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*Committee on Agriculture and Rural Development*

**2006/0129(COD)**

25.1.2007

## **OPINION**

of the Committee on Agriculture and Rural Development

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

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

Draftswoman: Bernadette Bourzai

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## SHORT JUSTIFICATION

### *Why this Commission proposal?*

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

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

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

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

### *Pollutants of agricultural origin*

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

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

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

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

Excessive quantities of pesticides are still to be found in the aquatic environment. Preference should therefore be given in farming to products that are non-dangerous to the environment,

the most effective application techniques, the presence of buffer zones between fields and rivers and streams, and limitation of spray drift. These points are for the most part to be addressed in legislation on pesticides currently in the process of being adopted.

### *Draftswoman's position*

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

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

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

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

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

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

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

as to what means they have at their disposal in order to do so.

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

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

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

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

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

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

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

## **AMENDMENTS**

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

Amendment 1  
RECITAL 1 A (new)

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

Amendment 2  
RECITAL 1 B (new)

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

Amendment 3  
RECITAL 4 A (new)

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

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

*Justification*

*Besides the legal instruments, the 'supplementary' measures as described in Article 11,*

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<sup>1</sup> Not yet published in OJ.

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

Amendment 4  
RECITAL 5 A (new)

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

Amendment 5  
RECITAL 7

(7) From the point of view of Community interest and for a more effective regulation of the surface water protection, it is appropriate that EQS are set up for pollutants classified as priority substances on Community level and to leave to the Member States to lay down, ***where necessary***, rules for remaining pollutants on national level subject to the application of relevant Community rules. Nonetheless, eight pollutants which fall under the scope of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC and form part of the group of substances for which good chemical status should be achieved by 2015

(7) From the point of view of Community interest and for a more effective regulation of the surface water protection, it is appropriate that EQS are set up for pollutants classified as priority substances on Community level and to leave to the Member States to lay down rules for remaining pollutants on national level subject to the application of relevant Community rules. Nonetheless, eight pollutants which fall under the scope of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC and form part of the group of substances for which good chemical status should be achieved by 2015

were not included in the list of priority substances. However, the common standards established for those pollutants proved to be useful and it is appropriate to maintain the regulation of their standards on Community level.

were not included in the list of priority substances. However, the common standards established for those pollutants proved to be useful and it is appropriate to maintain the regulation of their standards on Community level.

#### Amendment 6 RECITAL 10

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

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



Amendment 7  
ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 1

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

1. Member States shall ensure that the composition of their surface waters complies with environmental quality standards for priority substances, expressed as an annual average, ***or, in the case of pollutants covered by Directives 91/414/EEC and 2003/53/EC<sup>1</sup>, as an average over the period of use adjusted for seasonal variations in volume and for substance use***, and as a maximum allowable concentration, as laid down in Part A of Annex I and with environmental quality standards for pollutants listed in Part B of Annex I.

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***<sup>1</sup>Directive 2003/53/EC of the European Parliament and of the Council of 18 June 2003 amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement) (OJ L 178, 17.7.2003, p. 24)***

*Justification*

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

Amendment 8  
ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 2 A (new)

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

Amendment 9  
ARTICLE 2, PARAGRAPH 1 A (new)

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

Amendment 10  
ARTICLE 2, PARAGRAPH 3 A (new)

***3a. Member States must comply with Directive 98/83/EC<sup>1</sup> on the quality of water intended for human consumption and manage the surface water bodies used for abstraction of drinking water in accordance with Article 7 of Directive 2000/60/EC. In the case of the majority of substances, the relevant requirements lay down compulsory compliance with more stringent standards than environmental quality standards.***

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

Amendment 11  
ARTICLE 3

***deleted***

***Article 3***

***Transitional area of exceedance***

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

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

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

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

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

Amendment 12

ARTICLE 4, PARAGRAPH 1A (new)

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

Amendment 13

ARTICLE 4(2), SUBPARAGRAPH 2

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

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

2008 and 2009.

*Justification*

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

Amendment 14  
ARTICLE 4(4), SUBPARAGRAPH 2

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

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

*Justification*

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

Amendment 15  
ARTICLE 4, PARAGRAPH 4 A (new)

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

Amendment 16  
ARTICLE 4, PARAGRAPH 5

5. The Commission shall verify that emissions, discharges and losses as reflected

5. The Commission shall verify that emissions, discharges and losses as reflected

in the inventory comply, by 2025, with the reduction or cessation obligations laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC.

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

Amendment 17  
ARTICLE 4, PARAGRAPH 6

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

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

Amendment 18  
ARTICLE 4 A (new)

***Article 4a***

***Monitoring of implementation***

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

Amendment 19  
ARTICLE 4 B (new)

*Article 4b*

*Follow-up measures*

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

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

Amendment 20  
ARTICLE 9 A (new)

*Article 9 a*

*Additional Community action*

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

Amendment 21  
ANNEX I, PART C, POINT 2

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

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

### *Justification*

*A maximum allowable concentration is a good tool to use in fighting pollution. However, it is rather extreme to take measures immediately after the first observation that a concentration has been exceeded. Repeated exceedance of an EQS-MAC is a better criterion, and this approach will prevent carelessness in monitoring.*

## PROCEDURE

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