

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0192/2008

20.5.2008

*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a directive of the European Parliament and of the Council on environmental quality standards in the field of water policy and amending Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and 2000/60/EC (11486/3/2007 – C6-0055/2008 – 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***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	34
PROCEDURE.....	35

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a directive of the European Parliament and of the Council on environmental quality standards in the field of water policy and amending Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and 2000/60/EC

(11486/3/2007 – C6-0055/2008 – 2006/0129(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (11486/3/2007 – C6-0055/2008),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2006)0397),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0192/2008),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Council common position – amending act
Recital 1 a (new)

Council common position

Amendment

(1a) In accordance with Article 174 of the 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.

¹ OJ C 102 E, 24.4.2008, p. 91..

Justification

Reinstates Parliament's amendment 2 from first reading

Amendment 2

**Council common position – amending act
Recital 5**

Council common position

(5) Numerous Community acts have been adopted since 2000 which constitute ***emission 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.

Amendment

(5) Numerous Community acts have been adopted 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 that Directive. If compliance with EQS 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*¹.

¹ OJ L 396, 30.12.2006, p. 1. Corrected in OJ L 136, 29.5.2007, p. 3.

Justification

Reinstates Parliament's amendment 5 from first reading

Amendment 3

**Council common position – amending act
Recital 5 a (new)**

Council common position

Amendment

(5a) Directive 2000/60/EC includes in Article 11(4) 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

Reinstates Parliament's amendment 6 from first reading

Amendment 4

**Council common position – amending act
Recital 6**

Council common position

Amendment

(6) As regards emission controls of priority substances from point and diffuse sources as referred to in Article 16 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

(6) 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,

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 district in accordance with Article 11 of that Directive.

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 that Directive, *where appropriate applying Article 10 of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 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 laid down in Article 2(12) of Directive 2008/1/EC.*

¹ OJ L 24, 29.1.2008, p. 8.

Justification

Reinstates Parliament's amendment 7 from first reading.

Amendment 5

Council common position - amending act Recital 6 a (new)

Council common position

Amendment

(6a) As other relevant Community acts contributing to quality standards in water have not yet been adopted or fully implemented, it is currently difficult to determine whether the implementation of those policies will enable the objectives of Directive 2000/60/EC to be achieved, or whether further Community action will still be needed. Consequently, it is 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 in good time.

(Reinstatement of amendment 9 from first reading in a modified form)

Justification

The Commission decided to disregard its obligations under the water framework directive, which called 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 a formal assessment whether the measures pursuant to other legal instruments are sufficient to achieve the objectives of the water framework directive.

Amendment 6

Council common position – amending act

Recital 7

Council common position

(7) 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 for which Member States should implement necessary measures with the aim of ceasing or phasing out emissions, discharges and losses.*** Some substances were under review and should be classified. ***The Commission should continue to review the list of priority substances, prioritising substances for action on the basis of agreed criteria that demonstrate the risk to, or via, the aquatic environment, in accordance with the timetable provided for in Article 16 of Directive 2000/60/EC, and bring forward proposals as appropriate.***

Amendment

(7) 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. For substances occurring naturally or through natural processes, 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

Partially reinstates Parliament's amendment 10 from first reading.

Amendment 7

Council common position – amending act Recital 7 a (new)

Council common position

Amendment

(7a) The Commission should review the list of priority substances at least every four years, prioritising substances for action on the basis of risk to, or via, the aquatic environment, in accordance with Article 16(4) of Directive 2000/60/EC, and come forward with proposals as appropriate.

Justification

Partially reinstates Parliament's amendment 71 from first reading

Amendment 8

Council common position – amending act Recital 7 b (new)

Council common position

Amendment

(7b) 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 to Directive 2000/60/EC accordingly as soon as the criteria in Regulation (EC) No 1907/2006 have been modified.

Justification

Reinstates Parliament's amendment 18 from first reading.

Amendment 9

Council common position - amending act
Recital 13

Council common position

(13) Furthermore, Member States should be able to establish EQS for sediment and/or biota at national level and apply those EQS instead of the EQS for water set out in this Directive. Such EQS should be established through a transparent procedure involving notifications to the Commission and other Member States so as to ensure a level of protection equivalent to the EQS for water set up at Community level. The Commission should summarise these notifications in its reports on the implementation of Directive 2000/60/EC. Moreover, *as* sediment and biota remain important matrices for the monitoring of certain substances *by* Member States, in order to assess long term impacts of anthropogenic activity and trends, **Member States** should take measures, subject to Article 4 of Directive 2000/60/EC, **with the aim of ensuring** that existing levels of contamination in biota and sediments will not **significantly** increase.

