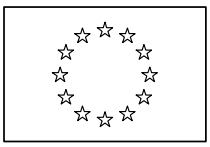

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.7.2006
COM(2006) 397 final

2006/0129 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on environmental quality standards in the field of water policy and amending Directive 2000/60/EC

(presented by the Commission)

{COM(2006) 398 final}
{SEC(2006) 947}

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Chemical pollution of surface water can disturb aquatic ecosystems, causing loss of habitats and biodiversity. Pollutants may accumulate in the food chain, and harm predators consuming contaminated fish. Humans are exposed to pollutants through the aquatic environment by fish or seafood consumption, drinking water and possibly recreational activities. Pollutants may be found in the environment many years after being banned; some may be transported long distances and can be found in remote areas.

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

Article 16 of the Water Framework Directive 2000/60/EC (WFD) sets out a strategy for dealing with chemical pollution of water. As a first step of this strategy, a list of priority substances was adopted (Decision 2455/2001/EC) identifying 33 substances of priority concern at Community level. This proposal aims to ensure a high level of protection against risks to or via the aquatic environment stemming from these 33 priority substances and certain other pollutants by setting environmental quality standards (EQS). The necessary emission controls have been adopted in various Community acts over the past years.

- **General context**

The Community first adopted legislation regarding chemical pollution of waters in 1976 (Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community). Subsequently, several "Daughter Directives" were adopted from 1982 until 1990 laying down emission limit values and environmental quality objectives for 18 specific pollutants (see below).

The WFD introduced an updated, comprehensive and effective strategy for chemical pollution of surface waters. Under the WFD, Directive 76/464/EEC is to be repealed within a transition period but no provision is made for the repeal of the related "Daughter Directives". Article 16 requests the Commission to present a proposal with specific measures against pollution of water by individual or groups of pollutants presenting a significant risk to or via the aquatic environment. As a first step, Decision 2455/2001/EC was adopted which replaces the previous list communicated by the Commission in 1982. As a next step, the Commission was required to come forward with EQS (see Art. 16 (7)) and emission controls (see Art. 16 (6) and (8)) for these priority substances. This proposal implements this obligation with the exception of introducing additional emission controls (for more details see below). At the same time, this proposal includes the repeal of the existing "Daughter" Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC as amended by Directive 88/347/EEC and 90/415/EEC.

- **Existing provisions in the area of the proposal**

The WFD sets out the general framework for a strategy against pollution of surface waters. Based on the previous legislation in this area Directive 76/464/EEC, and related Daughter Directives (see above) regulate similar aspects to those specified in this proposal. However, the pollutants covered are not identical and there was a need to take into account scientific and technical progress.

- **Consistency with other policies and objectives of the Union**

The 6th Environmental Action Programme identifies the measures for priority substances as a key action (see Article 7(2)(e) of Decision 1600/2002/EC). The objective of this proposal is to protect and enhance the quality of the environment in accordance with the principle of sustainable development. At the same time, the proposal for EQS ensures the harmonisation of economic conditions in the internal market since existing national EQS vary considerably.

Furthermore, the proposal and accompanying Communication takes full account of the objectives and provisions of other Community legislation, in particular the chemicals policy including REACH and the Pesticides Directive, the IPPC Directive and the Thematic Strategies, namely those on marine policy and sustainable use of pesticides. All of these, and other, Community acts provide the emission controls in the sense of Article 16 (6) and 16 (8) WFD.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Since 2001, the Commission consulted a representative stakeholder forum - the Expert Advisory Forum on Priority Substances - which included experts from Member States, industry and environmental NGOs on all aspects of the proposal. The consultation satisfies the requirements of Article 16 (5) of the Water Framework Directive where this form of consultation is explicitly mentioned. It has included a series of 16 meetings and several rounds of written consultation.

Summary of responses and how they have been taken into account

In addition to the minutes of the meetings, the outcome of these consultations are available in several background documents:

1. The methodology to establish EQS and substance specific datasheets.

2. A concept paper on pollution controls, including source screening sheets and tables of existing Community measures for each substance.

3. A report of the Expert Group on Analysis and Monitoring.

4. A report on the Identification of Priority Hazardous Substances.

5. A study report on potential economic impacts of the pollution control measures.

6. A study report on environmental quality standards - their compliance rate and the benefits from achieving them.

In addition the Commission consulted the Expert Advisory Forum on a draft Directive in June 2004. Further details on comments received and the extent to which these have been taken on board are summarised in the accompanying Impact Assessment (SEC(2006) 947 of 17.7.2006).

