

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 20/12/2007 - Council position

The Council's common position incorporates several Parliamentary amendments adopted at first reading, either verbatim, in part or in spirit. The common position does not, however, reflect the majority of amendments tabled by Parliament at first reading. The Council agrees with the Commission that they are either unnecessary or undesirable. Further, a number of changes have been included in the common position that were not included in the first reading amendments. In summary, the common position, is as follows:

Subject matter and definitions: in line with Parliamentary amendments, the common position clarifies that the Directive will lay down Environmental Quality Standards (EQS) for the purpose of achieving good chemical status. Further, the common position includes a new Article 2 specifying that the same definitions set out in the Water Framework Directive will apply to the proposed Directive.

Environment and quality standards: the revised Article 3 (which is partially consistent with Parliamentary amendments) introduces the following changes: it clarifies the link between the Water Framework Directive; it clarifies that, in addition to applying the EQS, Member States should carry out long term trend analysis of those substances that tend to accumulate in sediment and/or biota; it incorporates a reference to the REACH Regulation; it provides for the use of the regulatory procedure with scrutiny; it combines the table setting out the EQS for other pollutants with that for priority substances (this does not, however, re-classify the other pollutants as priority substances)(Annex 1, Part A); it widens the scope of background concentrations of metals (Annex 1, Part B); and it clarifies the applicable analytical and statistical methods. All of these changes are partly consistent with Parliamentary amendments.

Mixing zones: in the common position, the Council clarifies that mixing zones must be proportionate and regularly reviewed. This is partially consistent with Parliamentary wishes, albeit that rather than using the term "transitional areas of exceedance" the term "mixing zones" is used.

Inventory of emissions, discharges and losses: the Council does not accept amendments relating to the inventory on the grounds that they would add to the Member States' administrative burden. In addition, the common position makes no provision for the use of comitology. Instead the Commission will be expected to issue guidelines.

Transboundary pollutions: the common position, which is partially consistent with Parliamentary wishes, clarifies Member States' obligations vis-à-vis transboundary pollution.

Review: a new Article 7 requires the Commission to review the need for additional specific Community-wide measures. This too is partially in line with certain amendments tables by the European Parliament.

Annex II – amendments to Annex X to the Water Framework Directive: the Council has decided that it cannot accept any amendments classifying several priority substances and other pollutants as priority hazardous substances. Nor can it accept amendments that would add a list of substances subject to review for identification as possible priority substances or priority hazardous substances to the Water Framework Directive. The Water Framework Directive already provides for a regular review of Annex X and the Council agrees with the Commission that this review should be based on scientific considerations alone.

A review of the list of priority substances, including the scope for inclusion of additional substances and the criteria for prioritisation, is currently being undertaken under the common implementation strategy for the Water Framework Directive, with the Commission proposing amendments to the list in accordance with the set review timetable.