more adequate and cost-effective. If significant concentrations of substances are detected and Member States consider that there is a risk that the environmental quality standards for water will not be met, monitoring in water shall be performed to ensure compliance with the environmental quality standards for water.

Justification

To assure, as far as possible, that problems with priority substances in the water environment are detected, Member States should have the flexibility to monitor substances in Annex I in sediment or biota if they consider it to be more adequate and cost-effective. However, if significant concentrations of substances are detected, complementary monitoring in water has to be performed.

Amendment 27

ARTICLE 2, PARAGRAPH 3 A (new)

3a. The Commission shall, no later than 12 months after the submission of the inventories by the Member States, make a proposal concerning quality standards applicable to the concentrations of the priority substances in sediment and biota.

Justification

The obligation on Member States to ensure that existing levels in biota and sediment do not increase requires Community action on quality standards as called for in Article 16(7) of the water framework directive. An appropriate timing would be one year after the Member States have reported on their findings of priority substances in sediments and biota.

Amendment 28

ARTICLE 2, PARAGRAPH 3 A (new)

3a. The Member States shall comply with Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption and shall manage the surface water bodies used for the abstraction of drinking water in accordance with Article 7 of Directive 2000/60/EC. This directive shall therefore be implemented without prejudice to those provisions which may require more stringent standards.

Justification

Article 16(1) of the Water Framework Directive refers specifically to the protection of drinking water. This directive relates to the protection of bodies of water in general. Bodies of water intended for the abstraction of drinking water require more specific measures and standards in order to comply more closely with Article 7(3) of the Water Framework

Directive (reduction of water purification).

Amendment 29
ARTICLE 2, PARAGRAPH 4

4. The Commission shall examine technical and scientific progress, including the conclusions of risk assessments as referred to in points (a) and (b) of Article 16 (2) of Directive 2000/60/EC and, **if necessary**, propose the revision of the environmental quality standards laid down in Parts A and B of Annex I to this Directive.

4. The Commission shall examine technical and scientific progress, **systematically using the database established under Regulation (EC) No 1907/2006 to screen for substances that are harmful to water organisms, accumulate or are persistent**, including the conclusions of risk assessments as referred to in points (a) and (b) of Article 16(2) of Directive 2000/60/EC and propose **at least every four years** the revision of the environmental quality standards laid down in Parts A and B of Annex I to this Directive.

Justification

This amendment ensures that the Commission uses the data which become available through REACH to detect further priority substances and clarifies that the Commission's obligation arising from Article 16(4) to review its proposal at least every 4 years is maintained.

Amendment 30
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 Part C of Annex I to this Directive.

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, **and within two years of the entry into force of this Directive**, set up the compulsory **methodologies at least for the matters** 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.

To provide the same level of protection and to avoid competition distortion across the Member States, a compulsory methodology is necessary. To complement the corresponding provision of Article 8(3) of Directive 2000/60/EC, a fixed timeframe to define these methods is introduced.

Amendment 31

ARTICLE 2, PARAGRAPH 4, SUBPARAGRAPH 1 A (new)

The Commission shall examine the most recent scientific information and technical progress regarding substances accumulating in sediment and biota and shall prepare EQS concerning them.

Justification

It would be more appropriate to carry out follow-up on accumulative substances from sediment and biota rather than from water.

Amendment 32

ARTICLE 2, PARAGRAPH 5 A (new)

5a. If bans on substances are needed in order to secure compliance with environmental quality standards, the Commission shall submit suitable proposals to amend existing legal acts or establish new legal acts at Community level.

Justification

The Commission should be given the task of reacting to pollution problems affecting bodies of water which can be dealt with effectively by means of restrictions on the manufacture and use of individual substances by putting forward legal acts which are binding throughout Europe and which impose the same requirements on all Member States, in particular in the context of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

Amendment 33

ARTICLE 2, PARAGRAPH 5 B (new)

5b. If, with a view to enforcing the polluter-pays principle and the precautionary principle and to securing uniform implementation in the Member States, emission limit values valid throughout the Community are needed for specific plants, substances or point sources, or if such emission limit values can be effective in securing compliance with environmental quality standards, the Commission shall put forward proposals in accordance with Article 18 of Directive 96/61/EC.

Justification

Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control provides for the use of Community emission limit values if, in particular on the basis of the exchange of information pursuant to Article 16 of that directive, the need for Community action has become clear. Community emission limit values are required whenever, over a period of many years, differences in the strictness with which measures are implemented in the Member States has led to breaches of the fundamental principles underlying Community environmental law, i.e. the precautionary principle and the polluter-pays principle, and to avoidable environmental pollution and whenever this state of affairs has given rise to what may be serious distortions of competition in the internal market (environmental dumping).

Amendment 34
ARTICLE 2 A (new)

Article 2a

To achieve the objective set out in Article 2, the Member States may impose more stringent restrictions on the use or discharge of substances than those set out in Directive 91/414/EEC and in regulation XX/XXXX/EC which replaces it, or in other Community legislation.

Justification

This directive does not provide for any supplementary emission management measures. Consequently the Member States must be fully entitled to take such measures themselves where necessary.

Amendment 35
ARTICLE 3

1. Member States shall designate transitional areas of exceedance, where the concentrations of one or more pollutants **may** exceed the relevant environmental quality standards as far as they do not affect the compliance of the rest of the surface water body with those standards.

2. Member States shall delimit in each case the extent of the parts of the surface water bodies adjacent to the points of discharge to be classed as transitional areas of exceedance, taking into account the relevant provisions of Community law.

Member States shall include a description of each delimitation in their river basin management plans referred to in Article 13 of Directive 2000/60/EC.

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.

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

1. ***If there is no technically feasible means of adequately purifying waste water from one or more point sources***, Member States shall designate transitional areas of exceedance, where the concentrations of one or more pollutants ***at low flow conditions*** exceed the relevant environmental quality standards as far as they do not affect the compliance of the rest of the surface water body with those standards.

Member States shall include an action plan to reduce the extent and duration of each transitional area of exceedance within the river basin management plans referred to in Article 13 of Directive 2000/60/EC in order to reach the relevant environmental quality standards by 2018 at the latest.

2. Member States shall delimit in each case the extent of the parts of the surface water bodies adjacent to the points of discharge to be classed as transitional areas of exceedance, taking into account the relevant provisions of Community law.

Member States shall include a description of each delimitation in their river basin management plans referred to in Article 13 of Directive 2000/60/EC.

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.

4. The Commission ***shall***, 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.

exceedance.

Amendment 36
ARTICLE 3, PARAGRAPH 2 A (new)

2a. In the case of cross-border watercourses the consent of the other affected Member States is needed in determining the transitional area of exceedance.

Justification

In the case of cross-border watercourses, the quantity of a priority substance exceeding the permitted limit values discharged into the water in accordance with a permit issued by one Member State has not always diminished to the level prescribed by the directive by the time it crosses the border. However, compliance with the directive may only be demanded of the downstream Member States if the already 'over-polluted' water enters their country with their consent.

Amendment 37
ARTICLE 3 A (new)

Article 3a

Emission control methods by Member States

1. To achieve the objectives of Article 1, Member States shall establish integrated plans for emission control and phase-out measures for priority and priority hazardous substances in the framework of the programme of measures provided for in Article 11 of Directive 2000/60/EC. The plans shall contain at least:

- (a) the results of the investigations according to Article 4;***
- (b) objectives for substances including for volumes and mass balances;***
- (c) sectoral strategies concerning the main pollution sources (particularly for industry, agriculture, forestry, households, health systems, transport);***

(d) measures for reduction of diffuse pollution due to losses of substances of products;

(e) measures for substitution of priority hazardous substances;

(f) instruments, including economic measures, in accordance with Article 9 of Directive 2000/60/EC;

(g) emission standards additional to existing EC regulations;

(h) measures for information, advice and training.

2. The plans should be drafted according to transparent criteria and revised in the framework of the revision of the programmes of measures. The Member States shall report to the Commission and the public every three years on the progress of the implementation and on how the measures have contributed to achieve the objectives of this Directive.

Justification

Ensures compliance with Articles 10 and 16 of the Water Framework Directive.

Amendment 38 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 ***or other available data***, and under Regulation (EC) No. 166/2006, Member States shall establish an inventory, ***including maps where applicable***, of emissions, discharges and losses ***and of their sources***, of all ***the original sources of*** priority substances (***both point and diffuse sources of pollution***) and pollutants listed ***in Annex II or*** in Parts A and B of Annex I for each river basin or its part within their territory, ***including their concentrations in sediment and biota***.

Member States shall include all emission control measures taken for priority substances and pollutants listed in Parts A and B of Annex I in the inventory.