- **Collection and use of expertise**

Scientific/expertise domains concerned

Member State and industry scientific experts were regularly consulted through the Expert Advisory Forum. In addition, the Scientific Committee on Toxicity, Eco-toxicity and the Environment (SCTEE) was consulted on the establishment of EQS (with the final opinion adopted by SCTEE during the 43rd plenary meeting of 28 May 2004). This opinion has been taken into account in the finalisation of the EQS values and detailed information is available in the report on EQS and individual datasheets.

Methodology used

Regular meetings of the Expert Advisory Forum took place from 2001-2004. In addition, wider written consultation took place. Finally, the opinion of the SCTEE was sought in accordance with the formal procedures.

Main organisations/experts consulted

Various scientific and technical experts on chemical pollution in general, on analysis and monitoring, on emission controls, on environmental quality standards, on existing chemicals (under Regulation 793/93) and on plant protection products (under 91/414/EEC) from all EU25 Member States, candidate countries and Norway were regularly consulted. Within the same process, industry scientists and experts including EUREAU, CEFIC, Eurochlor, ECPA, Eurometaux, UNICE and Environmental NGO experts from WWF and EEB were also consulted. A questionnaire on the economic impacts of the potential proposals was circulated to 43 major European industry organisations.

Summary of advice received and used

There is a broad consensus on the existence of potentially serious risks with irreversible consequences from dangerous substances.

An EQS based on a maximum allowable concentration was developed to avoid serious irreversible consequences for eco-systems due to acute exposure in the short term, and the annual average EQS to avoid irreversible consequences in the long term, although the SCTEE points out that acute exposure can also have long term consequences. Other advice by the SCTEE concerned ensuring latest scientific data available is used, coherence with other risk assessment methodologies and specific advice in relation to individual substances.

Furthermore, the extensive public consultation on a draft Directive in June 2004 has led to revisions of proposals for additional emission controls, mainly for cost reasons. The consultation showed that the most cost-effective way to achieve the objectives for priority substances is to leave the level and combination of measures, mainly based on existing EU legislation, to be decided by Member States.

Means used to make the expert advice publicly available

All the above-mentioned documents are available at:

europa.eu.int/comm/environment/water/water-dangersub/pri_substances.htm

SCTEE opinion available at:

http://europa.eu.int/comm/health/ph_risk/committees/sct/sct_en.htm

- **Impact assessment**

In general, three main options were considered. First, no new proposal leaving any further regulation to Member States; second, that the setting of EQS only is addressed at Community level; and finally, that both EQS and specific additional emission control measures are dealt with in the proposal. For environmental quality standards, it was decided early on that they should be set at Community level due to the specific requirements of the WFD for harmonisation and consistency with other Community legislation. Thereafter, a number of sub-options have been considered in the preparatory process (see impact assessment report). For the pollution control measures, the option chosen is to leave the additional specific measures to the Member States, as this was identified as the most cost-effective and proportionate. In addition, there is already in place (or pending) a significant body of EU emission control legislation which is contributing significantly to achievement of the WFD objectives for priority substances.

The Impact Assessment report sets out in more detail the findings as regards the relative socio-economic impacts and environmental benefits of each of the above options.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

In summary the key components of the proposed Directive are:

- establishment of environmental quality standards as required by Article 16.7 WFD including the introduction of a transitional area of exceedance,
- establishment of an inventory of discharges, emissions and losses to check whether the objectives of reduction or cessation are met;
- repeal of and transitional provisions for the existing "daughter Directives" listed in annex IX WFD as suggested by Article 16.10 WFD,
- identification of priority hazardous substances (PHS) out of the 14 substances under review as required by Decision 2455/2001/EC.

- **Legal basis**

The key provisions of this Directive relate to environmental protection, and consequently the legal base of 175 (1) of the Treaty is chosen, in line with the WFD.

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States acting nationally for the following reason(s).

Currently, most priority substances are regulated by national environmental quality standards which vary considerably. To ensure the same level of environmental protection in all Member States, and to ensure a level playing field for economic operators, EQS should be established at Community level.

Without Community-wide EQS, Member States would have to set national EQS by the end of 2006. The Commission favours Community action on this point and therefore will await the outcome of the co-decision process for this proposal before pursuing the implementation of this obligation by Member States.

Establishing EQS at Community level furthermore ensures less administrative efforts for Member States. Moreover, chemical pollution of transboundary surface waters can only be addressed by joint cross-border action.