Amendment

(13) Furthermore, Member States should be able to establish EQS for sediment and/or biota at national level and apply those EQS instead of the EQS for water set out in this Directive. Such EQS should be established through a transparent procedure involving notifications to the Commission and other Member States so as to ensure a level of protection equivalent to the EQS for water set up at Community level. The Commission should summarise these notifications in its reports on the implementation of Directive 2000/60/EC. Moreover, sediment and biota remain important matrices for the monitoring of certain substances **with significant accumulation potential and against whose indirect effect EQS for surface water currently offer no protection**. Member States, in order to assess long term impacts of anthropogenic activity and trends, should take measures, subject to Article 4 of Directive 2000/60/EC, **to ensure** that existing levels of contamination in biota and sediments will not increase.

(Partial reinstatement of amendment 72 from first reading, as well as partial reinstatement of the text of the Commission proposal)

Justification

The objective of the directive is to reduce pollution, not to tolerate increases in pollution. Merely "aiming" at no "significant" increases could in fact tolerate increased contamination, which is not acceptable. Member States should ensure at the very least that contamination in biota and sediments does not increase.

Amendment 10

Council common position – amending act Recital 27 a (new)

Council common position

Amendment

(27a) 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

Reinstates Parliament's amendment 19 from first reading.

Amendment 11

Council common position - amending act Article 1

Council common position

Amendment

With the aim of achieving good surface water chemical status and in accordance with the provisions and objectives of Article 4 of Directive 2000/60/EC, this Directive lays down environmental quality standards (EQS) for priority substances and certain other pollutants as provided for in Article 16 of Directive 2000/60/EC.

With the aim of achieving good surface water chemical status and in accordance with the provisions and objectives of Article 4 of Directive 2000/60/EC, this Directive lays down ***measures to limit water pollution, as well as*** environmental quality standards (EQS) for priority substances and certain other pollutants as provided for in Article 16 of Directive 2000/60/EC.

Amendment 12

Council common position – amending act Article 3 – paragraph 1

Council common position

1. ***In accordance with Article 1 of this Directive and Article 4 of Directive 2000/60/EC, Member States shall apply the EQS laid down in Annex I, Part A, to this Directive in bodies of surface water.***

Member States shall apply the EQS in bodies of surface water in accordance with the requirements laid down in Annex I, Part B.

Amendment

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 the EQS for priority substances as laid down in Annex I.***

Justification

Reinstates Parliament's amendment 21 from first reading.

Amendment 13

Council common position – amending act Article 3 – paragraph 1 – subparagraph 2 a (new)

Council common position

Amendment

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.

Justification

Reinstates Parliament's amendment 23 from first reading.

Amendment 14

Council common position – amending act Article 3 – paragraph 1 a (new)

Council common position

Amendment

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.

Justification

Reinstates Parliament's amendment 24 from first reading.

Amendment 15

Council common position – amending act Article 3 – paragraph 2 a (new)

Council common position

Amendment

2a. 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

Reinstates Parliament's amendment 27 from first reading.

Amendment 16

Council common position - amending act Article 3 – paragraph 2 b (new)

Council common position

Amendment

2b. Cases in which compliance with EQS is not technically feasible, or would lead

to disproportionate social or economic costs, shall be dealt with under Article 4(4), (5) and (6) of Directive 2000/60/EC, in order to determine the most cost-effective and environmentally acceptable approach to complying with the objective as set out in Article 4(1)(a) of that Directive.

Justification

Retabling amendment 66 of first reading.

Amendment 17

**Council common position - amending act
Article 3 – paragraph 4 a (new)**

Council common position

Amendment

4a. Member States shall comply with Directive 98/83/EC 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 provisions which may require more stringent standards.

(Reinstatement of amendment 28 from first reading)

Justification

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

Amendment 18

**Council common position – amending act
Article 3 – paragraph 5a (new)**

Council common position

Amendment

5a. If bans on substances are needed in

order to secure compliance with EQS, the Commission shall submit suitable proposals to amend existing legal acts or establish new legal acts at Community level.

Justification

Reinstates Parliament's amendment 32 from first reading.

