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*****I**
REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy (COM(2011)0876 – C7-0026/2012 – 2011/0429(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Richard Seeber

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

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

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy

(COM(2011)0876 – C7-0026/2012 – 2011/0429(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0876),
 - having regard to Article 294(2) and Article 192 (1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0026/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 23 May 2012¹,
 - having regard to the opinion of the Committee of the Regions of ...²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0397/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 229, 31.7.2009, p. 116.

² Not yet published in the Official Journal

Amendment 1

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) As set out in the second sentence of Article 191(2) of the Treaty on the Functioning of the European Union, Union policy on the environment is to be 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.

Justification

For the revision of the list of priority substances, it is important to stress Article 191(2) which lays down the basis for Union policy on the environment - as was done in recital 2 of the EQS directive.

Amendment 2

Proposal for a directive Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Treating surface water is currently very costly: it is necessary to stimulate the development of breakthrough water technologies, which enable cheaper and more effective water purification.

Amendment 3

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Pursuant to Article 191 of the Treaty on the Functioning of the European

Union, in preparing its policy on the environment, the Union should take account of available scientific and technical data, environmental conditions in the various regions of the Union, the potential benefits and costs of action or lack of action as well as the economic and social development of the Union as a whole and the balanced development of its regions. Scientific, environmental and socio-economic factors, including human health considerations, should be taken into account in developing a cost-effective and proportionate policy on the chemical pollution of surface waters, including in the review of the list of priority substances in accordance with Article 16(4) of Directive 2000/60/EC. With that aim in view, the polluter pays principle underpinning Directive 2000/60/EC must be consistently applied.

Amendment 4

Proposal for a directive Recital 6

Text proposed by the Commission

(6) Numerous Union acts have been adopted since the adoption of Directive 2000/60/EC, which constitute emission control measures in accordance with Article 16 of that Directive for individual priority substances. Moreover, many environmental protection measures fall under the scope of other existing Union legislation. Therefore, priority should be given to implementing and revising existing instruments rather than establishing new controls. The inclusion of a substance in Annex X to Directive 2000/60/EC is without prejudice to the application of the provisions of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of

Amendment

(6) Numerous Union acts have been adopted since the adoption of Directive 2000/60/EC, which constitute emission control measures in accordance with Article 16 of that Directive for individual priority substances. Moreover, many environmental protection measures fall under the scope of other existing Union legislation. Therefore, priority should be given to implementing and revising existing instruments rather than establishing new controls, ***provided that the objectives laid down in Article 16(1) of Directive 2000/60/EC can be effectively achieved in the context of existing instruments.*** The inclusion of a substance in Annex X to Directive 2000/60/EC is without prejudice to the application of the

plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC.

provisions of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC.

Amendment 5

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Strategies to control the chemical pollution of surface waters at source, including substance-specific measures under Regulation (EC) No 1907/2006, Regulation (EC) No 1107/2009, and Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products¹, Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)² or Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use³, put in place taking into account socio-economic factors, may allow Member States to achieve the objectives of Directive 2000/60/EC in an economically, socially and environmentally effective way, avoiding disproportionate costs. Coherence between Directive 2000/60/EC, the above-mentioned legislation and other relevant legislation should therefore be strengthened to ensure the appropriate application of source-control mechanisms. Where the outcome of the regular review of Annex X to Directive 2000/60/EC and available monitoring

data show that the measures in place at Union level and in Member States are not sufficient to achieve the quality standards for certain priority substances or the cessation objective for certain priority hazardous substances, appropriate action should be taken at the level of the relevant Union or national acts with a view to achieving the objectives of Directive 2000/60/EC.

¹ OJ L 167, 27.6.2012, p. 1.

² OJ L 334, 17.12.2010, p. 17.

³ OJ L 311, 28.11.2001, p. 67.

Amendment 6

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The newly identified priority substances and their EQS, and the updated EQS for existing priority substances set out in this Directive, should be taken into account in the programmes of measures and river basin management plans when they are next reviewed and updated in accordance with the deadlines set out, respectively, in Article 11(8) and Article 13(7) of Directive 2000/60/EC. For good chemical status, the EQS should be met by the end of the corresponding six-year river basin management plan cycle, without prejudice to Article 4(4) to (9) of Directive 2000/60/EC, which include inter alia provisions for extending the deadline for meeting good chemical status or achieving less stringent environmental objectives for specific bodies of water on the grounds of disproportionate cost and/or socio-economic need, provided that no further deterioration occurs in the status of the affected water bodies.

