DRAFT REPORT


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 (A7-0000/2012),

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 Not yet published in the Official Journal
² Not yet published in the Official Journal
Amendment 1
Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

(3a) Pursuant to Article 191 of the Treaty on the Functioning of the European Union, in preparing its policy on the environment, the Union is to 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 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 according to Article 16(4) of Directive 2000/60/EC.

Or. en

Justification

It is important to stress that, as required for all EU environmental policy, the review of the list of priority substances should always take into account socio-economic factors in addition to the scientific data and environmental conditions.

Amendment 2
Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

(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 according to the deadlines set out, respectively, in Articles 11(8) and 13(7) of Directive 2000/60/EC. For good chemical status, the EQS should be met by the end of the corresponding 6-year river basin management plan cycle, without prejudice to Article 4(4) to 4(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.

Or. en

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 3

Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

(8b) It is appropriate not to specify the EQS for certain substances of pharmaceutical relevance that have been added to the list of priority substances. Monitoring of these substances should provide more comprehensive scientific data for the Commission to propose the corresponding EQS in the context of the
next review of the list of priority substances in accordance with Article 16(4) of Directive 2000/60/EC. These EQS should be taken into account in the review of the programmes of measures and river basin management plans when they are subsequently reviewed and updated according to the deadlines set out, respectively, in Articles 11(8) and 13(7) of Directive 2000/60/EC. For good chemical status, the EQS should be met by the end of the corresponding 6-year river basin management plan cycle, without prejudice to Article 4(4) to 4(9) of Directive 2000/60/EC.

Justification

The EQS for certain substances of pharmaceutical relevance should not be set right away. The presence of these substances on the list of priority substances will allow gathering reliable comprehensive data whose analysis will contribute to risk assessments that take into proper account the health benefits of the substances. The Commission should propose the EQS for these substances in the next review of the list in 2016, and appropriate measures should be introduced in the river basin management plans in 2021 with the aim of meeting the EQS by 2027.

Amendment 4

Proposal for a directive
Recital 8 c (new)

Text proposed by the Commission

(8c) 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 products\(^1\), 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.

\(^1\) OJ L 167, 27.6.2012, p. 1

**Justification**

*Member States are in the best position to decide on which measures can be most cost-effectively applied to reach the objectives of the WFD, by implementing in particular source-control mechanisms already available in existing EU legislation that take into account socio-economic factors.*

**Amendment 5**

**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 6

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) A new mechanism is needed to 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.

Amendment

(17) A new mechanism is needed to 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 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. In order to facilitate the setting up of the mechanism, it is useful to already indicate a number of substances, for which monitoring data is insufficient and available information indicates that they may pose a risk to or via the aquatic environment, to be included in the first watch list.
Justification

The watch list mechanism can be improved by ensuring its dynamical character and its setting up can be made more effective by already indicating some substances of concern to be included in the list.

Amendment 7
Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

(18a) As regards the presentation of chemical status according to 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 according to Articles 11(8) and 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.

Or. en

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 8

Proposal for a directive
Recital 18 b (new)

Text proposed by the Commission

(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.

Amendment

Or. en

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 9

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 this watch list. It is of particular importance that the Commission carry out appropriate consultations 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 10

Proposal for a directive

Recital 23

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(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, 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.</td>
<td>(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 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.</td>
</tr>
</tbody>
</table>

(See amendment to Recital 21)
Amendment 11
Proposal for a directive
Article 2 – paragraph 2
Directive 2008/105/EC
Article 3 – paragraph 5 a (new)

Text proposed by the Commission
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.

Or. en

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 12
Proposal for a directive
Article 2 – paragraph 5
Directive 2008/105/EC
Article 8a – 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

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
least one river basin management planning cycle of six years.

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 13**

**Proposal for a directive**

**Article 2 – paragraph 6**

Directive 2008/105/EC

**Article 8b – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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, <em>in addition to data from characterisations and monitoring programmes under Articles 5 and 8 of Directive 2000/60/EC</em>, future prioritisation exercises in accordance with Article 16(2) of Directive 2000/60/EC.</td>
</tr>
</tbody>
</table>

**Justification**

*It should be clarified that the watch list will be an additional instrument to the ones already in place to support future prioritisation exercises and reviews of the list of priority substances.*

**Amendment 14**

**Proposal for a directive**

**Article 2 – paragraph 6**

Directive 2008/105/EC

**Article 8b – paragraph 2**
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 and technical specifications for the monitoring of the substances in the watch list. The watch list shall be valid for four years from the date of its adoption, or until a new list is drawn up by the Commission.

(See amendment referring to Article 8b, paragraph 6)

Justification

The validity in time of the watch list should not be indefinite, in order to improve its dynamic character and stress that substances should not remain on the list longer than necessary. In addition, the drawing up of 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 15

Proposal for a directive
Article 2 – paragraph 6
Directive 2008/105/EC
Article 8b – paragraph 3

3. The Commission shall draw up the first watch list as referred to in paragraph 1 by […]¹.

¹ 12 months after the adoption of this Directive.