Amendment 19

**Council common position - amending act
Article 3 a (new)**

Council common position

Amendment

Article 3a

To achieve the objective set out in Article 3, 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 (EC) No .../... of the European Parliament and of the Council concerning the placing of plant protection products on the market, which replaces it, or in other Community legislation.*

**OJ*

(Reinstatement of amendment 34 from first reading)

Justification

This directive does not provide for any emission reduction measures. As it is unclear as to whether other Community legislation will be sufficient to do so, Member States should be allowed to take the necessary action where necessary.

Amendment 20

Council common position - amending act
Article 4

Council common position

1. Member States may **designate** mixing zones adjacent to points of discharge. Concentrations of one or more **pollutants within such mixing zones** may exceed the relevant EQS if they do not affect the compliance of the rest of the body of surface water with those standards.

2. Member States that **designate** mixing zones shall include **a description of the approaches and methodologies applied to derive such zones** in river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC.

3. Member States that **designate** mixing zones shall ensure that the extent of any such zone is:

- (a) restricted to the proximity of the point of discharge;
- (b) proportionate, having regard to the concentrations of pollutants at the point of discharge and to the conditions on emissions of pollutants contained in the prior regulations, such as authorisations and/or permits, referred to in Article 11(3)(g) of Directive 2000/60/EC and any other relevant Community law, in

Amendment

1. Member States may **provide for** mixing zones **to be established** adjacent to points of discharge. **Provided that the best available waste water treatment techniques as well as techniques related to industrial points of discharge are applied**, concentrations of one or more **substances that are listed in Annex X of Directive 2000/60/EC** may exceed the relevant EQS **within such mixing zones** if they do not affect the compliance of the rest of the body of surface water with those standards.

2. Member States that **provide for the establishment of** mixing zones shall include in river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC **a description of:**

(a) the approaches and methodologies applied to derive such zones, and

(b) the measures taken with a view to reducing the extent of the mixing zone in the future, such as those pursuant to Article 11(3)(k) of Directive 2000/60/EC or the reviewing of permits referred to in Directive 2008/1/EC or of prior regulations referred to in Article 11(3)(g) of Directive 2000/60/EC.

3. Member States that **provide for the establishment of** mixing zones shall ensure that the extent of any such zone is:

- (a) restricted to the proximity of the point of discharge;
- (b) proportionate, having regard to the concentrations of pollutants at the point of discharge and to the conditions on emissions of pollutants contained in the prior regulations, such as authorisations and/or permits, referred to in Article 11(3)(g) of Directive 2000/60/EC and any other relevant Community law, in

accordance with the application of best available techniques and Article 10 of Directive 2000/60/EC, in particular after those prior regulations are reviewed.

accordance with the application of best available techniques and Article 10 of Directive 2000/60/EC, in particular after those prior regulations are reviewed.

3a. The Commission shall, in accordance with the regulatory 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 mixing zones.

Amendment 21

Council common position - amending act Article 4 a (new)

Council common position

Amendment

Article 4a

Where the EQS for one or more substances listed in Annex X to Directive 2000/60/EC are exceeded in a river basin or where concentrations show an unfavourable trend, Member States shall establish plans for the control of discharges for those substances.

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

Justification

Emission control is part of the combined approach of the Water Framework Directive and regulated by the EU Directive on Integrated Pollution Prevention and Control. Member States need to take additional action in those cases where the requirements of the Water Framework Directive as defined in Article 4 are not met. This compromise amendment focuses the need for action at Member State level to cases that would be based on violations of the requirements of the WFD.

Amendment 22

Council common position – amending act Article 5 – paragraph 1

Council common position

1. **Using** 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 **Part A of Annex I** to this Directive for each river basin **district** or part of a river basin **district** lying within their territory.

Amendment

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 of all **the original sources of priority substances (both point and diffuse sources of pollution)** and pollutants listed in Annex I **or II** to this Directive for each river basin or part of a river basin lying within their territory, **including their concentrations in sediment and biota**.

Priority substances and pollutants released from sediments as the result of shipping, dredging or natural phenomena shall not be regarded as losses.

Justification

Reinstates Parliament's amendments 38 and 67 from first reading.

Amendment 23

Council common position - amending act Article 5 – paragraph 5

Council common position

5. The Commission shall, **by 2025**, verify that emissions, discharges and losses as reflected in the inventory **are making progress towards compliance** with the reduction **or** cessation objectives laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC, **subject to Article 4(4) and (5) of that Directive**.