Justification

It should be clearly specified that the inventory shall indicate the sources of the emissions, discharges and losses of the priority substances and other pollutants, as well as concentrations in sediments and biota. These should be mapped for better transparency.

Given the reduction or cessation obligations on Member States concerning priority substances, Member States should include information about such measures in their inventory.

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 39

ARTICLE 4, PARAGRAPH 1 A (new)

1a. The Member States shall draw up specific monitoring programmes for sediments and biotas, identifying the species and tissues to be analysed and the form in which the results are to be expressed, in line with the organisms' seasonal variations.

Amendment 40

ARTICLE 4, PARAGRAPH 2, SUBPARAGRAPH 2 A (new)

In preparing their inventories Member States may use information on emissions, discharges and losses that has been collected since the entry into force of Directive 2000/60/EC provided that such information meets the same quality requirements as apply to the information referred to in paragraph 1.

Justification

Member States should be allowed to demonstrate results from 'early actions'. When evaluating progress, the Commission should take this additional information into consideration.

Amendment 41

ARTICLE 4, PARAGRAPH 4 A (new)

4a. As emissions, discharges and losses of priority substances must be progressively reduced or cease, it is necessary that the Member States accompany their inventory with a suitable timetable for achieving those objectives.

Amendment 42

ARTICLE 4, PARAGRAPH 5

5. The Commission shall verify that emissions, discharges and losses as reflected in the inventory comply, by **2025**, with the reduction **or** cessation obligations laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC.

5. The Commission shall verify **by 2012** that emissions, discharges and losses as reflected in the inventory **can be expected to** comply, by **2015**, with the reduction **and** cessation obligations laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC. ***The Commission shall submit a report on this verification to the European Parliament and the Council. If the report shows that compliance is unlikely to be achieved, it shall propose the necessary Community measures pursuant to Article 251 of the EC Treaty by 2013.***

Justification

According to Article 4(1) of the water framework directive, Member States shall implement the necessary measures in accordance with Article 16(1) and (8) with the aim of progressively reducing or ceasing pollution. It is therefore not acceptable to wait until the very end - 2025 - to verify compliance. Such a verification should be done at the very least at half-term, and Community action should be taken if the verification shows that compliance is unlikely.

Amendment 43

ARTICLE 4, PARAGRAPH 5, SUBPARAGRAPH 1 A (new)

When carrying out this verification the

Commission shall take into consideration:

- technical feasibility and proportionality;*
- the application of best available techniques;*
- the existence of natural background concentrations.*

Justification

When evaluating the progress of Member States towards the objective of Article 4(1)(a)(iv) of Directive 2000/60/EC the Commission shall take into consideration conditions which limit the scope of possible measures.

Amendment 44
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 for establishment of the inventories.

6. The Commission *shall*, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, *lay down the technical specifications for the analyses as well as* the method to be used by the Members States for establishment of the inventories.

Amendment 45
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 and priority hazardous 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 includes prevention or control measures relating to point and diffuse sources of pollution, as well as the environmental quality standards laid down in that Directive.

2. On the basis of Articles 4 and 12 of Directive 2000/60/EC and in order to achieve the objectives set out therein, Member States shall 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 and priority hazardous substances. Where these measures are best taken at Community level, the Commission shall propose the appropriate measures at Community level.

3. In the course of the report on the implementation of Article 18(1) of Directive 2000/60/EC, the Commission shall carry out a formal assessment of the consistency and effectiveness of all Community legislative acts with a direct or indirect impact on good water quality. This assessment will enable Community measures to be proposed, adapted or implemented as necessary.

4. The Commission shall, according to Article 16(8) of Directive 2000/60/EC, propose emission control techniques based on the best available technologies, and environmental practices to be used by the Member States for all point sources.

Amendment 46
ARTICLE 4 A (new)

Article 4a

Inclusion of dioxins and PCBs

Pursuant to Article 16 of Directive 2000/60/EC and no later than 31 January 2008, the Commission shall submit a proposal for the revision of this Directive with a view to including dioxins and PCBs in the list of priority substances set out in Annex II and include corresponding environmental quality standards in Annex

I.

Amendment 47
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 48
ARTICLE 9, PARAGRAPH 1, SUBPARAGRAPH 1

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months after the entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months after the entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions and **supply** a correlation table between those provisions and this Directive.

Amendment 49
ARTICLE 9 A (new)

Article 9a

Additional Community action

The Commission shall put in place clear and transparent procedures in order to establish a streamlined and targeted framework for the communication by the Member States of information on priority substances that support the Community decision-making process and permit harmonised EQS for sediment and biota as well as additional emission controls to be laid down in future.

Amendment 50

ANNEX I, TITLES OF ANNEX AND PART A

ANNEX I: ENVIRONMENTAL
QUALITY STANDARDS FOR
PRIORITY SUBSTANCES **AND
CERTAIN OTHER POLLUTANTS**

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

ANNEX I: ENVIRONMENTAL
QUALITY STANDARDS FOR
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 51

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 52
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.

Natural background concentrations for metals **shall be added to** the EQS value. **In addition**, 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. **The natural background concentrations for metals in inland surface waters and coastal waters shall be determined taking account in particular of the soil and of natural washing-out in river basins. The Member States shall report in their river basin management plans on the natural background concentrations of metals and on how the background concentrations of metals have been taken into account in assessing results against the EQS.**

Justification

At EU level, the natural background concentrations of metals in surface and coastal waters vary greatly from one geographical area to another. The EQS for metals must take into account for each river basin those metals which reach the water from the soil and as a result of natural washing-out. No common scientific consensus has been reached on what procedures should be used for including background concentrations in EQS for metals. Therefore no legally binding common calculation method should be imposed at EU level, and the Member States should be responsible for reporting to the Commission in their river basin management plans on how the background concentrations of metals have been taken into account when comparing results against the EQS.

Amendment 53
ANNEX II
Annex X, line 1 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance

(1)	15972-50-8	204-110-8	Alachlor	
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Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(1)	15972-50-8	204-110-8	Alachlor	X

Justification

Alachlor is a pesticide which is not authorised for general use in the EU anymore. Alachlor is a carcinogen and could have a detrimental effect on fish and other aquatic organisms. Alachlor should be identified as a priority hazardous substance as only zero emission will prevent long-term adverse effects.

Amendment 54

ANNEX II

Annex X, line 3 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(3)	1912-24-9	217-617-8	Atrazine	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(3)	1912-24-9	217-617-8	Atrazine	X

Justification

Atrazine has been downgraded to 'priority substance' for political, not scientific reasons. It is an endocrine disruptor, which gives rise to an equivalent level of concern. The Commission

states in its impact assessment that, on the basis of expert judgement, it could be identified as 'priority hazardous' due to its 'equivalent level of concern', but it then shied away from doing so 'due to the potential impact of such a decision'. This undermines the very provisions of the water framework directive. Atrazine should be identified as priority hazardous.

Amendment 55
ANNEX II
Annex X, line 12 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(12)	117-81-7	204-211-0	Di(2-ethylhexyl)phthalate (DEHP)	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(12)	117-81-7	204-211-0	Di(2-ethylhexyl)phthalate (DEHP)	X

Justification

DEHP is a very high-volume industrial chemical that is almost exclusively used to soften PVC. It is widespread in the environment. DEHP is officially classified as toxic to reproduction. The Scientific Committee of the European Commission found it to be relatively persistent in aerobic soil and sediments and very persistent in anaerobic conditions. It should therefore be identified as a priority hazardous substance.

Amendment 56
ANNEX II
Annex X, line 13 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(13)	3340-54-1	206-354-4	Diuron	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(13)	3340-54-1	206-354-4	Diuron	X

Justification

Diuron is a herbicide which is broadly used for instance to maintain railway tracks herbfree and for which the general restriction in the EU is still pending. Diuron is carcinogenic and toxic to reproduction and it contaminates the groundwater. Therefore it needs to be identified as a priority hazardous substance.

Amendment 57

ANNEX II

Annex X, line 20 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(20)	7439-92-1	231-100-4	Lead and its compounds	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(20)	7439-92-1	231-100-4	Lead and its compounds	X

Justification

Lead is persistent, it has been found to bioaccumulate in molluscs and it is very toxic. The

OSPAR Commission included lead in the OSPAR List of Chemicals for Priority Action and it is amongst the HELCOM priority groups of harmful substances for the Baltic. Lead should be identified as a priority hazardous substance for which emissions and losses should be phased out.

Amendment 58
ANNEX II
Annex X, line 22 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(22)	91-20-3	202-049-5	Naphthalene	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(22)	91-20-3	202-049-5	Naphthalene	X

Justification

Naphthalene is an industrial chemical among others used in the production of dyestuffs and pigments but also to formulate pesticides. Naphthalene is carcinogenic and neurotoxic but can also occur in nature. Because of its toxic effect on aquatic organisms even at low concentrations, naphthalene should be identified as a priority hazardous substance.

