

Water policy: establishment of environmental quality standards (EQS)

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The Committee on the Environment, Public Health and Food Safety adopted a report by Anne **LAPERROUZE** (ALDE, FR) recommending some amendments to the Council common position for adopting a directive of the European Parliament and of the Council on environmental quality standards in the field of water policy and amending Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and 2000/60/EC. It reinstated several amendments from Parliament's first reading.

The main amendments are as follows:

Scope: in order to achieve a good chemical status for bodies of surface water pursuant to Article 4(1)(a) of Directive 2000/60/EC, Member States shall ensure that the composition of those bodies of surface water, sediment and biota complies with the EQS for priority substances as laid down in Annex I.

Additional substances to be reviewed: the Committee added two tables to a new Annex II Part B. These comprise 31 substances which must be subject to a review for identification as a possible priority substance or priority hazardous substance. For the substances listed in Table 1, including dioxins and PCBs, the final decision on identification must be adopted in accordance with the regulatory procedure with scrutiny within six months of entry into force of the directive. For substances listed in Table 2, the final decision must be taken using the same procedure within 12 months of entry into force. Furthermore, the Committee reinstated amendments changing certain classifications into priority hazardous substances.

Water Framework Directive (2000/60/EC): where the EQS for one or more substances listed in Annex X to Directive 2000/60/EC are exceeded in a river basin or where concentrations show an unfavourable trend, Member States shall establish plans for the control of discharges for those substances. The plans shall be drawn up according to transparent criteria and revised in the framework of the revision of the programmes of measures. Member States shall report to the Commission and to the public every three years on the progress of the implementation and on how the measures have contributed to achieving the objectives of this Directive.

Separate standards for living organisms and sediments: the Commission shall, no later than 12 months after the submission of the inventories by the Member States, make a proposal concerning quality standards applicable to the concentrations of the priority substances in sediment and biota.

Coordination: where a watercourse passes through more than one Member State, coordination of the monitoring programmes and of the national inventories compiled shall take place in order to avoid penalising Member States located downstream.

Mixing zones: Member States must ensure the best available waste water treatment techniques as well as techniques related to industrial points of discharge are applied when providing for mixing zones. River basin management plans must contain a description of the measures taken with a view to reducing the extent of the mixing zone in the future, such as those pursuant to Directive 2000/60/EC or the reviewing of permits referred to in Directive 2008/1/EC or of prior regulations referred to in Article 11(3)(g) of Directive 2000/60/EC. The Commission shall, in accordance with the regulatory procedure, set up the method to be used by the Member States for the identification of the mixing zones. The Commission's review must outline the progress in the reduction of the extent of the mixing zones.

Target dates: the Commission shall verify by 2015 that emissions, discharges and losses as reflected in the inventory can be expected to comply, by 2025, with the reduction and cessation objectives laid down in Directive 2000/60/EC. The Commission shall submit a report on this verification to the European Parliament and the Council. If the report shows that compliance is unlikely to be achieved, it shall propose Community measures pursuant to the codecision procedure by 2016.

Establishment of inventories: the Commission shall, in accordance with the regulatory procedure, lay down the technical specifications for the analyses as well as the method to be used by Member States for establishing the inventories.

Measures to reduce pollution by priority substances: a new Article states that, in order to achieve the objectives of reducing pollution by priority substances and priority hazardous substances, Member States shall ensure that the programme of measures established pursuant to Article 11 of the Water Framework Directive includes prevention or control measures relating to point and diffuse sources of pollution, as well as the EQS laid down in that Directive. In the course of preparing its report under Directive 2000/60/EC on the implementation of that Directive, the Commission shall carry out a formal assessment of the consistency and effectiveness of all Community legislative acts with a direct or indirect impact on good water quality. This assessment will enable Community measures to be proposed, adapted or implemented as necessary. The Commission shall, in accordance with Article 16(8) of Directive 2000/60/EC, propose emission control techniques based on the best available technologies and environmental practices, to be used by the Member States for all point sources.

Pollution originating from third countries: the Commission shall present to the European Parliament and the Council, by one year after entry into force, a report on the situation regarding pollution originating from third countries. On the basis of that report, the European Parliament and the Council shall, if necessary, ask the Commission to bring forward proposals.

Review: Member States shall determine whether there is a need to review the implementation of existing measures or to introduce new measures for the reduction and control of pollution by priority substances and priority hazardous substances. Where these measures are best taken at Community level, the Commission shall propose the appropriate measures at Community level.

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

Other amendments include the following:

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

- cases in which compliance with EQS is not technically feasible, or would lead to disproportionate social or economic costs, shall be dealt with under Article 4(4), (5) and (6) of Directive 2000/60/EC, in order to determine the most cost-effective and environmentally acceptable approach to complying with the objective as set out in Article 4(1)(a) of that Directive;

- Member States may impose more stringent restrictions on the use or discharge of substances than those set out in Directive 91/414/EEC and in the Regulation concerning the placing of plant protection products on the market, which replaces it, or in other Community legislation.