Amendment

3. The Commission shall draw up the first watch list as referred to in paragraph 1 by […]¹. The first watch list shall contain inter alia the substances set out in Annex II to this Directive.

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

To facilitate the setting-up of the watch list mechanism, it is appropriate to indicate a number of substances of possible concern for which it is already known that gathering additional monitoring data via the watch list will be useful.

Amendment 16

Proposal for a directive
Article 2 – paragraph 6
Directive 2008/105/EC
Article 8b – paragraph 4 – subparagraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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 6 months of its inclusion in the watch list.</td>
</tr>
</tbody>
</table>

Or. en

Justification

Member States should be allowed the time they need to set up the monitoring of new substances, in particular when the list of substances to monitor changes dynamically over time.

Amendment 17

Proposal for a directive
Article 2 – paragraph 6
Directive 2008/105/EC
Article 8b – paragraph 4 – subparagraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Member State shall select at least one station per, on average, 15000 km² geographical area, with a minimum of one per Member State.</td>
<td>Each Member State shall select at least one monitoring station, plus one station per, on average, 20000 km² geographical area.</td>
</tr>
</tbody>
</table>

Or. en
Justification

The suggested method of calculating the number of monitoring stations allows a more balanced distribution among Member States with very different surface areas. The method achieves a very similar result to other methods that take into account the total population of each Member State explicitly but is clearer and easier to apply.

Amendment 18

Proposal for a directive
Article 2 – paragraph 6
Directive 2008/105/EC
Article 8b – 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.

Or. en

Justification

The frequency of monitoring should be increased to allow gathering a statistically significant data set, in particular as the number of monitoring stations is limited.

Amendment 19

Proposal for a directive
Article 2 – paragraph 6
Directive 2008/105/EC
Article 8b – 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

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
the examination procedure referred to in Article 9(2).

Or. en

(See amendment referring to Article 8b, paragraph 2)

Amendment 20

Proposal for a directive
Article 2 – paragraph 6 a (new)
Directive 2008/105/EC
Article 8c (new)

Text proposed by the Commission

6a. The following Article 8c is inserted:
‘Article 8c

Transitional provisions for public information and reporting

For the substances numbered 2, 15, 20, 22, 23, 34, 36, 38, 39, 40, 41, 42, 45, 46, 47 and 48 in Part A of Annex I to this Directive, Member States may present the chemical status information separately from that for the rest of the substances for the purposes of the first update of the river basin management plans in accordance with Article 13(7) 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 to the objectives and obligations laid down in Articles 4(1)(a), 11(3)(k) and 16(6) of that Directive.’

Or. en

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: this transitional provision allows Member States to present additional separate maps for these substances for the duration of the next river basin management plan cycle, from 2015 to 2021.
Amendment 21

Proposal for a directive
Article 2 – paragraph 10 a (new)
Directive 2008/105/EC
Annex II

Text proposed by the Commission Amendment

10a. Annex II is replaced by the text set out in Annex IIa to this Directive.

Or. en

Justification

An Annex with a list of substances to include in the first watch list is proposed.

Amendment 22

Proposal for a directive
Article 2 – paragraph 11
Directive 2008/105/EC
Annexes II and III

Text proposed by the Commission Amendment

11. Annexes II and III are deleted. 11. Annex III is deleted.

Or. en

Amendment 23

Proposal for a directive
Article 3 – paragraph 1 – footnote

Text proposed by the Commission Amendment

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

Or. en
Amendment 24

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

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.

Or. en

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 25

Proposal for a directive
Annex II – table – row 46

Text proposed by the Commission

<table>
<thead>
<tr>
<th>(46)</th>
<th>17alpha-ethinylestradiol</th>
<th>57-63-6</th>
<th>$3,5 \times 10^3$</th>
<th>$7 \times 10^6$</th>
<th>not applicable</th>
<th>not applicable</th>
</tr>
</thead>
</table>

Amendment by Parliament

<table>
<thead>
<tr>
<th>(46)</th>
<th>17alpha-ethinylestradiol</th>
<th>57-63-6</th>
<th>–</th>
<th>–</th>
<th>–</th>
<th>–</th>
</tr>
</thead>
</table>

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. These EQS shall be taken into account in the subsequent review of the programmes of measures and river basin management plans in accordance with Articles 11(8) and 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 6-year river basin management plan cycle, without prejudice to Article 4(4) to 4(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.

Or. en

Justification

The EQS for substances of pharmaceutical relevance should not be set right away. Being on the list of priority substances will allow gathering comprehensive data for risk assessments that take into proper account the health benefits of the substances. The Commission should propose EQS for these substances in the next review of the list in 2016, and measures should be introduced in the river basin management plans in 2021 with the aim of meeting the EQS by 2027. The last sentence in the footnote is added to ensure that, in absence of EU agreement, no EQS are set by Member States before 2021.