Justification

It should be specified explicitly that Member States are to apply the EQS for the new substances and the updated EQS for the existing substances starting with the next update of the programmes of measures and of the river basin management plans to take place in 2015, with the aim to achieve good chemical status with respect to these substances by 2021. Moreover, extended deadlines or less stringent objectives can be justified by Member States on the grounds of socio-economic factors.

Amendment 7

Proposal for a directive

Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) The pollution of waters and soils with pharmaceutical residues is an emerging environmental problem. Current evaluation and control of the risk to or via the aquatic environment of medicinal products does not provide adequate attention to Union environmental objectives. An ongoing Commission study on the risks of environmental effects of medicinal products aims, therefore, to provide an analysis of the relevance of the current legislative framework to, and its effectiveness at, protecting the environment and human health via the aquatic environment, and finally the identification of possible measures to better address the problem.

Amendment 8

Proposal for a directive

Recital 8 c (new)

Text proposed by the Commission

Amendment

(8c) This Directive aims to ensure a better quality of water for public health and biodiversity reasons. The pharmaceutical substances which have been prioritised

are identified due to a significant risk that they pose to or via the aquatic environment at Union level and not due to a risk to public health via direct human consumption. Control measures which may be taken by the Member States should take into account the therapeutic importance of the pharmaceutical substances and should be in accordance with Directive 2001/83/EC.

Amendment 9

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Monitoring should be adapted to the spatial and temporal scale of the expected variation in concentrations. Given the widespread distribution and long recovery times expected for substances behaving as ubiquitous PBTs, Member States should be allowed to reduce the number of monitoring sites and/or frequency of monitoring for those substances, as long as a statistically robust monitoring baseline is available.

Amendment

(14) Monitoring should be adapted to the spatial and temporal scale of the expected variation in concentrations. Given the widespread distribution and long recovery times expected for substances behaving as ubiquitous PBTs, Member States should be allowed to reduce the number of monitoring sites and/or frequency of monitoring for those substances ***to the minimum level sufficient for a reliable long-term trend analysis***, as long as a statistically robust monitoring baseline is available.

Justification

It is useful to specify the minimum frequency of monitoring to be applied for ubiquitous persistent, bioaccumulative and toxic substances.

Amendment 10

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) A new mechanism is needed to

Amendment

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provide the Commission with targeted high-quality monitoring information on the concentration of substances in the aquatic environment, with a focus on emerging pollutants and substances for which available monitoring data are not of sufficient quality for the purpose of risk assessment. The new mechanism should facilitate the gathering of that information across Union river basins. In order to maintain the monitoring costs at reasonable levels, the mechanism should focus on a limited number of substances, included temporarily in a watch list, and a limited number of monitoring sites, but deliver representative data that are fit for the purpose of the Union prioritisation process. The list should be dynamic, to respond to new information on the potential risks posed by emerging pollutants and avoid monitoring substances for longer than necessary.

provide the Commission with targeted high-quality monitoring information on the concentration of substances in the aquatic environment, with a focus on emerging pollutants and substances for which available monitoring data are not of sufficient quality for the purpose of risk assessment. The new mechanism should facilitate the gathering of that information across Union river basins ***and complement monitoring data from programmes under Articles 5 and 8 of Directive 2000/60/EC.*** In order to maintain the monitoring costs at reasonable levels, the mechanism should focus on a limited number of substances, included temporarily in a watch list, and a limited number of monitoring sites, but deliver representative ***and statistically significant*** data that are fit for the purpose of the Union prioritisation process. The list should be dynamic ***and its validity in time should be limited,*** to respond to new information on the potential risks posed by emerging pollutants and avoid monitoring substances for longer than necessary. ***A substance should be removed from the watch list if the risk assessment in accordance with Article 16(2) of Directive 2000/60/EC shows that the substance does not pose a significant risk at Union level to or via the aquatic environment.***

Amendment 11

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) As regards the presentation of chemical status in accordance with Section 1.4.3 of Annex V to Directive 2000/60/EC, for the purposes of the first update of the programmes of measures and of the river basin management plans to be carried out in accordance with Article 11(8) and Article 13(7) of

Directive 2000/60/EC, Member States should be allowed to present separately the impact on chemical status of new priority substances and of existing substances with updated EQS, so that the introduction of new requirements is not mistakenly perceived as a deterioration of the chemical status of surface waters. In addition to the obligatory map covering all substances, two additional maps, one covering only new substances and existing substances with updated EQS and one covering other substances, could be provided.