Amendment

5. The Commission shall verify **by 2015** that emissions, discharges and losses as reflected in the inventory **can be expected to comply, by 2025**, with the reduction **and** cessation objectives 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 Treaty by 2016.

Amendment 24

Council common position Article 5 – paragraph 5 a (new)

Council common position

Amendment

5a. The Commission shall, in accordance with the regulatory 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 Member States for establishing the inventories.

(Reinstatement of amendment 44 from first reading)

Justification

The inventories represent the only tool in this directive with regard to emissions, discharges and losses of priority substances. For it to deliver, it needs to be ensured that all Member States work according to the same specifications.

Amendment 25

Council common position – amending act Article 5 a (new)

Council common position

Amendment

Article 5a

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 EQS laid down in that Directive.

2. In the course of preparing its report under Article 18(1) of Directive 2000/60/EC on the implementation of that Directive, 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.

3. The Commission shall, in accordance with 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.

Justification

Reinstates Parliament's amendment 45 from first reading.

Amendment 26

**Council common position – amending act
Article 5 b (new)**

Council common position

Amendment

Article 5b

Pollution originating from third countries
The Commission shall present to the European Parliament and the Council, by ... *, a report on the situation regarding pollution originating from third countries. On the basis of that report, the European Parliament and the Council shall, if this is deemed necessary, ask the Commission to bring forward proposals.

*** One year after the date of entry into force of this Directive.**

Justification

Reinstates Parliament's amendment 47 from first reading.

Amendment 27

**Council common position - amending act
Article 7**

Council common position

Review

On the basis of reports from Member States, including reports in accordance with Article 12 of Directive 2000/60/EC and in particular those on transboundary pollution, the Commission shall review the need for additional specific Community-wide measures, such as emission controls. ***It*** shall report its conclusions to the European Parliament and to the Council in the context of the report prepared in accordance with Article 18(1) of Directive 2000/60/EC, ***accompanied***, if appropriate, by relevant proposals.

Amendment

Reporting and review

1. On the basis of reports from Member States, including reports in accordance with Article 12 of Directive 2000/60/EC and in particular those on transboundary pollution, the Commission shall review the need for additional specific Community-wide measures, such as emission controls.

In the reports referred to in paragraph 1, 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.

2. The Commission shall report its conclusions to the European Parliament and to the Council in the context of the report prepared in accordance with Article 18(1) of Directive 2000/60/EC. ***In that report the Commission shall outline the progress in the reduction of the extent of***

the mixing zones, designated in accordance with Article 4(1). The report shall, if appropriate, be accompanied by relevant proposals.

Amendment 28

Council common position - amending act Annex II – introductory paragraph -1 (new)

Council common position

Amendment

By 31 December 2010 at the latest, and every four years thereafter, the Commission shall draw up an evaluation report for the European Parliament and for the Council on the progress made in the review process defined in Article 16 of Directive 2000/60/EC and, where necessary, take appropriate measures to ensure an adequate rate of substance evaluation.

Justification

A number of additional substances have been proposed for inclusion as Priority Substances/Priority Hazardous substances. However, these should be subjected to the agreed review process in accordance with WFD requirements. The proposed evaluation process should add clarity, enforce the review routine, and keep all parties updated. This compromise amendment is based on the position of the Parliament that the Commission did not match timelines that are defined in the WFD. It takes into account other requirements of the WFD that describe the process that has to be followed, and also considers the Council Common Position.

Amendment 29

Council common position - amending act Annex II

Directive 2000/60/EC

Annex X – table – new footnote to lines 1, 3, 13, 20, 22, 25, 27, 29, 31 and 33

Council common position

Amendment

***** This priority substance is subject to a review for identification as a possible 'priority hazardous substance'. The Commission will make a proposal to the***

European Parliament and the Council for its final classification by ..., without prejudice to the timetable laid down in Article 16 of Directive 2000/60/EC for the Commission's proposals for controls.
* 12 months after the entry into force of this Directive.*

Amendment 30

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 1

Council common position

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(1)	15972-60-8	240-110-8	Alachlor	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(1)	15972-60-8	240-110-8	Alachlor	X

Justification

Reinstates Parliament's amendment 53 from first reading.

Amendment 31

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 3

Council common position

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

Reinstates Parliament's amendment 54 from first reading.

Amendment 32

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 13

Council common position

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(13)	330-54-1	206-354-4	Diuron	

Amendment by Parliament

Number	CAS number	EU number	Name of priority substance	Identified as priority hazardous substance
(13)	330-54-1	206-354-4	Diuron	X

Justification

Reinstates Parliament's amendment 56 from first reading.