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

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposed instrument is a Directive laying down targets for environmental quality to be achieved by 2015. To ensure proportionality in the pollution reduction measures, much scope is left to the Member States to identify the most appropriate specific combination of measures. This will allow regional and local situations to be taken into account.

Given the extensive implementation framework established under the WFD, as well as the safeguard clause included in the case of non-adoption of this proposal (cf. Article 16.8 WFD), it is believed that the additional financial or administrative burden of the proposal is minimal.

- **Choice of instruments**

Proposed instruments: Directive.

The Commission proposes a single legal act establishing all provisions related to Article 16 (WFD) to ensure one streamlined instrument. A directive is chosen as the legal instrument. Its 'parent' instrument 2000/60/EC is a Directive and the measures require transposition.

4) BUDGETARY IMPLICATION

No budgetary implications are expected.

5) ADDITIONAL INFORMATION

- **Simulation, pilot phase and transitory period**

There will be a transitory period for the proposal.

- **Simplification**

The proposal provides for simplification of legislation.

The five specific Directives (82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC as amended by Directive 88/347/EEC and 90/415/EEC) are repealed by the proposed Directive.

This simplification will mean that a substantial part of the reporting obligations under Commission Decision 95/337/EEC will become obsolete.

- **Repeal of existing legislation**

The adoption of the proposal will lead to the repeal of existing legislation.

- **Review/revision/sunset clause**

The proposal includes a revision clause for the setting of EQS. Furthermore, Article 19 (2) WFD provides for a general review of Directive 2000/60/EC which includes the provisions of Article 16 and consequently this Directive.

- **Correlation table**

The Member States are required to communicate to the Commission the text of national provisions transposing the Directive as well as a correlation table between those provisions and this Directive.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

- **Detailed explanation of the proposal**

Article 1 - Subject matter: The Directive sets out environmental quality standards.

Article 2 and Annex I - environmental quality standards: Environmental quality standards (EQS) for priority substances and selected other pollutants and related compliance checking provisions are being established and specified in Annex I. The EQS are differentiated for inland surface waters (rivers and lakes) and other surface waters (transitional, coastal and territorial waters). Two types of EQS are set, annual average concentrations and maximum allowable concentrations, one for protection against long-term and chronic effects, the other for short-term, direct and acute ecotoxic effects, respectively. For metals, the compliance regime is adapted by allowing Member States to take background levels and bioavailability into account. Member States shall have to use compulsory calculation methods, if set up by the Commission. EQS are also established for biota of certain selected substances. Some EQS may need to be revised shortly in the light of the outcome of ongoing risk assessments under other Community legislation. In particular an amendment of the provisional EQS for nickel and lead are likely as the relevant results of the ongoing risk assessments can currently not be anticipated by the Commission.

Article 3 - transitional area of exceedance: A transitional area of exceedance is being defined for the vicinity of point source discharges for those parts of water bodies where EQS cannot be met due to the elevated levels of pollutants in the effluents.

Article 4 – inventory of emissions, discharges and losses: An inventory is to be established for river basins in order to allow compliance checking of the objectives on reduction of discharges, emissions and losses for priority substances and cessation or phase out of discharges, emissions and losses for priority hazardous substances. The timetable for complying with the cessation target is 2025.

Article 5 and Annex II - identification of priority hazardous substances (PHS): The WFD (Art 16.3) requires the identification of PHS among the priority substances. In Decision 2455/2001/EC, 14 priority substances are proposed for review as regards their final status as priority or priority hazardous substances. Out of these 14 substances, 2 are now proposed as PHS and the remaining 12 are confirmed as priority substances as their final classification.

Article 6, 7 and 8: Amendment and repeals of existing "Daughter" Directives. The quality standards set by these directives are being incorporated in this proposal and thereby repealed with the entry into force of this Directive.

Article 9, 10 and 11: Provisions on transposition, entry into force and addressees.

2006/0129 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on environmental quality standards in the field of water policy and amending Directive 2000/60/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 (1) thereof,

Having regard to the proposal from the Commission[1],

Having regard to the opinion of the European Economic and Social Committee[2],

Having regard to the opinion of the Committee of the Regions[3],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[4],

Whereas:

(1) Chemical pollution of surface water presents a threat to the aquatic environment with effects such as acute and chronic toxicity to aquatic organisms, accumulation in the ecosystem and losses of habitats and biodiversity, as well as threats to human health.

(2) Decision N° 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environmental Action Programme[5] sets out that environment and health and quality of life are key environmental priorities of the 6th EAP, highlighting in particular in article 7(2)(e) the need to establish more specific legislation in the field of water policy.