Justification

Maps presenting the chemical status of surface waters should not turn red (i.e. show failure to achieve good status) just because of the artefact of having introduced new substances or updated EQS for existing substances: Member States should therefore be allowed to present separate maps for these substances for the duration of the next river basin management plan cycle, from 2015 to 2021.

Amendment 12

Proposal for a directive Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) It is important that timely and proper information on the status of European surface waters and on the achievements of the strategies against chemical pollution is made available to the general public. With a view to strengthening accessibility and transparency of this information, a single website providing information on the river basin management plans and their reviews and updates should be made available in each Member State.

Justification

Citizens have the right to be informed in a timely and comprehensive manner about the status of EU waters and the achievements of the strategies that are put in place against chemical

pollution. A sensitised and informed public opinion is key to a successful water policy.

Amendment 13

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Furthermore, in order to improve the information basis for future identification of priority substances, in particular as regards emerging pollutants, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the drawing up of a watch list. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Amendment

(21) Furthermore, in order to improve the information basis for future identification of priority substances, in particular as regards emerging pollutants, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the drawing up of a watch list ***and of the monitoring methods used for monitoring the substances on that watch list***. It is of particular importance that the Commission carry out appropriate consultations ***with all relevant stakeholders*** during its preparatory work, including at expert level.

(See amendment to Recital 23)

Justification

Drawing up technical specifications for monitoring is an essential part of the functioning of the watch list, so it should be undertaken by means of delegated rather than implementing acts.

Amendment 14

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In order to ensure uniform conditions for the implementation of this Directive, ***of the monitoring methods used for monitoring the substances on the watch list*** and of the reporting formats for the reporting to the Commission of the monitoring data and information,

Amendment

(23) In order to ensure uniform conditions for the implementation of this Directive and of the reporting formats for the reporting to the Commission of the monitoring data and information, implementing powers should be conferred on the Commission. Those powers should

implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

(See amendment to Recital 21)

Amendment 15

Proposal for a directive

Article 2 – point 1

Directive 2008/105/EC

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

'Natural background level' means the natural composition of pristine water which is characterised by environmental factors (soils, structure, geochemical factors and other natural factors such as volcanism, natural fires etc.).

Amendment 16

Proposal for a directive

Article 2 – point 2

Directive 2008/105/EC

Article 3 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Natural background values shall be taken into account when determining the EQS, by using an "added risk approach".

Justification

The presence of substances through natural releases (background values) needs to be taken into account when assessing EQS exceedances. For example, the naturally occurring

background values of metals from geogenic sources, polyaromatic hydrocarbons (PAHs) from forest fires etc. need to be considered when reviewing EQS in the meaning of the “added risk approach”. Otherwise, the mentioned findings from the above-stated cases would lead to water management measures by the enforcement authorities.

Amendment 17

Proposal for a directive

Article 2 – paragraph 2

Directive 2008/105/EC

Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall publicise to Union citizens, through information and communication actions, the results and impact of the measures enacted to prevent pollution of surface water, in particular by ensuring the establishment of a single website providing information on, and access to, the updated river basin management plans produced in accordance with Article 13(7) of Directive 2000/60/EC.

Justification

Citizens have the right to be informed in a timely and comprehensive manner about the status of EU waters and the achievements of the strategies that are put in place against chemical pollution. A sensitised and informed public opinion is key to a successful water policy.

Amendment 18

Proposal for a directive

Article 2 – point 2

Directive 2008/105/EC

Article 3 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. In order to facilitate the implementation of this Directive, technical guidelines on the biota sampling and monitoring of substances shall be developed under the existing

**implementation process of Directive
2000/60/EC.**

Justification

This amendment addresses the lack of standardised methods for sampling and analysis of new substances. The development of standards for biota sampling and monitoring for each substance is a lengthy and expensive process. In the interests of efficiency, reducing costs and producing comparable data, the Commission should support the Member States by issuing technical guidance under the implementation process for Directive 2000/60/EC.

