

# Framework for Community action in the field of water policy. Water Framework Directive

1997/0067(COD) - 31/01/2012 - Follow-up document

In accordance with Article 16(4) of Directive 2000/60/EC (the Water Framework Directive or WFD) the Commission presents a report on the outcome of the review of Annex X which contains the list of priority substances in the field of water policy, identified among those posing a significant risk to or via the aquatic environment.

The existing list of 33 priority substances was established by Decision No 2455/2001/EC

and amended by Directive 2008/105/EC on environmental quality standards in the field of water policy (EQSD). The latter also established environmental quality standards (EQS) for all the 33 priority substances and for 8 other pollutants that were already regulated at EU level under existing legislation.

The EQSD requires the Commission to consider, within the framework of the review of WFD Annex X, the substances set out in Annex III to that Directive for possible identification as priority substances or priority hazardous substances, and present proposals to identify new substances and to set corresponding EQS for surface water, sediment or biota, as appropriate.

This report is accompanied by a Commission proposal for a Directive amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy.

**Review of existing priority substances:** taking into account newly available information, the following changes are proposed to existing EQS:

(i) The water EQS of the following existing priority substances are proposed for update:

- Anthracene, Fluoranthene, Naphthalene, Polyaromatic hydrocarbons, Polybrominated diphenyl ethers, Lead and Nickel;
- biota EQS have been developed and are proposed for Fluoranthene, Polyaromatic hydrocarbons and Polybrominated diphenyl ethers, because due to their properties these substances are more easily and reliably measurable in this matrix;
- existing biota EQS for Hexachlorobenzene, Hexachlorobutadiene and Mercury are maintained, but the water EQS and footnote 9 in Part A of Annex I to Directive 2008/105/EC are deleted because those EQS do not afford adequate protection.

The updated EQS represent, according to the latest scientific knowledge, an adequate level of protection of the aquatic environment and of human health via the aquatic environment.

(ii) As regards the status of existing substances, and according to the latest information, the substances Di-(2-ethylhexyl)-phthalate (DEHP) and Trifluralin are proposed to be classified as priority hazardous substances.

**Identification of new priority substances:** it is proposed to identify the following substances

- **as priority substances:** Aclonifen, Bifenox, Cybutryne, Cypermethrin, Dichlorvos, Terbutryn, 17alpha-ethinylestradiol, 17beta-estradiol and Diclofenac;
- **as priority hazardous substances:** Dicofol, Perfluorooctane sulfonic acid and its derivatives (PFOS), Quinoxifen, Dioxins and dioxin-like compounds, Hexabromocyclododecane (HBCDD) and Heptachlor/heptachlor epoxide.

Water EQS are being proposed for all the new substances except for Dioxins and dioxin-like compounds. Biota EQS are proposed for Dicofol, PFOS, Dioxins and dioxin-like compounds, HBCDD and Heptachlor/heptachlor epoxide.

**Review of substances in Annex III to Directive 2008/105/EC:** four substances/groups of substances listed in Annex III to Directive 2008/105/EC are being proposed for inclusion in the priority substances list: Dicofol, Dioxins and dioxin-like compounds, PFOS and Quinoxifen. The inclusion of a fifth, the Dioxin-like PCBs, is covered by the inclusion of Dioxins and dioxin-like compounds. The toxicity data for non-dioxin-like PCBs are not sufficient to derive a reliable EQS and therefore these PCBs are not proposed for inclusion.

For the other substances in Annex III to Directive 2008/105/EC, the review concluded that there was not enough evidence of significant risk to or via the aquatic environment at EU level to include them at this stage in the list of priority substances.

**Identification of control measures at EU level:** since 2006, the legislation to control the authorisation and placing on the market of chemicals has been substantially improved, in particular with the adoption of Regulation (EC) No 1907/2006 (REACH) and of Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market

This and other existing EU legislation (e.g. biocides and veterinary medicines legislation) contains mechanisms suited to controlling the uses and emissions of most of the priority substances at EU level and should in principle be sufficient to achieve the objectives of the WFD.

The report sets out other outcomes of the review and notes particularly:

- the update of the Technical Guidance for deriving Environmental Quality Standards, which contains expanded and updated sections on sediment and biota standards. This has allowed the derivation of standards for biota for those substances that, due to their intrinsic properties and their fate in the aquatic environment, are best regulated in that matrix. This will significantly improve the protection offered by the EQSD;
- the identification of problematic substances that, due to their persistent, bioaccumulative and toxic behaviour, will continue to cause exceedances of the EQS for a long time, even though very stringent measures to limit emissions have already been taken. Because of their characteristics, they merit separate treatment in terms of their monitoring and the presentation of their impact on chemical status;
- the need for a mechanism to improve the collection of targeted and high-quality monitoring data from across the EU to support future prioritisation exercises.

**Outlook:** future prioritisation exercises will take advantage of the wealth of information provided by the REACH registration process, whose first deadline was in November 2010. Furthermore, the expertise on risk assessment at EU level is being concentrated in the European Chemicals Agency and other agencies

that deal with risk assessment of other chemicals, such as the European Food Safety Authority (EFSA) for pesticides and the European Medicines Agency (EMA) for pharmaceuticals. For future reviews of the priority substances list, the Commission will **explore the possibilities of exploiting the expertise on risk assessment existing at EU level**. This should also ensure that there continues to be a high degree of coherence and consistency between the WFD and related policies such as chemicals, biocides, pesticides and pharmaceuticals.