Amendment 59
ANNEX II
Annex X, line 25 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(25)	1806-26-4	217-302-5	Octylphenol	
	140-66-9	-	(Para-tert-octylphenol)	

Amendments by Parliament

Number	CAS number	EU number ²	Name of priority substance	Identified as priority hazardous substance
(25)	1806-26-4	217-302-5	Octylphenol	X
	140-66-9	-	(Para-tert-octylphenol)	X

Justification

Octylphenol is a relatively cheap industrial chemical. Its use to solubilise pesticides was banned from 2005 onwards. However, other industrial uses continue although octylphenol is probably mimicking estrogens. The OSPAR Commission included it in its OSPAR List of Chemicals for Priority Action. Because of its toxic effect on aquatic organisms octylphenol should be identified as a priority hazardous substance.

Amendment 60

ANNEX II

Annex X, line 27 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(27)	87-86-5	231-152-8	Pentachlorophenol	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(27)	87-86-5	231-152-8	Pentachlorophenol (PCP)	X

Justification

PCP is already banned as a pesticide in the EU, but as an industrial chemical it is still permitted in wood-treatment (wood-preserving process) and for some other uses in industrial installations. PCP is a probable human carcinogen and mimics hormones. The OSPAR Commission included lead in the OSPAR List of Chemicals for Priority Action and the substance is amongst the HELCOM priority groups of harmful substances for the Baltic. Because of its toxic effect on aquatic organisms PCP should be identified as a priority

hazardous substance.

Amendment 61
ANNEX II
Annex X, line 29 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(29)	122-34-9	204-535-2	Simazine	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(29)	122-34-9	204-535-2	Simazine	X

Justification

Simazine has been downgraded to 'priority substance' for political, not for scientific reasons. Simazine is an endocrine disruptor, which gives rise to an equivalent level of concern. The Commission states in its impact assessment that simazine, on the basis of expert judgement, could be identified as 'priority hazardous' due to its 'equivalent level of concern'. However, it then shied away from doing so 'due to the potential impact of such a decision'. This makes a mockery of the very provisions of the water framework directive. Simazine should be identified as priority hazardous.

Amendment 62
ANNEX II
Annex X, line 31 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(31)	12002-48-1	234-413-4	Trichlorobenzenes	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(31)	12002-48-1	234-413-4	Trichlorobenzenes	X

Justification

Trichlorobenzene is likely to be persistent and bioaccumulative, and it is classified as toxic, which gives rise to an equivalent level of concern. The Commission states in its impact assessment that trichlorobenzene, on the basis of expert judgement, could be identified as 'priority hazardous' due to its 'equivalent level of concern'. However, it then shied away from doing so 'due to the potential impact of such a decision'. This makes a mockery of the very provisions of the water framework directive. Trichlorobenzene should be identified as priority hazardous.

Amendment 63

ANNEX II

Annex X, line 33 (Directive 2000/60/EC)

Text proposed by the Commission

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(33)	1582-09-8	216-428-8	Trifluralin	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(33)	1582-09-8	216-428-8	Trifluralin	X

Justification

Trifluralin persists in sediment and soil, and there is broad agreement that it is likely to be bioaccumulative and toxic. In line with the definitions of the water framework directive for

'hazardous substances' in Article 2(29), it should therefore be identified as a priority hazardous substance.

Amendment 64
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; EU number 200-024-3); 1,1,1-trichloro-2 (o-chlorophenyl)-2-(p-chlorophenyl) ethane (CAS number 789-02-6; EU number 212-332-5); 1,1-dichloro-2,2 bis (p-chlorophenyl) ethylene (CAS number 72-55-9; EU number 200-784-6); and 1,1-dichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 72-54-8; EU number 200-783-0).

Amendment 65
ANNEX II
Annex X, table (new) (Directive 2000/60/EC)

<i>No</i>	<i>CAS number</i>	<i>EU number</i>	<i>Name of priority substance</i>	<i>Priority Hazardous substances</i>
<i>(33a)</i>	<i>131-49-7</i>	<i>205-024-7</i>	<i>Amidotrizoate</i>	<i>(*****)</i>
<i>(33b)</i>	<i>1066-51-9</i>	<i>--</i>	<i>AMPA</i>	<i>X(*****)</i>
<i>(33c)</i>	<i>25057-89-0</i>	<i>246-585-8</i>	<i>Bentazon</i>	<i>X(*****)</i>
<i>(33e)</i>	<i>80-05-7</i>		<i>Bisphenol A</i>	<i>X(*****)</i>
<i>(33g)</i>	<i>92-88-6</i>	<i>202-200-5</i>	<i>4 4'-Biphenol</i>	<i>X(*****)</i>
<i>(33i)</i>	<i>298-46-4</i>	<i>06-062-7</i>	<i>Carbamazepine</i>	<i>(*****)</i>
<i>(33j)</i>	<i>23593-75-1</i>	<i>245-764-8</i>	<i>Clotrimazole</i>	<i>X(*****)</i>
<i>(33l)</i>	<i>84-74-2</i>	<i>201-557-4</i>	<i>dibutylphthalat (DBP)</i>	<i>X(*****)</i>
<i>(33m)</i>	<i>15307-86-5</i>		<i>Diclofenac</i>	<i>(*****)</i>
<i>(33o)</i>	<i>115-32-2</i>	<i>204-082-0</i>	<i>Dicofol</i>	<i>X(*****)</i>
<i>(33q)</i>	<i>67-43-6</i>	<i>200-652-8</i>	<i>DTPA</i>	<i>X(*****)</i>
<i>(33r)</i>	<i>60-00-4</i>	<i>200-449-4</i>	<i>EDTA</i>	<i>X(*****)</i>
<i>(33s)</i>	<i>637-92-3</i>	<i>211-309-7</i>	<i>ETBE</i>	<i>X(*****)</i>
<i>(33u)</i>	<i>57-12-5</i>		<i>Free Cyanide</i>	<i>(*****)</i>
<i>(33v)</i>	<i>1071-83-6</i>	<i>213-997-4</i>	<i>Glyphosate</i>	<i>X(*****)</i>
<i>(33w)</i>	<i>1222-05-5</i>	<i>214-946-9</i>	<i>HHCB</i>	<i>X(*****)</i>
<i>(33x)</i>	<i>60166-93-0</i>	<i>262-093-6</i>	<i>Iopamidol</i>	<i>(*****)</i>
<i>(33y)</i>	<i>7085-19-0</i>	<i>230-386-8</i>	<i>Mecoprop (MCP)</i>	<i>X(*****)</i>
<i>(33aa)</i>	<i>36861-47-9</i>	<i>253-242-6</i>	<i>4-Methylbenzylidene camphor</i>	<i>X(*****)</i>
<i>(33ac)</i>	<i>81-14-1</i>	<i>201-328-9</i>	<i>Musk ketone</i>	<i>X(*****)</i>
<i>(ad)</i>	<i>81-15-2</i>	<i>201-329-4</i>	<i>Musk xylene</i>	<i>X(*****)</i>
<i>(33af)</i>	<i>1634-04-4</i>	<i>16-653-1</i>	<i>MTBE</i>	<i>X(*****)</i>
<i>(33ah)</i>	<i>81-04-9</i>	<i>201-317-9</i>	<i>Naphthalene-1,5-disulfonate</i>	
<i>(33ai)</i>	<i>5466-77-3</i>	<i>226-775-7</i>	<i>Octyl-Methoxycinnamate</i>	<i>X(*****)</i>
<i>(33ak)</i>	<i>1763-23-1</i> <i>2795-39-3</i> <i>29081-56-9</i> <i>29457-72-5</i> <i>70225-39-5</i> <i>335-67-1</i> <i>3825-26-1</i>	<i>217-179-8</i> <i>220-527-1</i> <i>249-415-0</i> <i>249-644-6</i> <i>-</i> <i>206-397-9</i> <i>223-320-4</i>	<i>Perfluorinated Compounds (PFCs)</i> <i>Perfluorooctane sulphonic acid (PFOS)</i> <i>Potassium salt</i> <i>Ammonium salt</i> <i>Lithium salt</i> <i>Diethanolamine (DEA) salt</i> <i>Perfluorooctanoic acid (PFOA)</i> <i>Ammonium perfluorooctanoate (APFO)</i>	<i>X(*****)</i>
<i>(33ap)</i>	<i>124495-18-7</i>	<i>--</i>	<i>Quinoxifen (5,7-dichloro-4-(p-fluorophenoxy)quinoline)</i>	<i>X(*****)</i>
<i>(33ar)</i>	<i>79-94-7</i>	<i>201-236-9</i>	<i>Tetrabromobisphenol A (TBBP-A)</i>	<i>X(*****)</i>
<i>(33at)</i>	<i>21145-77-7</i>	<i>244-240-6</i>	<i>Tonalid (AHTN)</i>	<i>X(*****)</i>

*(*****) This priority substance is subject to a review for identification as a possible “priority hazardous substance”. The Commission will make a proposal to the Parliament*

and the Council for its final classification not later than 12 months after the entry into force of this Directive, without prejudice to the timetable laid down in Article 16 of Directive 2000/60/EC for the Commission's proposals for controls.