(3) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy[6] lays

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1 OJ C , , p. .
2 OJ C , , p. .
3 OJ C , , p. .
4 OJ C , , p. .
5 OJ L 242, 10.9.2003, p.81.
6 OJ L 327, 22.12.2000, p.1. Directive amended by Decision 2455/2001/EC (OJ L 331, 15.12.2001, p.1.).

down a strategy against pollution of water and Article 16 requires further specific measures for pollution control and environmental quality standards (EQS).

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

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

(6) Decision N° 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC[7] sets out the first list of 33 substances or groups of substances that have been prioritised for action at Community level. Among those priority substances, certain substances have been identified as priority hazardous substances which are subject to phase-out or cessation of emissions, discharges and losses. Some substances were under review and should be classified.

(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[8] 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.

(8) Consequently, the provisions concerning current environmental quality objectives, laid down in Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry[9], Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges[10], Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali

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7 OJ L 331, 15.12.2001, p.1.

8 OJ L 181, 4.7.1986, p. 16. Directive as last amended by Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48).

9 OJ L 81, 27.3.1982, p. 29. Directive as amended by Directive 91/692/EEC.

10 OJ L 291, 21.10.1983, p. 1. Directive as amended by Directive 91/692/EEC.

electrolysis industry[11], Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane[12] and Directive 86/280/EEC, will become superfluous and should be deleted.

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

(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.

(11) In the case of lead, nickel and their compounds, the discussions on the risk assessments have not yet been concluded within the European Chemicals Bureau / Joint Research Centre, and thus, it is not possible to set up definitive quality standards for those elements. It is therefore appropriate to indicate clearly their provisional character.

(12) Member States have to comply with Council Directive 98/83/EC on water intended for human consumption[13] and manage the surface water bodies used for abstraction of drinking water in accordance with Article 7 of Directive 2000/60/EC. This Directive should therefore be implemented without prejudice to those requirements which may require more stringent standards.

(13) It is possible that EQS cannot be met in the vicinity of discharges from point sources because the concentrations of pollutants in discharges are usually higher than the ambient concentrations in water. Therefore, Member States should be enabled to take this fact into account when checking compliance with the EQS by identifying a transitional area of exceedance for each relevant discharge. In order to ensure that

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11 OJ L 74, 17.3.1984, p. 49. Directive as amended by Directive 91/692/EEC.
12 OJ L 274, 17.10.1984, p. 11. Directive as amended by Directive 91/692/EEC.
13 OJ L 330, 5.12.1998,p.32.

those areas are limited, Article 10 of Directive 2000/60/EC and other relevant provisions of Community law should apply to their identification. As developments in treatment techniques and technological innovation, such as best available techniques, may enable to diminish the concentration of pollutants in the proximity of points of discharge in the future, Member States should ensure that the transitional areas of exceedance are reduced accordingly.

(14) It is necessary to check the compliance with the objectives for cessation or phase-out, and reduction, as specified in Article 4(1)(a)(iv) of Directive 2000/60/EC, and to make the assessment of compliance with these obligations transparent, in particular as regards the consideration of significant and non-significant emissions, discharges and losses from human activities. Further, a timetable for cessation or phase-out, and reduction, can only be related to an inventory. It should be also possible to assess the application of Article 4(4) to (7) of Directive 2000/60/EC. An appropriate tool is equally needed for quantification of losses of substances occurring naturally, or produced through natural processes, in which case complete cessation or phase out from all potential sources is impossible. In order to meet those needs, each Member State should establish an inventory of emission, discharges and losses for each river basin in its territory.

(15) In order to avoid duplication of work by establishing those inventories and to ensure the coherence of those inventories with other existing tools in the area of surface water protection, Member States should use information collected under Directive 2000/60/EC and under Regulation (EC) No 166/2006 of the European Parliament and Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC[14].

(16) In order to better reflect their needs, Member States should be able to choose an appropriate 1-year reference period for measuring the basic entries of the inventory. However, account should be taken of the fact that the losses from the application of pesticides may vary considerably from one year to another because of different application rates, for example because of different climatic conditions. Therefore, in case of certain substances covered by Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market[15], Member States should be enabled to opt for a 3-year reference period for those substances.

(17) In order to optimize the use of the inventory, it is appropriate to set up a deadline for the Commission to verify whether all measures were taken by the Member States to achieve the objectives set out in Article 4(1)(a)(iv) of Directive 2000/60/EC.