Amendment 26

Proposal for a directive
Annex II – table – row 47

Text proposed by the Commission

<table>
<thead>
<tr>
<th>(47)</th>
<th>17beta-estradiol</th>
<th>50-28-2</th>
<th>$4 \times 10^{-4}$</th>
<th>$8 \times 10^{3}$</th>
<th>not applicable</th>
<th>not applicable</th>
</tr>
</thead>
</table>

Amendment by Parliament

| (47) | 17beta-estradiol | 50-28-2 | – | – | – | – | – | –¹ |

¹EQS 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. These EQS shall be taken into account in the subsequent review of the programmes of measures and river basin management plans in accordance with Articles 11(8) and 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 6-year river basin management plan cycle, without prejudice to Article 4(4) to 4(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.

Or. en
Justification

The EQS for substances of pharmaceutical relevance should not be set right away. Being on the list of priority substances will allow gathering comprehensive data for risk assessments that take into proper account the health benefits of the substances. The Commission should propose EQS for these substances in the next review of the list in 2016, and measures should be introduced in the river basin management plans in 2021 with the aim of meeting the EQS by 2027. The last sentence in the footnote is added to ensure that, in absence of EU agreement, no EQS are set by Member States before 2021.

Amendment 27

Proposal for a directive
Annex II – table – row 48

Text proposed by the Commission

<table>
<thead>
<tr>
<th>(48)</th>
<th>Diclofenac</th>
<th>15307-79-6</th>
<th>0,1</th>
<th>0,01</th>
<th>not applicable</th>
<th>not applicable</th>
</tr>
</thead>
</table>

Amendment by Parliament

| (48) | Diclofenac | 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. These EQS shall be taken into account in the subsequent review of the programmes of measures and river basin management plans in accordance with Articles 11(8) and 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 6-year river basin management plan cycle, without prejudice to Article 4(4) to 4(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.

Or. en

Justification

The EQS for substances of pharmaceutical relevance should not be set right away. Being on the list of priority substances will allow gathering comprehensive data for risk assessments that take into proper account the health benefits of the substances. The Commission should propose EQS for these substances in the next review of the list in 2016, and measures should be introduced in the river basin management plans in 2021 with the aim of meeting the EQS by 2027. The last sentence in the footnote is added to ensure that, in absence of EU agreement, no EQS are set by Member States before 2021.
Amendment 28

Proposal for a directive
Annex II a (new)

Text proposed by the Commission

Amendment by Parliament
ANNEX IIa

‘ANNEX II
SUBSTANCES TO BE INCLUDED INTER ALIA IN THE FIRST WATCH LIST DRAWN UP BY THE COMMISSION

<table>
<thead>
<tr>
<th>CAS number</th>
<th>EU number</th>
<th>Name of substance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1066-51-9</td>
<td>not applicable</td>
<td>Amino-methyl phosphonic acid (AMPA)</td>
</tr>
<tr>
<td>298-46-4</td>
<td>206-062-7</td>
<td>Carbamazepine</td>
</tr>
<tr>
<td>57-12-5</td>
<td>not applicable</td>
<td>Free Cyanide</td>
</tr>
<tr>
<td>1071-83-6</td>
<td>213-997-4</td>
<td>Glyphosate</td>
</tr>
<tr>
<td>15687-27-1</td>
<td>239-784-6</td>
<td>Ibuprofen</td>
</tr>
<tr>
<td>3380-34-5</td>
<td>222-182-2</td>
<td>Triclosan</td>
</tr>
<tr>
<td>9029-97-4</td>
<td>231-175-3</td>
<td>Zinc and its compounds</td>
</tr>
</tbody>
</table>

1 CAS: Chemical Abstracts Service.

2 EU-number: European Inventory of Existing Commercial Substances (EINECS) or European List of Notified Chemical Substances (ELINCS).

Or. en

Justification

To facilitate the setting up of the watch list mechanism, it is appropriate to indicate a number of substances of possible concern for which it is already known that gathering additional monitoring data via the watch list will be useful. Selected substances include inter alia substances of possible concern for drinking water, two pharmaceutical substances, and emerging pollutants.
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;
- designs 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. It is preferable to include substances of possible concern to the watch list instead (see below).

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.

In addition, a number of substances that may be of possible concern for EU waters are proposed for direct inclusion in the first watch list. These substances have been selected among those for which the lack of reliable monitoring data is one of the main obstacles against a well-motivated scientific decision on their level of concern: the list includes substances that may pose risks to drinking water, two additional substances of pharmaceutical relevance, and emerging pollutants that recent studies have indicated as possibly problematic for water.

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.