*(*****) This substance is subject to identification as a possible “priority substance”. The Commission will make a proposal to the Parliament and the Council for its final classification not later than 12 months after the entry into force of this Directive, without prejudice to the timetable laid down in Article 16 of Directive 2000/60/EC for the Commission's proposals for controls.*

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.

1.3.2007

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Environment, Public Health and Food Safety

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))

Draftsman: Paul Rübzig

SHORT JUSTIFICATION

The Water Framework Directive¹, which was adopted in 2000, stipulated a strategy to prevent and control the chemical pollution of water. With regards to surface waters, Member States were required to prevent the deterioration of the quality of surface waters, to achieve targets for environmental quality by 2015, and to reduce/ phase out the discharges, emissions and losses of 'priority substances' and 'priority hazardous substances' by 2025. However, at that time, the precise definitions of 'priority (hazardous) substances' and of environmental quality were left out. In 2001, the Commission partly filled in this gap, by identifying the substances of particular concern² (33 'priority substances', of which 25 potential hazardous).

This proposal aims at filling the remaining gap by establishing environmental quality standards (both a maximum limit to avoid short term irreversible consequences, and a maximum annual average to avoid long term and chronic effects), creating an inventory to check whether the objectives of reduction and/or cessation of discharges, emissions and losses of substances of particular concern are met, and establishing a list of 13 'priority hazardous substances'.

Your draftsman welcomes this proposal. Water is an important natural resource, which is used for drinking water, and by industry and agriculture, and should be protected for present and future use. This proposal is expected to reduce the costs of drinking water treatment, and to increase opportunities for industries providing cleaner technologies. In addition, due to the repeal of 5 older directives, the proposal will reduce the administrative burden and simplify the legislation and therefore contribute to the “Better Regulation” objective of the European

¹ OJ L 327, 22.12.2000, p. 1.

² OJ L 331, 15.12.2001, p. 1.

Union.

However, your draftsman believes that these positive aspects should be balanced with the pending huge challenge for industry due to the necessary additional investments.

Firstly, in the Water Framework Directive specific provisions were made to allow flexibility in and derogations from the above mentioned deadlines and environmental standards for reasons of technical feasibility, disproportionate costs, natural conditions or socioeconomic needs. The precondition for harvesting the double benefit of improved protection and economic development is further legal clarification of the use of these provisions within this Directive.

Furthermore, the list of priority substances includes substances that occur in nature. This poses a challenge for industrial production using raw materials, which will always contain traces of these substances, parts of which will eventually be released due to thermodynamical laws and limitations of available control technology. To this end references to the application of best available technology as provided in Directive 96/61/EC shall be strengthened.

Your draftsman welcomes the fact that the proposal does not contain new emission controls and allows a maximum of flexibility for Member States in choosing the implementing measures to achieve the environmental objectives. However, in exceptional cases new Community action might be more efficient. Such decisions should be based on an extensive consultation between the Commission, the Member States and stakeholders. The procedure foreseen in Article 12 of the Water Framework Directive could be used for that aim.

Protection and economic activity should be balanced. From this perspective, the setting up of environmental quality standards (EQS) being protective with respect to direct and indirect effect is welcome and will serve both the goals of protection and minimum burden for Member States and economy. Where such EQS can not yet be defined, the chosen concept should not be abandoned. In such cases and when the substances concerned exhibit bioaccumulative properties, instead of introducing EQS for the compartments possibly under risk, these should be monitored to avoid significant deterioration whilst work on overall protective EQS shall be continued. The unresolved questions of using EQS on sediments and biota in the combined approach, the intermediary nature of such EQS and the superiority of the concept of overall protective EQS, together call for corresponding readjustments in the proposal for this Directive.

Your draftsman objects to the absolute prevention of deterioration. This would exceed the concept of the prevention of deterioration as stipulated in the Existing Community legislation and render sustainable water management impossible.

Finally, your draftsman welcomes the practical approach chosen by the Commission to set clear, harmonised and binding standards on Community level, avoiding market distortion. But this applies also to the assessment of the water quality status and to the use of allowable maximum concentrations within the combined approach of Article 10 of the Water Framework Directive. For both, several options of practical application exist, which could lead to different results. Without harmonised and compulsory methods a level playing field cannot be established. Special consideration has to be given to the cases where the proposed

EQS are not matched by analytical methods with sufficient low limits of quantification.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 RECITAL 4

(4) There have been adopted numerous Community acts since 2000 which constitute pollution control measures in accordance with **Article 16** of Directive 2000/60/EC for individual priority substances. Moreover, many environmental protection measures fall under the scope of other existing Community legislation. Therefore priority should be given to implementation and revision of existing instruments rather than establishing new controls which may duplicate existing ones.

(4) There have been adopted numerous Community acts since 2000 which constitute pollution control measures in accordance with **Article 16(6)** of Directive 2000/60/EC for individual priority substances. Moreover, many environmental protection measures fall under the scope of other existing Community legislation. Therefore priority should be given to implementation and revision of existing instruments rather than establishing new controls which may duplicate existing ones.

Justification

Reference should not be made to Article 16 in general but to Article 16 (6), that expresses explicitly the need for cost-effective and proportionate control measure. The substance lists of Annex I and Annex II contain naturally occurring substances (e.g. metals), whose traces are ubiquitous. To render the controls being called for operational, this aspect must be highlighted.

Amendment 2 RECITAL 5

(5) As regards emission controls of priority substances from point and diffuse sources as referred to in Article 16(6) and (8) of Directive 2000/60/EC, it seems more cost-

(5) As regards emission controls of priority substances from point and diffuse sources as referred to in Article 16(6) and (8) of Directive 2000/60/EC, it seems more cost-

¹ Not yet published in OJ.

effective and proportionate for Member States to include, where necessary, in addition to the implementation of other existing Community legislation, appropriate control measures in the programme of measures to be developed for each river basin in accordance with **Article 11** of Directive 2000/60/EC.

effective and proportionate for Member States to include, where necessary, in addition to the implementation of other existing Community legislation, appropriate control measures in the programme of measures to be developed for each river basin in accordance with **Articles 10 and 11** of Directive 2000/60/EC.

Justification

This amendment seeks to avoid undermining the requirement from Article 10 of the water framework directive, which requires more stringent emission controls beyond best available techniques where this is necessary to comply with the environmental quality standards.

Amendment 3 RECITAL 5 A (new)

(5a) Where an issue which has an impact on the management of water cannot be resolved by a Member State itself, that Member State may report it to the Commission in accordance with Article 12 of Directive 2000/60/EC. A Member State should also be able to report such an issue where Community measures seem to be more cost-effective or appropriate. In such a case, the Commission should launch an information exchange with all Member States and if Community action does appear to be the better option, the Commission should publish a report and propose measures.

Amendment 4 RECITAL 9

(9) The aquatic environment can suffer from chemical pollution both in the short term and in the long term, and therefore both acute and chronic effects data should be used as the basis for establishing the EQS. In order to ensure that the aquatic environment and

(9) The aquatic environment can suffer from chemical pollution both in the short term and in the long term, and therefore both acute and chronic effects data should be used as the basis for establishing the EQS. In order to ensure that the aquatic environment and

human health are adequately protected, annual average quality standards should be established at a level providing protection against long-term exposure, and maximum allowable concentrations should be established to protect against short term exposure.

human health are adequately protected, annual average quality standards should be established at a level providing protection against long-term exposure, and maximum allowable concentrations should be established to protect against short term exposure. ***The application of maximum allowable concentrations, in accordance with the combined approach laid down in Article 10 of Directive 2000/60/EC, the treatment of outliers in particular, and the determination of emission controls should be harmonised.***

Justification

Maximum allowable concentrations are prone to bias by outliers and do not refer to any kind of time period but are of discrete nature. Therefore, any attempt to estimate or predict such values, which is a necessity in emission permit procedures, will be strongly biased. To provide for a level playing field, harmonised rules for dealing with these issues shall be developed.

Amendment 5 RECITAL 18 A (new)

(18a) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency¹ provides for a review to assess the adequacy of the criteria for identifying substances which are persistent, bioaccumulative and toxic. The Commission should amend Annex X of Directive 2000/60/EC accordingly immediately the criteria in Regulation (EC) No 1907/2006 are modified.