Amendment 33

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 20

Council common position

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

Reinstates Parliament's amendment 57 from first reading.

Amendment 34

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 22

Council common position

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

Reinstates Parliament's amendment 58 from first reading.

Amendment 35

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 25

Council common position

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	Not applicable	(4-(1,1',3,3'-tetramethylbutyl)-phenol)	

Amendment 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	Not applicable	(4-(1,1',3,3'-tetramethylbutyl)-phenol)	X

Justification

Reinstates Parliament's amendment 59 from first reading.

Amendment 36

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 27

Council common position

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 (<i>PCP</i>)	X

Justification

Reinstates Parliament's amendment 60 from first reading.

Amendment 37

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 29

Council common position

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

Reinstates Parliament's amendment 61 from first reading.

Amendment 38

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 31

Council common position

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
	120-82-1	204-428-0	(1,2,4-trichlorobenzene)	X

Justification

Reinstates Parliament's amendment 62 from first reading.

Amendment 39

Council common position – amending act

Annex II

Directive 2000/60/EC

Annex X – table – line 33

Council common position

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

Reinstates Parliament's amendment 63 from first reading.

Amendment 40

**Council common position - amending act
Annex II, Part B (new)**

Amendment by Parliament

Part B: Substances subject to a review for identification as a possible priority substance or priority hazardous substance.

The substances listed in the tables below are subject to a review for identification as a possible 'priority substance' or 'priority hazardous substance'.

Table I

<i>No</i>	<i>CAS number</i>	<i>EU number</i>	<i>Name of priority substance</i>	<i>Priority hazardous substance</i>
<i>(33b)</i>	<i>1066-51-9</i>	<i>--</i>	<i>AMPA</i>	
<i>(33c)</i>	<i>25057-89-0</i>	<i>246-585-8</i>	<i>Bentazon</i>	
<i>(33e)</i>	<i>80-05-7</i>		<i>Bisphenol-A</i>	
<i>(33o)</i>	<i>115-32-2</i>	<i>204-082-0</i>	<i>Dicofol</i>	
<i>(33r)</i>	<i>60-00-4</i>	<i>200-449-4</i>	<i>EDTA</i>	
<i>(33s)</i>	<i>637-92-3</i>	<i>211-309-7</i>	<i>ETBE</i>	
<i>(33u)</i>	<i>57-12-5</i>		<i>Free cyanide</i>	
<i>(33v)</i>	<i>1071-83-6</i>	<i>213-997-4</i>	<i>Glyphosate</i>	
<i>(33y)</i>	<i>7085-19-0</i>	<i>230-386-8</i>	<i>Mecoprop (MCP)</i>	
<i>(33ad)</i>	<i>81-15-2</i>	<i>201-329-4</i>	<i>Musk xylene</i>	
<i>(33ak)</i>	<i>1763-23-1</i>		<i>Perfluorooctane sulphonic acid (PFOS)</i>	
<i>(33ap)</i>	<i>124495-18-7</i>	<i>--</i>	<i>Quinoxifen (5,7-dichloro-4-(p-fluorophenoxy)quinoline)</i>	
<i>new</i>			<i>Dioxins</i>	
<i>new</i>			<i>PCB</i>	

For the substances listed in table I the final decision on identification must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC by ..., without prejudice to the timetable laid down in Article 16 of Directive 2000/60/EC for the Commission's proposals for controls.*

