

# Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 17/07/2006 - Legislative proposal

**PURPOSE :** to lay down environmental quality standards (EQS) for priority substances and certain other pollutants.

**PROPOSED ACT :** Directive of the European Parliament and of the Council.

**CONTENT :** 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 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 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.

More specifically, the proposed Directive will set limits on concentrations in surface waters of a total of 41 types of pesticides, heavy metals and other dangerous chemical substances that pose a particular risk to animal and plant life in the aquatic environment and to human health.

The proposed Directive on environmental quality standards in the field of water policy is the final major piece of legislation needed to support the Water Framework Directive (WFD), the cornerstone of EU water protection policy.

The WFD requires that all EU waters should achieve good status by 2015. It establishes a new regime for the prevention and control of chemical pollution of water. The new proposal will implement this for surface waters; ground waters are already being addressed through the proposal for a ground water Directive (please refer to **COD/2004/0210**).

More specifically, the proposal concentrates on the following issues:

- **Environmental quality standards:** environmental quality standards (EQS) for priority substances and selected other pollutants and related compliance checking provisions are 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;

- **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;

- **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;

- **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;

- **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.