

Water policy: establishment of environmental quality standards (EQS)

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This Communication is accompanied by a proposal for a Directive on environmental quality standards in the field of water policy. It presents the wider conceptual framework and the reasoning behind the policy approach chosen by the Commission.

This **conceptual framework** applies to all types of water pollution. When chemicals are mined, manufactured or processed, there can be emissions, discharges or losses to the air, to water and to soil. The disposal of the waste material resulting from these activities can also result in inputs into the environment. Direct discharges to water from mines or factories are an obvious cause of pollution. Less obvious are substances deposited from the atmosphere. Once a substance is on the market it can be used in manufacturing processes to produce consumer goods, and there may be discharges, emissions and losses to the environment. Again when products are used (e.g. detergents, pesticides, building materials) there will be more losses. Finally, when materials are disposed of as solid or liquid waste there may be further losses.

The Commission states that measures for the prevention and control of the chemical pollution of water must take account of these various pathways. Emission and process controls can reduce losses during the production of chemicals and during their subsequent incorporation into other products. Restrictions on the marketing and use of chemicals, including authorisation and approval procedures, can further reduce the potential contamination of the environment. Lastly, waste treatment and disposal measures are also effective in reducing pollution. If control measures or the environmental quality standards (EQS) are to be effective they must be combined with an effective system of monitoring.

The **overall approach** set out in the WFD has to be translated into specific actions that provide answers to the following questions :

- 1) which substances should be regulated at Community level?;
- 2) what are the criteria or indicators (EQS) for checking that the objectives of the WFD have been fulfilled?
- 3) what additional measures have to be taken at Community level to achieve these objectives?

To answer the first question, a list of 33 (groups of) priority substances for regulation at EU level was agreed in 2001. Some of these substances are of very high concern and have been identified as “priority hazardous substances” and for these the WFD objective is to cease or phase out emissions, discharges and losses within 20 years. The main objective of the current proposal for a Directive is to provide an answer to the other two questions, i.e. to set harmonised environmental quality standards and to propose additional control measures.

The Commission believes that the current body of Community legislation should, in most cases, enable achievement of the WFD objectives. The most cost-effective and proportionate approach for priority substances is to set clear and harmonised standards and allow Member States a maximum of flexibility on how to achieve them. If Member States provide sufficient evidence that additional measures are needed at Community level, there are various mechanisms under existing instruments that allow them to put this to the Commission as a basis for discussion. The Commission also considers that there is already a full

toolbox of legal instruments that Member States can use to meet the WFD objectives for priority substances. However, in order to further improve the focus and effectiveness of the relevant EU legislation for the purposes of the WFD, the Commission proposes a number of concrete actions.

- **Action 1: amending Directives:** in particular Directives 96/61/EC and 91/414/EEC. For the IPPC Directive, this would include, *inter alia*, an explicit reference to priority substances in the permitting procedures. For the Pesticides Directive, the elements to be strengthened include, *inter alia*, the consideration of risks to the marine environment.

- **Action 2: enhancing implementation and enforcement:** already under existing Community law, Member States either *may* or *must* control emission, discharges and losses of priority substances, although unfortunately there is no consistent and comparable application of these provisions. In order to improve the implementation and enforcement of existing EU legislation, the Commission will establish an information exchange between the Commission and the Member States in the context of the Water Framework Directive Common Implementation Strategy.

- **Action 3: establishing procedures for Member States to present evidence for Community action:** the Commission will establish clear and transparent procedures to provide a streamlined and targeted framework for Member States to provide relevant information on priority substances for Community decision-making.

- **Action 4: improving the availability of information:** a European Pollutants Release and Transfer Register will be implemented. In addition to information on discharges, emissions and losses, the Commission will seek to enhance information on priority substances, in particular on environmental quality, trends, and releases and pathways in the aquatic environment.