Amendment 19

Proposal for a directive

Article 2 – point 3 a (new)

Directive 2008/105/EC

Article 5 a (new)

Text proposed by the Commission

Amendment

3a. The following Article is inserted:

‘Article 5a

Coordination and controls

1. For priority substances that fall within the scope of Regulation (EC) No 1907/2006, Regulation (EC) No 1107/2009, Regulation (EU) No 528/2012, Directive 2010/75/EU or Directive 2001/83/EC, the Commission shall, in the light of the outcome of the regular review of Annex X of Directive 2000/60/EC provided for in Article 16(4) of that Directive, assess whether the measures in place at Union level and in Member States are sufficient to achieve the quality standards for priority substances and the cessation objective for priority hazardous substances in accordance with Article 16(6) of Directive 2000/60/EC.

2. The Commission shall report to the European Parliament and to the Council the outcome of the assessment referred to in paragraph 1 of this Article by [...]* and every four years thereafter.

3. When the results of the report show

that additional measures at the Union or national level are necessary to ensure compliance with Directive 2000/60/EC as regards a particular substance, Member States or, in the case of Union authorisation, the Commission, shall review, if appropriate, the authorisation granted for that particular substance in accordance with the relevant legislation. In the case of substances falling within the scope of Regulation No 1907/2006, the Commission shall, if appropriate, ask the European Chemicals Agency to prepare a dossier pursuant to that Regulation.

The Commission shall also accompany the report, if appropriate, with legislative proposals on control measures or take appropriate action in relevant sectoral legislation for the achievement of quality standards for priority substances and the cessation objective for priority hazardous substances in accordance with Article 16(6) of Directive 2000/60/EC.

** OJ please insert date: 2 years after the entry into force of this Directive.*

Amendment 20

Proposal for a directive

Article 2 – point 5

Directive 2008/105/EC

Article 8 a – paragraph 1 – point a

Text proposed by the Commission

(a) present the chemical status information separately from that for the rest of the substances in the river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC, without prejudice to the requirements of Section 1.4.3 of Annex V to that Directive regarding the presentation of the overall chemical status, and/or

Amendment

(a) ***prepare additional maps in the distance-to-target presentation which*** present the chemical status information separately from that for the rest of the substances in the river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC, without prejudice to the requirements of Section 1.4.3 of Annex V to that Directive

regarding the presentation of the overall chemical status, and/or

Justification

Because of the ‘one out, all out’ principle, it is possible that substances requiring action at EU level may be covered up. Additional maps should therefore be prepared, depicting the chemical status for each of these substances where an exceedance of environmental quality standards has been identified which, however, it may not be possible to sufficiently further reduce either nationally or throughout the EU. A distance-to-target representation is proposed for these maps.

Amendment 21

Proposal for a directive

Article 2 – paragraph 5

Directive 2008/105/EC

Article 8 a – paragraph 1 – point b

Text proposed by the Commission

(b) monitor less intensively than required for priority substances in accordance with Article 3(4) of this Directive and Annex V to Directive 2000/60/EC, provided that the monitoring is representative and a statistically robust baseline regarding the presence of those substances in the aquatic environment already exists, covering at least one river basin management planning cycle of six years.

Amendment

(b) monitor less intensively than required for priority substances in accordance with Article 3(4) of this Directive and Annex V to Directive 2000/60/EC, ***at least once every three years in order to provide sufficient data for a long-term trend analysis in accordance with Article 3(6)***, provided that the monitoring is representative and a statistically robust baseline regarding the presence of those substances in the aquatic environment already exists, covering at least one river basin management planning cycle of six years.

Justification

The minimum frequency of monitoring to be applied for ubiquitous persistent, bioaccumulative and toxic substances should be clearly specified.

Amendment 22

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The Commission shall draw up a watch list of substances for which Union-wide monitoring data shall be gathered for the purpose of supporting future prioritisation exercises in accordance with Article 16(2) of Directive 2000/60/EC.

Amendment

1. The Commission shall draw up a watch list of substances for which Union-wide monitoring data shall be gathered for the purpose of supporting, ***in addition to data from characterisations and monitoring programmes under Articles 5 and 8 of Directive 2000/60/EC***, future prioritisation exercises in accordance with Article 16(2) of Directive 2000/60/EC.