(18) Criteria for identification of substances that are persistent, bioaccumulative and toxic, as well as substances of other equivalent concern, notably very persistent and very bioaccumulative, as referred to in Directive 2000/60/EC, are established in the Technical Guidance Document for Risk Assessment in support of Commission Directive 93/67/EEC of 20 July 1993 laying down the principles for assessment of

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14 OJ L 33, 04.02.2006, p. 1.

15 OJ L L 230, 19.8.1991, p. 1. Directive last amended by Commission Directive 2006/19/EC (OJ L 44, 15.2.2006, p. 15).

risks to man and the environment of substances notified in accordance with Council Directive 67/548/EEC[16], Commission Regulation (EC) No 1488/94 of 28 June 1994 laying down the principles for the assessment of risks to man and the environment of existing substances in accordance with Council Regulation (EEC) No 793/93[17], and Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market[18]. To ensure consistency between different Community legislation, only these criteria should be applied to the substances under review according to Decision 2455/2001, and annex X of Directive 2000/60/EC should be amended and replaced accordingly.

(19) The obligations laid down in the Directives listed in Annex IX to Directive 2000/60/EC are already incorporated in Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control[19] and in Articles 8, 10, Article 11(3)(g) and (h) and other provisions of Directive 2000/60/EC and, at least, the same level of protection is guaranteed if the environmental quality standards are maintained or reviewed. In order to ensure a consistent approach to chemical pollution of surface waters and to simplify and clarify the existing Community legislation in that area, it is appropriate to repeal, pursuant to Article 16(10) of Directive 2000/60/EC, with effect from 2012, Directive 82/176/EEC, Directive 83/513/EEC, Directive 84/156/EEC, Directive 84/491/EEC and Directive 86/280/EEC.

(20) The recommendations referred to in Article 16(5) of Directive 2000/60/EC, in particular those of the Scientific Committee on Toxicity, Ecotoxicity and the Environment, were taken into account.

(21) Since the objectives of this Directive, namely the adoption of environmental quality standards for water, cannot be sufficiently achieved by the Member States and can therefore, by reason of maintaining the same level of protection of surface water throughout the Community, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(22) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision No 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred upon it on the Commission[20],

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16 OJ L 227, 8.9.1993, p. 9-18.
17 OJ L 161, 29.6.1994, p. 3.
18 OJ L 123, 24.4.1998, p. 1.
19 OJ L 257, 10.10.1996, p. 26
20 OJ L 184, 17.7.1999, p. 23.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

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

Article 2

Environmental quality standards

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.

   Member States shall ensure compliance with the environmental quality standards in accordance with the requirements laid down in Part C of Annex I.

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

3. Member States shall ensure that the following concentrations of hexachlorobenzene, hexachlorobutadiene and mercury are not exceeded in prey tissue (wet weight) of fish, molluscs, crustaceans and other biota:

   a) 10 µg/kg for hexachlorobenzene,

   b) 55 µg/kg for hexachlorobutadiene,

   c) 20 µg/kg for methyl-mercury.

   For the purposes of monitoring of the compliance with the environmental quality standards of substances listed in the first subparagraph, the Member States shall either introduce a more stringent standard for water replacing the one listed in Part A of Annex I, or set up an additional standard for biota.

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

5. The Commission may, in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC, set up the compulsory calculation methods referred to in the second paragraph of point 3 of Part C of Annex I to this Directive.

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.

Article 4

Inventory of emissions, discharges and losses

1. On the basis of the information collected in accordance with Articles 5 and 8 of Directive 2000/60/EC and under Regulation (EC) No. 166/2006, Member States shall establish an inventory of emissions, discharges and losses of all priority substances and pollutants listed in Parts A and B of Annex I for each river basin or its part within their territory.

2. The reference period for the measurement of pollutant values to be entered into the inventories referred to in paragraph 1 shall be one year between 2007 and 2009.

   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.

3. Member States shall communicate the inventories established pursuant to paragraph 1 of this Article, including the respective reference periods, to the Commission together with the river basin management plans reported in accordance with Article 15(1) of Directive 2000/60/EC.

4. Member States shall update their inventories as part of the reviews of the analyses specified in Article 5 (2) of Directive 2000/60/EC.

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.

Member States shall publish the updated inventories in their updated river basin management plans as laid down in Article 13 (7) of Directive 2000/60/EC.

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

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.

Article 5

Amendment of Directive 2000/60/EC

Annex X to Directive 2000/60/EC is replaced by the text set out in Annex II to this Directive.