** 6 months after the entry into force of this Directive.*

Table II

<i>No</i>	<i>CAS number</i>	<i>EU number</i>	<i>Name of priority substance</i>	<i>Priority hazardous substance</i>
<i>(33a)</i>	<i>131-49-7</i>	<i>205-024-7</i>	<i>Amidotrizoate</i>	
<i>(33g)</i>	<i>92-88-6</i>	<i>202-200-5</i>	<i>4 4'-Biphenol</i>	
<i>(33i)</i>	<i>298-46-4</i>	<i>06-062-7</i>	<i>Carbamazepine</i>	
<i>(33j)</i>	<i>23593-75-1</i>	<i>245-764-8</i>	<i>Clotrimazole</i>	
<i>(33l)</i>	<i>84-74-2</i>	<i>201-557-4</i>	<i>Dibutyl phthalate (DBP)</i>	
<i>(33m)</i>	<i>15307-86-5</i>		<i>Diclofenac</i>	
<i>(33q)</i>	<i>67-43-6</i>	<i>200-652-8</i>	<i>DTPA</i>	
<i>(33w)</i>	<i>1222-05-5</i>	<i>214-946-9</i>	<i>HHCB</i>	
<i>(33x)</i>	<i>60166-93-0</i>	<i>262-093-6</i>	<i>Iopamidol</i>	
<i>(33aa)</i>	<i>36861-47-9</i>	<i>253-242-6</i>	<i>4-Methylbenzylidene camphor</i>	
<i>(33ac)</i>	<i>81-14-1</i>	<i>201-328-9</i>	<i>Musk cetone</i>	
<i>(33af)</i>	<i>1634-04-4</i>	<i>16-653-1</i>	<i>MTBE</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>(33ak)</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>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 (CPF)</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</i>	
<i>(33ar)</i>	<i>79-94-7</i>	<i>201-236-9</i>	<i>Tetrabromobisphenol A (TBBP-A)</i>	
<i>(33at)</i>	<i>21145-77-7</i>	<i>244-240-6</i>	<i>Tonalid (AHTN)</i>	

For the substances listed in table II, the final decision on identification must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC by ..., without prejudice to the timetable laid down in Article 16 of Directive 2000/60/EC for the Commission's proposals for controls.*

** 12 months after the entry into force of this Directive.*

Where Member States do not provide the Commission with monitoring data on a particular substance listed in tables I or II, the substance in question should automatically be classified as a priority substance.

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, sediment and biota.

We can draw a number of conclusions from reading the common position adopted by the Council of the European Union: the Council has not paid heed to the concerns expressed by the European Parliament as regards the new substances added to Annex II of this Directive.

The Council has also failed to meet the expectations of the European Parliament as regards the reclassification of certain priority substances as priority hazardous substances.

The Council changed the name of 'transitional areas of exceedance' to 'mixing zones', yet did not take this opportunity to make these zones a genuine tool for identifying and improving water quality: Parliament wanted the Member States to analyse these transitional areas to identify the sources of emission of pollutants so that, in the course of time, the necessary corrective measures could be taken to comply with the threshold values.

The rapporteur regrets the absence of any references in the Council's text to the ongoing evaluation of the effectiveness of Community legislation with direct or indirect links to water. This constant and harmonised evaluation could remedy the absence, or need for a review, of legislation that meets this demand for good water quality.

The rapporteur considers that the special case of port areas that witness major changes in levels of suspended substances as a result of dredging warrants further clarification.

It should be noted that the Council's approach to the cases of sediment and biota takes into account some of Parliament's concerns and thus constitutes a good basis for perhaps reaching a compromise on this issue.

The rapporteur therefore considers that, at this stage, the Council of the European Union has not taken sufficient account of Parliament's first reading.

Thus, in view of the above and following the consultations carried out, the rapporteur has decided to table a number of amendments on these issues which had been supported at first reading.

PROCEDURE

Title	Environmental quality standards in the field of water policy
References	11486/3/2007 – C6-0055/2008 – 2006/0129(COD)
Date of Parliament's first reading – P number	22.5.2007 T6-0190/2007
Commission proposal	COM(2006)0397 - C6-0243/2006
Date receipt of common position announced in plenary	21.2.2008
Committee responsible Date announced in plenary	ENVI 21.2.2008
Rapporteur(s) Date appointed	Anne Laperrouze 29.11.2005
Discussed in committee	25.3.2008
Date adopted	6.5.2008
Result of final vote	+: 51 -: 0 0: 4
Members present for the final vote	Georgs Andrejevs, Margrete Auken, Pilar Ayuso, Irena Belohorská, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Dorette Corbey, Magor Imre Csibi, Avril Doyle, Mojca Drčar Murko, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Satu Hassi, Jens Holm, Caroline Jackson, Christa Klauß, Eija-Riitta Korhola, Holger Krahmer, Urszula Krupa, Aldis Kušķis, Marie-Noëlle Lienemann, Jules Maaten, Linda McAvan, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Kathy Sinnott, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman, Glenis Willmott
Substitute(s) present for the final vote	Inés Ayala Sender, Christofer Fjellner, Anne Laperrouze, Kartika Tamara Liotard, Alojz Peterle, Bart Staes, Lambert van Nistelrooij
Substitute(s) under Rule 178(2) present for the final vote	Armando França