Amendment 23

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 1 – subparagraph 2

Text proposed by the Commission

The watch list shall contain no more than 25 substances or groups of substances at any given time and shall indicate the monitoring matrix for each substance. The substances shall be selected from among those for which the available information indicates that they may pose a significant risk at Union level to or via the aquatic environment. In selecting the substances for the watch list the Commission shall take into account all available information including research projects, Member States' characterisation and monitoring programmes under Articles 5 and 8 of Directive 2000/60/EC and information on production volumes, use patterns, concentrations in the environment and effects, including that gathered in accordance with Directives 98/8/EC, 2001/82/EC and 2001/83/EC of the European Parliament and of the Council, and with Regulation (EC) No 1907/2006 and Regulation (EC) No 1107/2009 of the European Parliament and of the Council.

Amendment

The watch list shall contain no more than 25 substances or groups of substances at any given time and shall indicate the monitoring matrix for each substance. The substances shall be selected ***in accordance with a transparent technical procedure and relevant objective criteria*** from among those for which the available information indicates that they may pose a significant risk at Union level to or via the aquatic environment ***and insufficient high-quality monitoring data for the purposes of prioritisation is available***. In selecting the substances for the watch list the Commission shall take into account all available information including ***the results of the most recent regular review of Annex X of Directive 2000/60/EC provided for in Article 16(4) of that Directive***, research projects, Member States' characterisation and monitoring programmes under Articles 5 and 8 of Directive 2000/60/EC, ***recommendations from the stakeholders referred to in Article 16(5) of Directive 2000/60/EC***, and

information on production volumes, use patterns, *intrinsic properties, particle size, concentrations and natural presence* in the environment and effects, including that gathered in accordance with Directives 98/8/EC, 2001/82/EC and 2001/83/EC of the European Parliament and of the Council, and with Regulation (EC) No 1907/2006 and Regulation (EC) No 1107/2009 of the European Parliament and of the Council, *as well as results of robust risk assessment based on widely accepted, validated analytical methods and scientific data from state-of-the-art studies.*

Amendment 24

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 10 concerning the drawing up of the watch list referred to in paragraph 1 of this Article.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 10 concerning the drawing up of the watch list referred to in paragraph 1 of this Article, *the inclusion and removal of substances from the watch list and laying down technical specifications for the monitoring of the substances in the watch list. The watch list shall be valid for a maximum of four years from the date of its adoption, or until a new list is drawn up by the Commission if this happens before the end of the four-year period. When drawing up a new watch list, the Commission shall remove from it any substance that is shown not to pose a significant risk at Union level to or via the aquatic environment on the basis of a risk assessment in accordance with Article 16(2) of Directive 2000/60/EC.*

Amendment 25

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 3 – footnote

Text proposed by the Commission

¹ 12 months after the **adoption** of this Directive.

Amendment

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

Amendment 26

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. Member States shall monitor each substance in the watch list at selected representative monitoring stations over at least a 12-month period commencing within **3 months** of its inclusion in the watch list.

Amendment

4. Member States shall monitor each substance in the watch list at selected representative monitoring stations over at least a 12-month period commencing within **six months** of its inclusion in the watch list.

Amendment 27

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 4 – subparagraph 2

Text proposed by the Commission

Each Member State shall select at least one station per, on average, **15000 km²** geographical area, **with a minimum of one per Member State**.

Amendment

Each Member State shall select at least **one monitoring station, plus** one station per, on average, **30 000 km²** geographical area, **plus one station per, on average, 5 million inhabitants**.

Amendment 28

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 4 – subparagraph 3

Text proposed by the Commission

In selecting the representative stations, the monitoring frequency and timing for each substance, Member States shall take into account the use patterns of the substance. The frequency of monitoring shall not be less than *once* per year.

Amendment

In selecting the representative stations, the monitoring frequency and timing for each substance, Member States shall take into account the use patterns of the substance. The frequency of monitoring shall not be less than *twice* per year.

Amendment 29

Proposal for a directive

Article 2 – point 6

Directive 2008/105/EC

Article 8 b – paragraph 6

Text proposed by the Commission

6. The Commission may adopt implementing acts laying down *technical specifications for the monitoring of the substances in the watch list and* technical formats for the reporting to the Commission of the monitoring results and related information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(2).

Amendment

6. The Commission may adopt implementing acts laying down technical formats for the reporting to the Commission of the monitoring results and related information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(2).