Article 6

Amendment of Directives 82/176/EEC, 83/513/EEC, 84/156/EEC and 84/491/EEC

Annex II to Directives 82/176/EEC, 83/513/EEC, 84/156/EEC and 84/491/EEC respectively is deleted.

Article 7

Amendment of Directive 86/280/EEC

Headings B in Sections I to XI to Directive 86/280/EEC are deleted.

Article 8

Repeals

1. Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC are repealed with effect from 22 December 2012.

2. Before 22 December 2012, Member States may carry out monitoring and reporting in accordance with Articles 5, 8 and 15 of Directive 2000/60/EC instead of carrying them out in accordance with the Directives referred to in paragraph 1.

Article 9

Transposition

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

   When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 10

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 11

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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

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

AA: annual average;

MAC: maximum allowable concentration.

Unit: [µg/l].

(1)	(2)	(3)	(4)	(5)	(6)	(7)
N°	**Name of substance**	**CAS number**	**AA-EQS[21]** **Inland surface waters**	**AA-EQS[21]** **Other surface waters**	**MAC- EQS [22]** **Inland surface waters**	**MAC-EQS[22]** **Other surface waters**
(1)	Alachlor	15972-60-8	0.3	0.3	0.7	0.7
(2)	Anthracene	120-12-7	0.1	0.1	0.4	0.4
(3)	Atrazine	1912-24-9	0.6	0.6	2.0	2.0
(4)	Benzene	71-43-2	10	8	50	50
(5)	Pentabromodiphenylether[23]	32534-81-9	0.0005	0.0002	*not applicable*	*not applicable*
(6)	Cadmium and its compounds *(depending on water hardness classes[24])*	7440-43-9	≤ 0.08 (Class 1) 0.08 (Class 2) 0.09 (Class 3) 0.15 (Class 4) 0.25 (Class 5)	0.2	≤ 0.45 (Class 1) 0.45 (Class 2) 0.6 (Class 3) 0.9 (Class 4) 1.5 (Class 5)	
(7)	C10-13 Chloroalkanes	85535-84-8	0.4	0.4	1.4	1.4
(8)	Chlorfenvinphos	470-90-6	0.1	0.1	0.3	0.3

21 This parameter is the Environmental Quality Standard expressed as an annual average value (EQS-AA).

22 This parameter is the Environmental Quality Standard expressed as a maximum allowable concentration (EQS-MAC). Where the MAC-EQS are marked as "not applicable", the AA-EQS values are also protective against short-term pollution peaks since they are significantly lower than the values derived on the basis of acute toxicity.

23 For the group of priority substances covered by brominated diphenylethers (No. 5) listed in Decision 2455/2001/EC, an EQS is established only for pentabromodiphenylether.

24 For Cadmium and its compounds (No. 6) the EQS values vary dependent upon the hardness of the water as specified in five class categories (Class 1: <40 mg $CaCO_3$/l, Class 2: 40 to <50 mg $CaCO_3$/l, Class 3: 50 to <100 mg $CaCO_3$/l, Class 4: 100 to <200 mg $CaCO_3$/l and Class 5: ≥200 mg $CaCO_3$/l).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
N°	**Name of substance**	**CAS number**	**AA-EQS[21]** **Inland surface waters**	**AA-EQS[21]** **Other surface waters**	**MAC-EQS[22]** **Inland surface waters**	**MAC-EQS[22]** **Other surface waters**
(9)	Chlorpyrifos	2921-88-2	0.03	0.03	0.1	0.1
(10)	1,2-Dichloroethane	107-06-2	10	10	*not applicable*	*not applicable*
(11)	Dichloromethane	75-09-2	20	20	*not applicable*	*not applicable*
(12)	Di(2-ethylhexyl)phthalate (DEHP)	117-81-7	1.3	1.3	*not applicable*	*not applicable*
(13)	Diuron	330-54-1	0.2	0.2	1.8	1.8
(14)	Endosulfan	115-29-7	0.005	0.0005	0.01	0.004
(15)	Fluoranthene	206-44-0	0.1	0.1	1	1
(16)	Hexachlorobenzene	118-74-1	0.01	0.01	0.05	0.05
(17)	Hexachlorobutadiene	87-68-3	0.1	0.1	0.6	0.6
(18)	Hexachlorocyclohexane	608-73-1	0.02	0.002	0.04	0.02
(19)	Isoproturon	34123-59-6	0.3	0.3	1.0	1.0
(20)	Lead and its compounds	7439-92-1	7.2	7.2	*not applicable*	*not applicable*
(21)	Mercury and its compounds	7439-97-6	0.05	0.05	0.07	0.07
(22)	Naphthalene	91-20-3	2.4	1.2	*not applicable*	*not applicable*
(23)	Nickel and its compounds	7440-02-0	20	20	*not applicable*	*not applicable*
(24)	Nonylphenol	25154-52-3	0.3	0.3	2.0	2.0
(25)	Octylphenol	1806-26-4	0.1	0.01	*not applicable*	*not applicable*