¹ OJ L 396, 30.12.2006, p.1.

Justification

The PBT criteria under REACH have been found to be deficient. They are so rigid that almost no PBT substances are identified. Unfortunately, the same criteria have been applied in the revision of Annex X of Directive 2000/60/EC. As soon as the criteria for PBT substances

under REACH have been corrected, the Commission should review Annex X.

Amendment 6
ARTICLE 2, PARAGRAPH 2

2. Member States shall ***ensure, on the basis of monitoring of water status carried out in accordance with Article 8 of Directive 2000/60/EC, that*** concentrations of substances listed in Parts A and B of Annex I ***do not increase in sediment and biota.***

2. Member States shall ***monitor*** concentrations of substances listed in Parts A and B of Annex I, ***as appropriate, in biota, recent sediments or suspended solids, if these substances exhibit a significant accumulation potential in these compartments and if the environmental quality standards for the water phase as laid down in Parts A and B of Annex I do not sufficiently protect organisms from secondary poisoning or benthic organisms. Member States shall ensure that the concentrations of the substances monitored do not significantly increase within the review period for a river basin management plan laid down in Article 13(7) of Directive 2000/60/EC.***

Member States shall in any event monitor hexachlorobenzene, hexachlorobutadiene and methyl-mercury.

Justification

Overall protective EQS for the water phase serve the precautionary principle but keep costs for monitoring and compliance lower. Whilst such EQS are not available, for the same reasons as outlined before, a ban on “significant” deterioration (upward trend) shall apply, whilst the concentrations of priority substances in sediments, biota or suspended solids concerned are monitored. An “absolute” ban on deterioration would render sustainable water management impossible and is neither foreseen by the current EU water legislation nor the Water Framework Directive itself.

Amendment 7
ARTICLE 2, PARAGRAPH 4 A (new)

4a. The environmental quality standards referred to in paragraphs 1 to 3 are without prejudice to the requirements of Council Directive 98/83/EC or of Article 7 of Directive 2000/60/EC concerning bodies of water used for the abstraction of drinking

water, which may be more stringent.

Justification

It is important to specify in the enacting clauses that the environment quality standards are without prejudice to specific Community requirements on water intended for human consumption.

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 Part C** of Annex I to this Directive.

5. The Commission **shall**, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC **and within two years of the entry into force of this Directive**, set up compulsory calculation methods **at least for the matters** referred to in Part C of Annex I to this Directive.

Justification

To provide the same level of protection and to avoid competition distortion across the Member States, a compulsory methodology is necessary. To complement the corresponding provision of Article 8 (3) of Directive 2000/60/EC, a fixed timeframe to define these methods is introduced.

Amendment 9
ARTICLE 3, PARAGRAPH 1

1. Member States shall designate transitional areas of exceedance, where the concentrations of one or more pollutants may exceed the relevant environmental quality standards as far as they do not **affect** the compliance of the rest of the surface water body with those standards.

1. Member States shall designate transitional areas of exceedance, where the concentrations of one or more pollutants may exceed the relevant environmental quality standards as far as they do not **compromise** the compliance of the rest of the surface water body with those standards.

Justification

It must be clearly expressed that compliance with the targets of Directive 2000/60/EC has priority. The wording “compromise” is already used in the comparable rule of Article 4, paragraph 8 of that Directive.

Amendment 10
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 priority substances and pollutants listed in Parts A and B of Annex I for each river basin or its part within their territory, ***including the sources of the emissions, discharges and losses and relevant maps.***

Member States shall include all emission control measures taken following the emissions, discharges and losses of priority substances and pollutants listed in the inventory.

Justification

It should be clearly specified that the inventory shall indicate the sources of the emissions, discharges and losses of the priority substances and other pollutants. These should be mapped for better transparency.

Given the reduction or cessation obligations on Member States concerning emissions, discharges and losses of priority substances as laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC, Member States should include information about such measures in their inventory.

Amendment 11

ARTICLE 4, PARAGRAPH 2, SUBPARAGRAPH 2 A (new)

In preparing their inventories Member States may use information on emissions, discharges and losses that has been collected since the entry into force of Directive 2000/60/EC provided that such information meets the same quality requirements as apply to the information referred to in paragraph 1.

Justification

Member States should be allowed to demonstrate results from “early actions”. When evaluating progress, the Commission should take this additional information into consideration.

Amendment 12
ARTICLE 4, PARAGRAPH 5, SUBPARAGRAPH 1 A (new)

When carrying out this verification the Commission shall take into consideration:

- technical feasibility and proportionality;***
- the application of best available techniques;***
- the existence of natural background concentrations.***

Justification

When evaluating the progress of Member States towards the objective of Article 4(1)(a)(iv) of Directive 2000/60/EC the Commission shall take into consideration conditions, which limit the scope of possible measures.

Amendment 13
ARTICLE 4, PARAGRAPH 6 A (new)

6a. Where measures to achieve the objective mentioned in Article 4(1)(a)(iv) of Directive 2000/60/EC are technically unfeasible or disproportionately expensive, Member States may apply the relevant provisions of Article 4(4) and (5) of that Directive.

Justification

Due to the current wording the application of Article 4 paragraphs 4 and 5 of Directive 2000/60/EC for the achievement of the objective of Article 4 paragraph 1, a, iv of that Directive shall be clarified.

Amendment 14
ARTICLE 4 A (new)

Article 4a

New community emission controls

1. Where, pursuant to Article 12(1) of Directive 2000/60/EC, a Member State reports an issue which cannot be dealt with at Member State level, or reports that

Community measures seem to be the more cost-effective or appropriate way of dealing with such an issue, the Commission shall organise an information exchange with all Member States and relevant stakeholders in order to evaluate whether Community action is necessary or would be more cost-effective and appropriate and shall publish a report thereof which it shall submit to the European Parliament and to the Council.

2. If the Commission's report confirms the need for or cost-effectiveness or appropriateness of Community action, the Commission shall within two years of publication of the report propose adequate measures.

Justification

The decision by the Commission not to propose new Community emission controls according to Article 16 paragraph 6 of Directive 2000/60/EC in this Directive is welcome. Nevertheless the procedure foreseen in Article 12 of Directive 2000/60/EC shall be an additional option for specific problems. This amendment emphasizes this option and provides specifications for that procedure.

PROCEDURE

Title	Environmental quality standards in the field of water policy		
References	COM(2006)0397 - C6-0243/2006 - 2006/0129(COD)		
Committee responsible	ENVI		
Opinion by Date announced in plenary	ITRE 5.9.2006		
Drafts(wo)man Date appointed	Paul Rübzig 4.10.2006		
Discussed in committee	27.11.2006	19.12.2006	27.2.2007
Date adopted	27.2.2007		
Result of final vote	+: 32	-: 4	0: 1
Members present for the final vote	Jan Březina, Philippe Busquin, Jorgo Chatzimarkakis, Pilar del Castillo Vera, Den Dover, Lena Ek, Adam Gierek, Norbert Glante, András Gyürk, Fiona Hall, David Hammerstein Mintz, Erna Hennicot-Schoepges, Ján Hudacký, Werner Langen, Eugenijus Maldeikis, Eluned Morgan, Reino Paasilinna, Atanas Papanizov, Vladimír Remek, Herbert Reul, Teresa Riera Madurell, Paul Rübzig, Andres Tarand, Britta Thomsen, Patrizia Toia, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Alejo Vidal-Quadras		
Substitute(s) present for the final vote	Alexander Alvaro, Danutė Budreikaitė, Philip Dimitrov Dimitrov, Robert Goebbels, Satu Hassi, Gunnar Hökmark, Esko Seppänen, Lambert van Nistelrooij		

25.1.2007

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a European Parliament and Council directive 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))

Draftswoman: Bernadette Bourzai

SHORT JUSTIFICATION

Why this Commission proposal?

The objective of the Water Framework Directive (WFD) adopted in December 2000 is to prevent any further deterioration in the quality of waters and to strengthen protection of the aquatic environment. It is aimed at combating pollution generally, and provides, in that connection, for the progressive reduction of chemical pollution, and in particular the cessation or phase-out of emissions, discharges and losses of priority substances and priority hazardous substances that present unacceptable risks to or via the aquatic environment.

Water policy is implemented on the basis of river basin management plans. Member States are required to implement the necessary measures in order to prevent deterioration of the status of all surface water bodies and also to restore and improve their quality.

The objective of the proposal being examined - which implements Article 16(7) of the WFD - is to verify and ensure that a high level of protection has been achieved, by setting **environmental quality standards (EQS)** for water, namely concentration thresholds designed to protect human beings and flora and fauna on the basis of information concerning a substance's toxicity, persistence and bioaccumulation potential and data relating to its environmental fate.