Amendment 30

Proposal for a directive

Article 2 – point 6 a (new)

Directive 2008/105/EC

Article 8 c (new)

Text proposed by the Commission

Amendment

6a. The following Article is added:

‘Article 8c

Transitional provisions concerning public information and reporting obligations

For the substances assigned numbers 2, 15, 20, 22, 23, 34, 36, 38, 39, 40, 41, 42, 45, 46, 47 and 48 of Part A of Annex I to this Directive, Member States may present the chemical status information in the river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC separately from information about the status of other substances; with reference to the requirements of Section 1.4.3 of Annex V to that Directive, the overall chemical status shall be assessed and presented separately in this case. This shall be without prejudice to the aims and requirements laid down in Article 4(1), Article 11(3) and Article 16(6) of that Directive.

Amendment 31

Proposal for a directive
Article 2 – point 6 b (new)
Directive 2008/105/EC
Article 8 d (new)

Text proposed by the Commission

Amendment

6b. The following Article is inserted:

‘Article 8d

Specific provisions for pharmaceutical substances

Pursuant to Article 16(9) of Directive 2000/60/EC, the Commission shall, within two years, draw up a strategy against pollution of water by pharmaceutical substances. The strategy shall include:

- proposals enabling, to the extent necessary, the environmental impacts of medicines to be taken into account more effectively in the procedure for placing medicinal products on the market (Directive 2001/83/EC, Directive 2011/83/EU, Regulation (EC) No

726/2004);

- an assessment of the risks associated with the presence of medicines in aquatic environments and proposals to reduce them;

- information with which to calculate the cost-effectiveness ratio of the measures proposed.

In order to draw up the strategy referred to in the first paragraph of this Article, the Commission shall make use of the committee referred to in Article 21 of Directive 2000/60/EC.

Amendment 32

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

As regards points 1, 2, 5, 9 and 10 of Article 2 of this Directive, Member States shall apply those provisions for the first time for the review and update of the programmes of measures and river basin management plans to be carried out pursuant to Article 11(8) and Article 13(7) of Directive 2000/60/EC.

Justification

It should be specified explicitly that Member States are to apply the EQS for the new substances and the updated EQS for the existing substances starting with the next update of the programmes of measures and of the river basin management plans to take place in 2015, with the aim to achieve good chemical status with respect to these substances by 2021.

Amendment 33

Proposal for a directive

Annex II – table – rows 46, 47 and 48

Directive 2008/105/EC

Annex I – table – rows 46, 47 and 48

Text proposed by the Commission

(46)	17alpha-ethinylestradiol	57-63-6	$3,5 \cdot 10^{-5}$	$7 \cdot 10^{-6}$	<i>not applicable</i>	<i>not applicable</i>	
(47)	17beta-estradiol	50-28-2	$4 \cdot 10^{-4}$	$8 \cdot 10^{-5}$	<i>not applicable</i>	<i>not applicable</i>	
(48)	Diclofenac	15307-79-6	<i>0,1</i>	<i>0,01</i>	<i>not applicable</i>	<i>not applicable</i>	

Amendment

(46)	17alpha-ethinylestradiol ¹	57-63-6	–	–	–	–	–
(47)	17beta-estradiol ¹	50-28-2	–	–	–	–	–
(48)	Diclofenac ¹	15307-79-6	–	–	–	–	–

¹ EQS for these substances shall be proposed by the Commission in the context of the next review of the list of priority substances in accordance with Article 16(4) of Directive 2000/60/EC. Those EQS shall be taken into account in the subsequent review of the programmes of measures and river basin management plans in accordance with Article 11(8) and Article 13(7) of Directive 2000/60/EC, with the aim of achieving good surface water chemical status for these substances by the end of the corresponding six-year river basin management plan cycle, without prejudice to Article 4(4) to (9) of Directive 2000/60/EC. By way of derogation from Article 16(8) of Directive 2000/60/EC, for these substances the date referred to in the last sentence of Article 16(8) of Directive 2000/60/EC shall be 27 December 2016.

EXPLANATORY STATEMENT

Chemical pollution is among the causes of the ever increasing pressure on the aquatic environment and on the availability and quality of safe and clean water for our society: enacting appropriate measures to control chemical pollution of water is therefore a central aspect of a sustainable water management.

Water pollution is also one of the main environmental worries expressed by EU citizens: in its resolution of 3 July 2012 on the implementation of EU water legislation, the Parliament noted that, “according to a Eurobarometer survey of March 2012, 68 % of Europeans think that water quantity and quality problems are serious, 80 % believe that chemical pollution is a threat to the water environment, 62 % feel that they are not sufficiently informed about problems facing groundwater, lakes, rivers and coastal waters in their countries, 67 % think that the most effective way of tackling water problems would be awareness-raising about water-related problems, and 73 % think that the EU should propose additional measures to address water problems in Europe.”