(1)	(2)	(3)	(4)	(5)	(6)	(7)
N°	**Name of substance**	**CAS number**	**AA-EQS[21]** **Inland surface waters**	**AA-EQS[21]** **Other surface waters**	**MAC-EQS[22]** **Inland surface waters**	**MAC-EQS[22]** **Other surface waters**
(26)	Pentachlorobenzene	608-93-5	0.007	0.0007	*not applicable*	*not applicable*
(27)	Pentachlorophenol	87-86-5	0.4	0.4	1	1
(28)	Polyaromatic hydrocarbons (PAH)[25]	*not applicable*	*not applicable*	*not applicable*	*not applicable*	*not applicable*
	Benzo(a)pyrene	50-32-8	0.05	0.05	0.1	0.1
	Benzo(b)fluoranthene	205-99-2	Σ=0.03	Σ=0.03	*not applicable*	*not applicable*
	Benzo(k)fluoranthene	207-08-9				
	Benzo(g,h,i)perylene	191-24-2	Σ=0.002	Σ=0.002	*not applicable*	*not applicable*
	Indeno(1,2,3-cd)pyrene	193-39-5				
(29)	Simazine	122-34-9	1	1	4	4
(30)	Tributyltin compounds	688-73-3	0.0002	0.0002	0.0015	0.0015
(31)	Trichlorobenzenes (all isomers)	12002-48-1	0.4	0.4	*not applicable*	*not applicable*
(32)	Trichloromethane	67-66-3	2.5	2.5	*not applicable*	*not applicable*
(33)	Trifluralin	1582-09-8	0.03	0.03	*not applicable*	*not applicable*

[25] For the group of priority substances of polyaromatic hydrocarbons (PAH) (No. 28), each individual EQS shall be complied with, i.e., the EQS for Benzo(a)pyrene and the EQS for the sum of Benzo(b)fluoranthene and Benzo(k)fluoranthene and the EQS for the sum of Benzo(g,h,i)perylene and Indeno(1,2,3-cd)pyrene must be met.

PART B: Environmental Quality Standards (EQS) for other Pollutants

AA: annual average;

MAC: maximum allowable concentration.

Unit: [µg/l].

(1)	(2)	(3)	(4)	(5)	(6)	(7)
N°	**Name of substance**	**CAS number**	**AA-EQS[21]** **Inland surface waters**	**AA-EQS[21]** **Other surface waters**	**MAC-EQS[22]** **Inland surface waters**	**MAC-EQS[22]** **Other surface waters**
(1)	DDT total[26]	*not applicable*	0.025	0.025	*not applicable*	*not applicable*
	para-para-DDT	50-29-3	0.01	0.01	*not applicable*	*not applicable*
(2)	Aldrin	309-00-2	Σ=0.010	Σ=0.005	*not applicable*	*not applicable*
(3)	Dieldrin	60-57-1				
(4)	Endrin	72-20-8				
(5)	Isodrin	465-73-6				
(6)	Carbontetrachloride	56-23-5	12	12	*not applicable*	*not applicable*
(7)	Tetrachloroethylene	127-18-4	10	10	*not applicable*	*not applicable*
(8)	Trichloroethylene	79-01-6	10	10	*not applicable*	*not applicable*

[26] DDT total comprises the sum of the isomers 1,1,1-trichloro-2,2 bis (*p*-chlorophenyl) ethane (CAS number 50-29-3); 1,1,1-trichloro-2 (*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane (CAS number 789-02-6); 1,1-dichloro-2,2 bis (*p*-chlorophenyl) ethylene (CAS number 72-55-9); and 1,1-dichloro-2,2 bis (*p*-chlorophenyl) ethane (CAS number 72-54-8).

PART C: Compliance with Environmental Quality Standards

1. Column 4 and 5: For any given surface water body, compliance with EQS-AA requires that for each representative monitoring point within the water body, the arithmetic mean of the concentrations measured at different times during the year is below the standard.

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.