EQS are aimed at protecting and improving the quality of the environment and also at harmonising economic conditions within the internal market, given that there are major differences between the standards laid down by each of the Member States.

Pollutants of agricultural origin

Pollutants may be released into the environment from a number of sources: agriculture, industry (heavy metals, solvents, etc), incineration, etc.

The opinion of the Committee on Agriculture and Rural Development will focus on pollution of agricultural origin, and, more specifically, pesticides, given that the directive does not concern nitrates.

Pesticides are frequently blamed for deterioration in the ecological status of surface and coastal waters, as they can remain present in the environment for long periods and be transported over long distances. They are also a diffuse source of pollution which is difficult to pinpoint since it results from run off, direct losses to soil and air and leaching of crops through rainwater.

The list of priority substances (Annex I, Part A) includes a large number of pesticides: 1, 3, 8, 9, 13, 14, 17, 18, 19, 26, 27, 29, 33. Some of these are no longer used in farming, but it is still possible to detect their presence in sediment in some rivers. The eight other pollutants concerned by this proposal for a directive (Annex I, Part B) are all pesticides.

Excessive quantities of pesticides are still to be found in the aquatic environment. Preference should therefore be given in farming to products that are non-dangerous to the environment, the most effective application techniques, the presence of buffer zones between fields and rivers and streams, and limitation of spray drift. These points are for the most part to be addressed in legislation on pesticides currently in the process of being adopted.

Draftswoman's position

This proposal for a directive on environmental quality standards in the field of water policy cannot be looked at in isolation, as a substantial number of measures for protecting the environment fall within the scope of other Community legislative acts that either already exist or are in process of being adopted.

It is therefore important to ensure that the objectives and provisions of this Directive do not conflict with those of other pieces of Community legislation, and not to anticipate legislation to be adopted in the coming months, in order to see to it that all of the pieces of the puzzle fit together perfectly.

Legislation in force, such as Directive 80/778/EEC relating to the quality of drinking water, Directive 91/414/EEC concerning the placing of plant protection products on the market, the IPPC (Integrated Pollution Prevention and Control) Directive adopted in 1996, the Water Framework Directive (2000/60/EC), and instruments currently in the process of being adopted, such as the REACH Directive, the Thematic Strategy on sustainable use of pesticides, the Directive on sustainable use of pesticides and the revision of the Pesticides Directive, should therefore be taken into account.

It is difficult, however, at present to know whether the implementation of these other, complementary legislative acts will enable the objectives of the Water Framework Directive to be achieved, or whether further Community action will still be needed. A formal evaluation of existing legislation should therefore be envisaged, in order to fill in gaps and propose improvements and to promote a genuinely integrated approach to European water policy and,

more broadly speaking, environmental policy.

The Commission has chosen to put forward a proposal confined to laying down harmonised EQS at the Community level, without introducing additional 'emission controls' in relation to those contained in existing Community legislation. It leaves it to the Member States to lay down rules on other pollutants at the national level. This solution, which is presented as the most flexible and proportionate solution, and the most advantageous from an economic point of view, is to be criticised, as the Commission precisely uses the argument of the benefits of harmonisation of economic conditions and a reduction in the administrative burden on Member States to justify laying down Community EQS.

The EQS concern inland waters (rivers and lakes) and transitional and coastal waters. Article 16(7) of the WFD requires the Commission to 'submit proposals for quality standards applicable to the concentrations of the priority substances in surface water, sediments or biota.'

However, the proposal put forward concentrates on surface waters, as, according to the Commission, there is a lack of detailed and reliable information on the presence of substances in biota and sediment, except in the case of three substances. It will therefore again be up to the Member States to supplement EQS laid down at Community level, but the question arises as to what means they have at their disposal in order to do so.

The choice is regrettable, as a large number of pollutants settle and accumulate on river beds, leading to the risk that they may seep into, and pollute, groundwater and may become widely dispersed, sometimes as far away as coastal areas, when rivers are dredged.

Your draftswoman also notes that possible interaction between substances and agglomerates of those substances has not been considered.

Your draftswoman is concerned about the fact that Member States are being given the possibility of specifying transitional areas where thresholds may be exceeded. Industries are supposed to construct plants for the treatment or detoxification of their discharges, in order to ensure that these comply with standards laid down; this derogation is, therefore, unnecessary. As far as farming is concerned, it is difficult to identify specific points of discharge.

Two types of harmonised EQS have been laid down: an EQS based on the maximum allowable concentration, which is intended to control short-term pollution, and an EQS based on the annual average.

The reference period for measurements of concentrations of pollutants to be recorded in inventories is one year and, in the case of pesticides, three years, given that doses applied and losses to the natural environment vary from year to year depending on climatic conditions.

However, it should be borne in mind that risks of pollution are greatest where a priority substance is repeatedly applied in the same place and at the same time, which is precisely the case with pesticides, which are above all used from March to September in farming. Deterioration of ecosystems may be irreversible or very damaging during the most intensive period of use of pesticides. An average should therefore be taken over three years for pesticides, but an average of the concentrations measured during the period of application.

Finally, as emissions, discharges and losses of priority substances must be progressively reduced or cease, Member States should, when drawing up their inventory, also set a suitable timetable for achieving this objective.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
RECITAL 1 A (new)

(1a) In accordance with Article 174 of the Treaty establishing the European Community, Community policy on the environment is based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

Amendment 2
RECITAL 1 B (new)

(1b) Properly conducted small-scale organic farming is necessary in order to guarantee good water quality.

Amendment 3
RECITAL 4 A (new)

(4a) Directive 2000/60/EC includes in Article 11(2) and Part B of Annex VI a non-exclusive list of complementary measures which Member States may choose to adopt as part of the programme of measures, inter alia:

¹ Not yet published in OJ.

- *legislative instruments,*
- *administrative instruments, and*
- *negotiated agreements for the protection of the environment*

Justification

Besides the legal instruments, the 'supplementary' measures as described in Article 11, paragraph 4 and part B of Annex VI of the Water Framework Directive (2000/60/EC) should also be mentioned as possible solutions in case standards are frequently exceeded, as more voluntary, stimulating measures are often more effective than a strict legal approach. This will help to increase the common ground for the directive as such, and environmental legislation in general.

Amendment 4

RECITAL 5 A (new)

(5a) As the majority of other relevant Community acts have not yet been fully adopted and implemented, it is currently difficult to determine whether the implementation of those policies will enable the objectives of the Water Framework Directive to be achieved, or whether further Community action will still be needed. Consequently, it would be appropriate to carry out a formal evaluation of the consistency and effectiveness of all Community legislative acts contributing directly or indirectly to achieving good water quality.

Amendment 5

RECITAL 7

(7) From the point of view of Community interest and for a more effective regulation of the surface water protection, it is appropriate that EQS are set up for pollutants classified as priority substances on Community level and to leave to the Member States to lay down, ***where necessary***, rules for remaining pollutants on national level subject to the application of

(7) From the point of view of Community interest and for a more effective regulation of the surface water protection, it is appropriate that EQS are set up for pollutants classified as priority substances on Community level and to leave to the Member States to lay down rules for remaining pollutants on national level subject to the application of relevant

relevant Community rules. Nonetheless, eight pollutants which fall under the scope of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC and form part of the group of substances for which good chemical status should be achieved by 2015 were not included in the list of priority substances. However, the common standards established for those pollutants proved to be useful and it is appropriate to maintain the regulation of their standards on Community level.

Community rules. Nonetheless, eight pollutants which fall under the scope of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC and form part of the group of substances for which good chemical status should be achieved by 2015 were not included in the list of priority substances. However, the common standards established for those pollutants proved to be useful and it is appropriate to maintain the regulation of their standards on Community level.

Amendment 6
RECITAL 10

(10) In the absence of extensive and reliable information on concentrations of priority substances in biota and sediments at a Community level and in view of the fact that information on surface water seems to provide a sufficient basis to ensure comprehensive protection and effective pollution control, establishment of EQS values should be, at this stage, limited to surface water only. However, as regards hexachlorobenzene, hexachlorobutadien and mercury, it is not possible to ensure protection against indirect effects and secondary poisoning by mere EQS for surface water on Community level. Therefore in those cases, EQS for biota should be set up. ***In order to allow Member States flexibility depending on their monitoring strategy they should be able either to monitor those EQS and check compliance with them in biota, or convert them into EQS for surface water. Furthermore, it is for Member States to set up EQS for sediment or biota where it is necessary and appropriate to complement the EQS set up on Community level. Moreover, as sediment and biota remain***

(10) In the absence of extensive and reliable information on concentrations of priority substances in biota and sediments at a Community level and in view of the fact that information on surface water seems to provide a sufficient basis to ensure comprehensive protection and effective pollution control, establishment of EQS values should be, at this stage, limited to surface water only. However, as regards hexachlorobenzene, hexachlorobutadien and mercury, it is not possible to ensure protection against indirect effects and secondary poisoning by mere EQS for surface water on Community level. Therefore in those cases, EQS for biota should be set up. ***In the case of other substances, it is for Member States to establish specific monitoring programmes for sediment or biota. As sediment and biota remain important matrices for monitoring of certain substances by Member States in order to assess long term impacts of anthropogenic activity and trends the Member States should ensure that existing levels of contamination in biota and sediments will not increase.***

important matrices for monitoring of certain substances by Member States in order to assess long term impacts of anthropogenic activity and trends the Member States should ensure that existing levels of contamination in biota and sediments will not increase.