The Water Framework Directive (WFD), adopted in 2000, takes an integrated approach to water policy that focuses on water management at river basin level, setting a target for sustainability in terms of the ecological, chemical and quantitative “good status” to be reached by European water bodies by 2015. In particular, the WFD sets out strategies against pollution.

In this context, the Directive identifies a list of priority substances in the field of water policy, namely chemicals presenting a significant risk to or via the aquatic environment at EU level. In order to achieve good chemical status of surface waters, water bodies must meet the Environmental Quality Standards (EQS) set for these substances. The most dangerous among these substances are identified as priority hazardous substances (PHS) because of their persistence, bioaccumulation and/or toxicity. Measures adopted in the context of the WFD aim at the progressive reduction of emissions of priority substances to the aquatic environment or, in the case of PHS, at their cessation or phasing out.

The Commission proposal amends the WFD, and the Directive on Environmental Quality Standards, to update the list of priority substances in the field of water policy, as required by the WFD at least every four years. The proposal:

- adds 15 new priority substances to the list, 6 of which are designated as PHS;
- revises the EQS for seven existing priority substances;
- designates two existing priority substances as PHS;
- introduces the requirement to measure concentration of several substances in biota, i.e. in aquatic organisms such as fish or crustaceans;
- introduces specific provisions concerning substances behaving as ubiquitous persistent, bioaccumulative and toxic substances (ubiquitous PBT);
- features a new watch-list mechanism designed to monitor substances of possible concern to gather data in view of future prioritisation exercises.

The Rapporteur welcomes the Commission proposal and believes that some modifications

would make the Directive clearer, more effective towards the achievement of “good status” across EU surface waters, as well as easier to implement for Member States. The main points addressed by the amendments tabled to the proposal are summarised below.

New priority substances

The proposal adds 15 chemicals to the list of 33 pollutants that are monitored and controlled in EU surface waters, including industrial chemicals, biocides, plant protection products and, for the first time, three substances of pharmaceutical relevance. The substances have been selected on the basis of scientific evidence that they may pose a significant risk.

First of all, the Rapporteur believes that no additional new substances should be included in the list of priority substances. Although adding and removing substances is undeniably a prerogative of the co-legislators, it is important to respect the scientific integrity and transparency of the technical prioritisation process pursued by the Commission.

The Rapporteur has some concerns regarding the inclusion of the three substances of pharmaceutical relevance in the list: the natural hormone 17 beta-estradiol and the synthetic hormone 17 alpha-ethinylestradiol, both of which have endocrine disruptive properties, and the non-steroidal anti-inflammatory drug Diclofenac. Setting EQS for these substances at the present state of knowledge of their occurrence and effects to the aquatic environment may pose problems because of the preponderant importance of human health considerations: water policy should not determine directly the health policy of Member States.

On the other hand, the technical process followed by the Commission and endorsed by SCHER shows that there is indeed a problem for EU waters that cannot be simply ignored. The proposal of the Rapporteur is to keep the three substances on the list of priority substances, but to delete their EQS. The EQS will be proposed by the Commission in the next review of the list in 4 years' time. This will allow gathering more comprehensive data, taking into account the latest scientific studies and more properly accounting for public health benefits in the corresponding risk assessments, thus addressing most of stakeholders' concerns. The substances will then be included in River Basin Management Plans in 2021 with the aim of meeting the EQS by 2027.

Timeframe and cost-effectiveness of implementation

The WFD is ambiguous concerning the precise timeframe for the implementation of measures to meet the EQS for new substances or the updated EQS for existing substances: it is of course impossible that substances whose EQS are included or updated today can be considered for “good status” in 2015, so it is important to clarify the text to avoid all legal uncertainties on this point: measures to limit pollution by these substances should be introduced in the next update of River Basin Management Plans in 2015, with the aim of meeting the EQS by 2021.

Moreover, while a cost/benefit analysis has been included for each of these substances in the Commission's impact assessment, it should be stressed that Member States are in the best position to assess the most effective measures to put in place towards achieving the objectives of the WFD. A cost-effective implementation can in particular be pursued by means of

source-control mechanisms that are already available in existing legislation such as REACH and that take into due account the importance of socio-economic factors. It should also be recalled that, under the WFD, Member States can justify later deadlines or less stringent environmental objectives on the grounds of disproportionate costs.