3. With the exception of cadmium, lead, mercury and nickel (hereinafter "metals") the Environmental Quality Standards (EQS) set up in this Annex are expressed as total concentrations in the whole water sample. In the case of metals the EQS refers to the dissolved concentration, i.e. the dissolved phase of a water sample obtained by filtration through a 0.45 μm filter or any equivalent pre-treatment.

   If natural background concentrations for metals are higher than the EQS value or if hardness, pH or other water quality parameters affect the bioavailability of metals, Member States may take this into account when assessing the monitoring results against the EQS. If they choose to do so, the use of calculation methods set up pursuant to Article 2(5) is compulsory.

ANNEX II: AMENDMENT OF ANNEX X OF DIRECTIVE 2000/60/EC

Annex X of Directive 2000/60/EC is replaced by the following:

'ANNEX X
LIST OF PRIORTY SUBSTANCES IN THE FIELD OF WATER POLICY (*)

Number	CAS number[1]	EU number[2]	Name of priority substance	Identified as priority hazardous substance
(1)	15972-60-8	240-110-8	Alachlor	
(2)	120-12-7	204-371-1	Anthracene	X
(3)	1912-24-9	217-617-8	Atrazine	
(4)	71-43-2	200-753-7	Benzene	
(5)	not applicable	not applicable	Brominated diphenylether (**)	X (***)
(6)	7440-43-9	231-152-8	Cadmium and its compounds	X
(7)	85535-84-8	287-476-5	Chloroalkanes, C_{10-13} (**)	X
(8)	470-90-6	207-432-0	Chlorfenvinphos	
(9)	2921-88-2	220-864-4	Chlorpyrifos	
(10)	107-06-2	203-458-1	1,2-dichloroethane	
(11)	75-09-2	200-838-9	Dichloromethane	
(12)	117-81-7	204-211-0	Di(2-ethylhexyl)phthalate (DEHP)	
(13)	330-54-1	206-354-4	Diuron	
(14)	115-29-7	204-079-4	Endosulfan	X
	959-98-8	not applicable	(Alpha-endosulfan)	
(15)	206-44-0	205-912-4	Fluoranthene (****)	
(16)	118-74-1	204-273-9	Hexachlorobenzene	X
(17)	87-68-3	201-765-5	Hexachlorobutadiene	X

(18)	608-73-1	210-158-9	Hexachlorocyclohexane	X
	58-89-9	200-401-2	(gamma-isomer, Lindane)	
(19)	34123-59-6	251-835-4	Isoproturon	
(20)	7439-92-1	231-100-4	Lead and its compounds	
(21)	7439-97-6	231-106-7	Mercury and its compounds	X
(22)	91-20-3	202-049-5	Naphthalene	
(23)	7440-02-0	231-111-14	Nickel and its compounds	
(24)	25154-52-3	246-672-0	Nonylphenol	X
	104-40-5	203-199-4	(4-(para)nonylphenol	
(25)	1806-26-4	217-302-5	Octylphenol	
	140-66-9	not applicable	(Para-tert-octylphenol)	
(26)	608-93-5	210-172-5	Pentachlorobenzene	X
(27)	87-86-5	231-152-8	Pentachlorophenol	
(28)	not applicable	not applicable	Polyaromatic hydrocarbons	X
	50-32-8	200-028-5	(Benzo(a)pyrene)	
	205-99-2	205-911-9	(Benzo(b)fluoranthene)	
	191-24-2	205-883-8	(benzo(g,h,i)perylene)	
	207-08-9	205-916-6	(Benzo(k)fluoranthene)	
	193-39-5	205-893-2	(Indeno(1,2,3-cd)pyrene)	
(29)	122-34-9	204-535-2	Simazine	
(30)	688-73-3	211-704-4	Tributyltin compounds	X
	36643-28-4	not applicable	Tributyltin-cation	
(31)	12002-48-1	234-413-4	Trichlorobenzenes	
	120-82-1	204-428-0	(1,2,4-trichlorobenzene)	

(32)	67-66-3	200-663-8	Trichloromethane (chloroform)	
(33)	1582-09-8	216-428-8	Trifluralin	

[1] CAS: Chemical Abstract Services

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

(*) Where groups of substances have been selected, typical individual representatives are listed as indicative parameters (in brackets and without number).

(**) These groups of substances normally include a considerable number of individual compounds. At present, appropriate indicative parameters cannot be given.

(***) Only Pentabromobiphenylether (CAS-number 32534-81-9)

(****) Fluoranthene is on the list as an indicator of other, more dangerous Polyaromatic Hydrocarbons.