Amendment 7

ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 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. Member States shall ensure that the composition of their surface waters complies with environmental quality standards for priority substances, expressed as an annual average, ***or, in the case of pollutants covered by Directives 91/414/EEC and 2003/53/EC¹, as an average over the period of use adjusted for seasonal variations in volume and for substance use***, 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*Directive 2003/53/EC of the European Parliament and of the Council of 18 June 2003 amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement) (OJ L 178, 17.7.2003, p. 24).*

Justification

The calculation of the average should take account of the circumstance that pesticide use in agriculture is seasonal in nature and that, in the case of transition waters, concentration levels of pollutants vary considerably in line with volume. Since precipitation is usually absent during the summer months, the first rains carry substantially higher amounts.

Amendment 8

ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 2 A (new)

Member States must improve the knowledge and data available on sources of priority substances and ways in which

pollution occurs in order to identify targeted and effective control options.

Amendment 9
ARTICLE 2, PARAGRAPH 1 A (new)

1a. Where a water course passes through more than one Member State, it is necessary to organise coordination of the monitoring programmes and of the national inventories compiled in order to avoid penalising Member States located downstream on watercourses.

Amendment 10
ARTICLE 2, PARAGRAPH 3 A (new)

3a. Member States must comply with Directive 98/83/EC¹ on the quality of water intended for human consumption and manage the surface water bodies used for abstraction of drinking water in accordance with Article 7 of Directive 2000/60/EC. In the case of the majority of substances, the relevant requirements lay down compulsory compliance with more stringent standards than environmental quality standards.

¹ OJ L 330, 5.12.1998. Directive amended by European Parliament and Council Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

Amendment 11
ARTICLE 3

deleted

Article 3

Transitional area of exceedance

1. Member States shall designate

transitional areas of exceedance, where the concentrations of one or more pollutants may exceed the relevant environmental quality standards as far as they do not affect the compliance of the rest of the surface water body with those standards.

2. Member States shall delimit in each case the extent of the parts of the surface water bodies adjacent to the points of discharge to be classed as transitional areas of exceedance, taking into account the relevant provisions of Community law.

Member States shall include a description of each delimitation in their river basin management plans referred to in Article 13 of Directive 2000/60/EC.

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.

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.

Amendment 12
ARTICLE 4, PARAGRAPH 1A (new)

1a. The Member States shall draw up specific monitoring programmes for sediments and biotas, identifying the species and tissues to be analysed and the form in which the results are to be expressed, in line with the organisms' seasonal variations.

Amendment 13
ARTICLE 4(2), SUBPARAGRAPH 2

However, for priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average of the years 2007, 2008 and 2009.

However, for priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average of ***the significant periods of*** the years 2007, 2008 and 2009.

Justification

The calculation of the average should take account of the circumstances that pesticides use in agriculture is seasonal in nature and that, in the case of transition waters, concentration levels of pollutants vary considerably in line with volume. Since precipitation is usually absent during the summer months, the first rains carry substantially higher amounts.

Amendment 14
ARTICLE 4(4), SUBPARAGRAPH 2

The reference period for the establishment of values in the updated inventories shall be the year before that analysis is to be completed. For priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average of the three years before the completion of that analysis.

The reference period for the establishment of values in the updated inventories shall be the year before that analysis is to be completed. For priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average ***of the significant periods of*** the three years before the completion of that analysis.

Justification

The calculation of the average should take account of the circumstances that pesticides use in agriculture is seasonal in nature and that, in the case of transition waters, concentration levels of pollutants vary considerably in line with volume. Since precipitation is usually absent during the summer months, the first rains carry substantially higher amounts.

Amendment 15
ARTICLE 4, PARAGRAPH 4 A (new)

4a. As emissions, discharges and losses of priority substances must be progressively reduced or cease, it is necessary that the Member States accompany their inventory with a suitable timetable for achieving those objectives.

Amendment 16
ARTICLE 4, PARAGRAPH 5

5. The Commission shall verify that emissions, discharges and losses as reflected in the inventory comply, by 2025, with the reduction or cessation obligations laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC.

5. The Commission shall verify that emissions, discharges and losses as reflected in the inventory comply, by 2025, with the reduction or cessation obligations laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC. ***The Commission shall propose specific measures at the mid-way stage if it observes that the measures set out in this directive are not being implemented or the objectives are not being achieved.***

Amendment 17
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 for establishment of the inventories.

6. The Commission ***shall***, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, ***lay down the technical specifications for the analyses as well as*** the method to be used by the Members States for establishment of the inventories.

Amendment 18
ARTICLE 4 A (new)

Article 4a

Monitoring of implementation

In the event that the values laid down under environmental quality standards are frequently exceeded, Member States must identify the source and adopt effective, proportionate and dissuasive measures under various instruments, such as Directive 91/414/EEC or Directive 96/61/EC, in order to limit the placing on the market and use of certain substances on the grounds of the risks that they present to the aquatic environment.

Amendment 19
ARTICLE 4 B (new)

Article 4b

Follow-up measures

Once inventories have been published and updated in accordance with Article 4, the Commission shall carry out a review of the list of priority substances.

In the light of the results of the inventories, measures must be envisaged for those substances that pose most problems.

Amendment 20
ARTICLE 9 A (new)

Article 9 a

Additional Community action

The Commission shall put in place clear and transparent procedures in order to establish a streamlined and targeted framework for the communication by the Member States of information on priority substances that support the Community decision-making process and permit harmonised EQS for sediment and biota as well as additional emission controls to be laid down in future.

Amendment 21
ANNEX I, PART C, POINT 2

2. Column 6 and 7: For any given surface water body compliance with EQS-MAC means that the measured **concentration** at any representative monitoring point within the water body must not exceed the standard.

2. Column 6 and 7: For any given surface water body compliance with EQS-MAC means that the measured **concentrations** at any representative monitoring point within the water body must not **repeatedly** exceed the standard.

Justification

A maximum allowable concentration is a good tool to use in fighting pollution. However, it is rather extreme to take measures immediately after the first observation that a concentration

has been exceeded. Repeated exceedance of an EQS-MAC is a better criterion, and this approach will prevent carelessness in monitoring.

PROCEDURE

Title	Proposal for a European Parliament and Council directive on environmental quality standards in the field of water policy and amending Directive 2000/60/EC
References	COM(2006)0397 - C6-0243/2006 - 2006/0129(COD)
Committee responsible	ENVI
Opinion by Date announced in plenary	AGRI 5.9.2006
Drafts(wo)man Date appointed	Bernadette Bourzai 11.9.2006
Discussed in committee	18.12.2006 24.1.2007
Date adopted	24.1.2007
Result of final vote	+ : 38 - : - 0 : -
Members present for the final vote	Katerina Batzeli, Thijs Berman, Niels Busk, Luis Manuel Capoulas Santos, Dumitru Gheorghe Mircea Coșea, Joseph Daul, Albert Deß, Carmen Fraga Estévez, Lutz Goepel, Bogdan Golik, Friedrich-Wilhelm Graefe zu Baringdorf, Elisabeth Jeggle, Heinz Kindermann, Albert Jan Maat, Diamanto Manolakou, Mairead McGuinness, Rosa Miguélez Ramos, Neil Parish, Radu Podgorean, María Isabel Salinas García, Agnes Schierhuber, Willem Schuth, Czesław Adam Siekierski, Brian Simpson, Csaba Sándor Tabajdi, Marc Tarabella, Witold Tomczak, Kyösti Virrankoski, Andrzej Tomasz Zapałowski, Janusz Wojciechowski
Substitute(s) present for the final vote	Bernadette Bourzai, Hynek Fajmon, Gábor Harangozó, Zdzisław Zbigniew Podkański, Armando Veneto
Substitute(s) under Rule 178(2) present for the final vote	Reimer Böge, Jorgo Chatzimarkakis, Wiesław Stefan Kuc
Comments (available in one language only)	...