In parallel, misleading messages to the public should be avoided: maps indicating the chemical status of EU waters should not suddenly show that surface waters fail to achieve good chemical status when this is just a consequence of new stricter requirements or of the addition of new substances: a transitional provision should allow Member States to provide separate maps, without prejudice to the overall goal of reaching good chemical status by 2021.

Ubiquitous PBTs

The Rapporteur welcomes the provisions in the proposal allowing Member States to reduce the monitoring efforts for persistent, bioaccumulative and toxic substances that occur very widely in the aquatic environment and allowing for a separate presentation of their concentrations to avoid hiding improvements achieved for other substances. It is proposed to specify the minimum frequency of monitoring for these substances.

Watch list

The Rapporteur welcomes the watch list mechanism proposed by the Commission as an effective way to break the existing conundrum between the necessity of monitoring substances in order to regulate them, and of regulating substances in order to monitor them. In order to work as intended, the watch list should be mandatory, as found in the proposal.

The Rapporteur proposes to limit the validity of the list to four years, in order to avoid that monitoring obligations remain valid indefinitely, in particular in case the powers delegated to the Commission to draw up and update the list are revoked. A new system for determining the number of monitoring stations is suggested to decrease imbalances between states of very different surface areas, and an increase in monitoring frequency is proposed to strengthen the statistical relevance of data.

Public awareness

As mentioned above, chemical pollution of water is a main environmental concern for EU citizens. The Rapporteur believes that political pressure coming from a sensitised and informed public opinion is the only way to achieve success in the field of water policy: measures against pollution of water should not be perceived as costly impositions coming from Brussels, but rather as the collective interest of citizens.

It is therefore proposed to foster public awareness through information and communication actions on the results and impact of the measures against pollution of surface waters, in particular by establishing websites providing access to the River Basin Management Plans set up by Member States.

* * *

The Rapporteur has welcomed the many suggestions made to him by the Shadow Rapporteurs and by colleagues in the European Parliament. In order to keep the decision-making process as transparent as the water we want, he organised two stakeholder hearings to give representatives of organisations that include CEFIC, EEB, EPPA, EUREAU, Greenpeace, Novartis, SustainPharma and WWF the opportunity to voice their concerns. Individual meetings were held with umbrella organisations such as CEFIC, VCI, WKÖ, and with representatives of national delegations. He further acknowledges meetings with the Danish and Cyprus Council Presidencies. The Rapporteur is solely responsible for the proposals that he has chosen to include within his draft report.

PROCEDURE

Title	Priority substances in the field of water policy		
References	COM(2011)0876 – C7-0026/2012 – 2011/0429(COD)		
Date submitted to Parliament	12.12.2011		
Committee responsible Date announced in plenary	ENVI 14.2.2012		
Committee(s) asked for opinion(s) Date announced in plenary	ITRE 14.2.2012	AGRI 14.2.2012	PECH 14.2.2012
Not delivering opinions Date of decision	ITRE 27.2.2012	AGRI 21.6.2012	PECH 29.2.2012
Rapporteur(s) Date appointed	Richard Seeber 13.3.2012		
Discussed in committee	6.9.2012	5.11.2012	
Date adopted	28.11.2012		
Result of final vote	+: –: 0:	46 7 6	
Members present for the final vote	Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sandrine Bélier, Sergio Berlato, Lajos Bokros, Nessa Childers, Yves Cochet, Anne Delvaux, Bas Eickhout, Edite Estrela, Elisabetta Gardini, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Dan Jørgensen, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Holger Krahmer, Jo Leinen, Peter Liese, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Vladko Todorov Panayotov, Antonia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Oreste Rossi, Dagmar Roth-Behrendt, Carl Schlyter, Richard Seeber, Theodoros Skylakakis, Claudiu Ciprian Tănăsescu, Salvatore Tatarella, Thomas Ulmer, Åsa Westlund, Glenis Willmott, Sabine Wils		
Substitute(s) present for the final vote	Nikos Chrysogelos, Vicky Ford, Julie Girling, Georgios Koumoutsakos, Judith A. Merkies, Miroslav Mikolášik, Britta Reimers, Birgit Schnieber-Jastram, Alda Sousa, Rebecca Taylor, Marita Ulvskog, Vladimir Urutchev, Andrea Zannoni		
Substitute(s) under Rule 187(2) present for the final vote	Emma McClarkin		
Date tabled	4.12.2012		