25.1.2007

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on the Environment, Public Health and Food Safety

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))

Draftswoman: Dorette Corbey

SHORT JUSTIFICATION

I. General context

In 1976, The Community first adopted legislation regarding chemical pollution of waters by the Directive 76/464/EEC on pollution caused by a number of dangerous substances discharged into the aquatic environment of the Community.

Afterwards, more than a few '*Daughter Directives*' were adopted from 1982 until 1990, laying down emission limit values and environmental quality objectives for 18 specific pollutants.

The Water Framework Directive (WFD) 2000/60/EC introduced an updated, comprehensive and effective strategy for chemical pollution of surface waters, at the Article 16. The WFD sets out the general framework for a strategy against pollution of surface waters and requests the Commission to present a proposal with specific measures against pollution of water by individual or groups of pollutants presenting a significant risk to or via the aquatic environment.

As initial step, Decision 2455/2001/EC was adopted, which replaces the previous list communicated by the Commission in 1982; subsequently, the Commission was required to come forward with Environmental Quality Standards (EQS) at the Article 16 paragraph 7 and emission controls, Article 16 paragraphs 6 and 8, for these priority substances.

The objective of this proposal of the European Commission is to protect and enhance the quality of the environment in accordance with the principle of sustainable development and at the same time, to take in great consideration the fisheries sector and the communities depending by it.

Furthermore, the proposal, providing for simplification of legislation and accompanying Communication, takes full account of the objectives and provisions of other Community legislation, in particular the chemicals policy including REACH and the Pesticides Directive, the IPPC Directive and the Thematic Strategies, namely those on marine policy and sustainable use of pesticides.

II. Background

Chemical pollution of surface water can disturb aquatic ecosystems, causing loss of habitats and biodiversity.

Pollutants may accumulate in the food chain, and harm predators consuming contaminated fish. Humans are exposed to pollutants through the aquatic environment by fish or seafood consumption, drinking water and possibly recreational activities.

Pollutants may be found in the environment many years after being banned and may be released to the environment from various sources (e.g. agriculture, industry, incineration), as products or as unintended by-products, they may be of historical nature or used daily in household products.

As a first step of the strategy by the Article 16, a list of priority substances was adopted (Decision 2455/2001/EC) identifying 33 substances of priority concern at Community level. This proposal aims to ensure a high level of protection against risks to or via the aquatic environment stemming from these 33 priority substances and certain other pollutants by setting environmental quality standards (EQS).

There are many potential environmental and social benefits from reduction in chemical pollution of water, resulting from compliance with EQS.

In fact, in the commercial and recreational fishing category, the benefits concern the reduction in numbers of fish failing to meet required standards for human consumption, the reduction in negative impact on consumption of fish as a result of perceived health threats, the reduction in exposure to chemical pollutants as a result of fish consumption, the potential increased stocks and variety of stocks and an increased revenue from commercial and recreational fishing. Concerning the fish farming and the shellfisheries categories, benefits from compliance with EQS are an improving productivity in the sector, a reduced accumulation in meat and a reduced exposure of humans to hazardous substances.

Obviously, all this process has a great impact on human health. Benefits from reduction in chemical pollution concern the overall reduction in exposure to dangerous substances, *in primis* for humans, coming from seafood consumption.

This proposal of the European Commission is limited to establishing EQS at Community level. Specific and additional pollution control measures are left to the Member States since many other existing Community acts must be applied to fulfil the requirements of Article 16 paragraphs 6 and 8.

The proposed instrument is a Directive laying down targets for environmental quality to be

achieved by 2015.

III. Assessment

With regard to the effects on the sector, a few comments should be made. Lead is a recognised hazardous substance and its emissions in water should be reduced as much as possible. Where the fishing sector itself can contribute to this it should be encouraged. In its impact assessment, the Commission indicated (p.53) that dioxins, furans and PCBs are historic pollutants and adequately controlled. It is difficult to share this optimistic assessment as since the Dioxin Strategy of 2001 the levels in fish have not shown a significant decline and for the Baltic Sea in particular they appear to be static. This may be principally due to sequestering of these pollutants in sediments which are periodically re-suspended. It would thus seem justified to be very concerned about the threat that PCBs pose for the aquatic environment due to illegal disposal.

A third remark concerns the proposed concentration limits of hexachlorobenzene, hexachlorobutadiene and mercury in the natural weight of fish, molluscs, crustaceans and other biota. If a Member State decides to introduce stricter standards in order to reach the levels necessary as provided for under Article 2.3, it will be necessary to coordinate this with other Member States who share the same river basin. When necessary, those other Member States, in particular upstream countries, should adopt the same standards.

AMENDMENTS

The Committee on Fisheries calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 RECITAL 7 A (new)

(7a) Certain substances are very harmful to fish if present in surface waters but do not figure on the lists of environmental quality standards for water policy. These include in particular PFOS and Tetrabromobisphenol-A (TBBP-A). The Commission will if necessary submit proposals for adopting environmental quality standards in the field of water

¹ Not yet published in OJ.

policy for these substances too.

Justification

PCBs, dioxins, PFOS and Tetrabromobisphenol are very damaging to the environment and should be included in the lists of substances to which environmental quality standards apply.

Amendment 2

RECITAL 11 A (new)

(11a) Lead, used in fishing equipment for both recreational and professional fisheries, is a source of water pollution. In order to reduce the level of lead in fishing waters, Member States should encourage the fishing sector to replace lead by less hazardous alternatives.

Amendment 3

RECITAL 11 B (new)

(11b) Polychlorinated biphenyls (PCBs) and dioxins are two groups of toxic substances that are persistent and bioaccumulable. Both groups of substances entail a considerable risk to human health and the environment, and have a highly negative impact on aquatic species and, therefore, on the viability of the fisheries sector. The Commission has, in addition, on various occasions stressed the need to include these substances in the list of priority substances. The present Directive should therefore provide for their future inclusion in the list of priority substances.

Amendment 4

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 water replacing the one listed in Part A of Annex I,

For the purposes of monitoring the compliance with environmental quality standards of *the* 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.

or set up an additional standard for biota.

Where a river basin district falls in several Member States, those Member States should, if necessary, apply the same standards.

Amendment 5
ARTICLE 4 A (new)

Article 4a

Inclusion of dioxins and PCBs

Pursuant to Article 16 of Directive 2000/60/EC and no later than 31 January 2008, the Commission shall submit a proposal for the revision of this Directive with a view to including dioxins and PCBs in the list of priority substances set out in Annex II and include corresponding environmental quality standards in Annex I.

PROCEDURE

Title	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
References	COM(2006)0397 – C6-0243/2006 – 2006/0129(COD)
Committee responsible	ENVI
Opinion by Date announced in plenary	PECH 5.9.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Dorette Corbey 27.9.2006
Previous drafts(wo)man	
Discussed in committee	20.11.2006 20.12.2006 0.0.0000
Date adopted	25.1.2007
Result of final vote	Unanimous
Members present for the final vote	James Hugh Allister, Stavros Arnaoutakis, Elspeth Attwooll, Marie-Hélène Aubert, Iles Braghetto, Niels Busk, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Pedro Guerreiro, Ian Hudghton, Heinz Kindermann, Albert Jan Maat, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Willi Piecyk, Dirk Sterckx, Catherine Stihler, Daniel Varela Suanzes-Carpegna
Substitute(s) present for the final vote	Duarte Freitas, James Nicholson
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

PROCEDURE

Title	Environmental quality standards in the field of water policy		
References	COM(2006)0397 - C6-0243/2006 - 2006/0129(COD)		
Date submitted to Parliament	17.7.2006		
Committee responsible Date announced in plenary	ENVI 5.9.2006		
Committee(s) asked for opinion(s) Date announced in plenary	ITRE 5.9.2006	AGRI 5.9.2006	PECH 5.9.2006
Rapporteur(s) Date appointed	Anne Laperrouze 29.11.2005		
Discussed in committee	22.1.2007	30.1.2007	28.2.2007
Date adopted	27.3.2007		
Result of final vote	+: -: 0:	47 0 1	
Members present for the final vote	Margrete Auken, Irena Belohorská, Johannes Blokland, Frieda Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Satu Hassi, Gyula Hegyi, Holger Kraemer, Urszula Krupa, Jules Maaten, Marios Matsakis, Linda McAvan, Alexandru-Ioan Morțun, Roberto Musacchio, Riitta Myller, Péter Olajos, Miroslav Ouzký, Dimitrios Papadimoulis, Guido Sacconi, Karin Scheele, Richard Seeber, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Glenis Willmott		
Substitute(s) present for the final vote	Ambroise Guellec, Anne Laperrouze, Henrik Lax, Kartika Tamara Liotard, David Martin, Jiří Maštálka, Miroslav Mikolášik, Alojz Peterle, Robert Sturdy, Radu Țirle		