Basic information

2006/0129(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Water policy: establishment of environmental quality standards (EQS) Amending Directive 2000/60/EC 1997/0067(COD) Amended by 2011/0429(COD) Amended by 2022/0344(COD) **Subject** 3.70.04 Water control and management, pollution of waterways, water pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	LAPERROUZE Anne (ALDE)	29/11/2005

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	LAPERROUZE Anne (ALDE)	29/11/2005

Former committee for opinion	Former rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	RÜBIG Paul (PPE-DE)	04/10/2006
AGRI Agriculture and Rural Development	BOURZAI Bernadette (PSE)	11/09/2006
PECH Fisheries	CORBEY Dorette (PSE)	27/09/2006

Council of the European Union

Council configuration	Meetings	Date
Environment	2812	2007-06-28
Environment	2898	2008-10-20
Environment	2842	2007-12-20

European Commission	Commission DG	Commissioner
	Environment	DIMAS Stavros

Key events

Date	Event	Reference	Summary
17/07/2006	Legislative proposal published	COM(2006)0397	Summary
05/09/2006	Committee referral announced in Parliament, 1st reading		
27/03/2007	Vote in committee, 1st reading		Summary
03/04/2007	Committee report tabled for plenary, 1st reading	A6-0125/2007	
21/05/2007	Debate in Parliament		
22/05/2007	Decision by Parliament, 1st reading	T6-0190/2007	Summary
22/05/2007	Results of vote in Parliament		
20/12/2007	Council position published	11486/3/2007	Summary
21/02/2008	Committee referral announced in Parliament, 2nd reading		
06/05/2008	Vote in committee, 2nd reading		Summary
20/05/2008	Committee recommendation tabled for plenary, 2nd reading	A6-0192/2008	
16/06/2008	Debate in Parliament		
17/06/2008	Decision by Parliament, 2nd reading	T6-0283/2008	Summary
17/06/2008	Results of vote in Parliament		
20/10/2008	Act approved by Council, 2nd reading		
16/12/2008	Final act signed		
16/12/2008	End of procedure in Parliament		
24/12/2008	Final act published in Official Journal		

Technical information

Procedure reference	2006/0129(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2000/60/EC 1997/0067(COD) Amended by 2011/0429(COD) Amended by 2022/0344(COD)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed

Committee dossier	ENVI/6/54280

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE378.719	20/12/2006	
Amendments tabled in committee		PE378.727	20/01/2007	
Committee opinion	PECH	PE378.705	25/01/2007	
Committee opinion	AGRI	PE382.209	25/01/2007	
Committee opinion	ITRE	PE380.994	01/03/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0125/2007	03/04/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0190/2007	22/05/2007	Summary
Committee draft report		PE402.794	03/03/2008	
Amendments tabled in committee		PE404.754	14/04/2008	
Committee recommendation tabled for plenary, 2nd reading		A6-0192/2008	20/05/2008	
Text adopted by Parliament, 2nd reading		T6-0283/2008	17/06/2008	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15964/2007	07/12/2007	
Council position	11486/3/2007	20/12/2007	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0397	17/07/2006	Summary
Document attached to the procedure	COM(2006)0398	17/07/2006	Summary
Document attached to the procedure	SEC(2006)0947	17/07/2006	
Commission response to text adopted in plenary	SP(2007)3179	14/06/2007	
Commission opinion on Parliament's position at 2nd reading	COM(2007)0871	10/01/2008	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2008)0487	17/07/2008	Summary
Follow-up document	COM(2018)0847	17/12/2018	

Follow-up document	COM(2021)0970	15/12/2021	
Follow-up document	SWD(2021)0970	15/12/2021	
Follow-up document	SWD(2021)0971	15/12/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0204/2007	15/02/2007	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2008/0105
OJ L 348 24.12.2008, p. 0084 Summary

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 10/01/2008 - Commission opinion on Parliament's position at 2nd reading

The Commission accepted, in full, in part or in principle, 29 of the 71 amendments adopted by the European Parliament following its first reading. 22 amendments have now been incorporated either *verbatim*, in part or in spirit, in the common position.

The Commission accepted all those amendments which sought to clarify the scope of the proposal. The Commission did not accept those amendments which introduced additional substances into the list or which changed the classification of “priority hazardous substances”, given that this is not in line with the scope of the proposal and the provisions of relevant Community law. Further, the Commission rejected all those amendments which duplicate obligations already provided for under the Water Framework Directive, or which affect the Commission’s right of initiative.

The Council has agreed to incorporate several of the Parliamentary amendments, either verbatim, in part or in spirit, because they offer clarification or because they develop the Commission’s proposal in more detail. However, most of the amendments have not been incorporated into the common position given that the Council agrees with the Commission in terms of them being either unnecessary and/or undesirable.

The Commission is of the view that the common position adopted by qualified majority, alters neither the aims nor the approach of the initial proposal and can therefore support it as it stands.

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 28/06/2007

The Council reached political agreement on a draft directive establishing environmental quality standards (EQS) in the field of water policy.

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 16/12/2008 - Final act

PURPOSE: to lay down environmental quality standards (EQS) in the field of water for priority substances and certain other pollutants.

LEGISLATIVE ACT: Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council.

CONTENT: having reached agreement with the Parliament at second reading, the Council adopted a Directive laying down environmental quality standards (EQS) for EU surface waters.

The Directive sets limit values for **33 pollutants**, including pesticides, heavy metals and biocidal products. These limits concern pollution peaks as well as annual average values. Member States must adopt the necessary measures to comply with these standards by 2015 in accordance with the provisions of the framework Directive in the field of water policy (Directive 2000/60/EC).

A new Annex III contains a list of 13 substances subject to review for possible identification as priority substance or priority hazardous substances. The Commission shall report the outcome of its review to the European Parliament and to the Council by 13 January 2011. It shall accompany the report, if appropriate, with relevant proposals, in particular proposals to identify new priority substances or priority hazardous substances or to identify certain priority substances as priority hazardous substances and to set corresponding environmental quality standards for surface water, sediment or biota, as appropriate.

The new Directive requires Member States not only to monitor river pollution and establish long-term trends but also to analyse its origin and **draw up an inventory**, including maps, if available, of emissions, discharges and losses of all priority substances and pollutants listed in Part A of Annex I to this Directive for each river basin district or part of a river basin district lying within their territory, including their concentrations in sediment and biota, as appropriate.

Member States may designate **mixing zones** adjacent to points of discharge. Concentrations of one or more substances listed in Part A of Annex I may exceed the relevant EQS within such mixing zones if they do not affect the compliance of the rest of the body of surface water with those standards.

On the basis of reports from Member States, including reports in accordance with Article 12 of Directive 2000/60/EC and in particular those on transboundary pollution, **the Commission shall review the need to amend existing acts** and the need for additional specific Communitywide measures, such as emission controls.

ENTRY INTO FORCE: 13/01/2009.

TRANSPOSITION: 13/07/2010.

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 17/07/2008 - Commission opinion on Parliament's position at 2nd reading

The Commission notes that the European Parliament adopted a compromise package consisting of 18 amendments which had been agreed with the Council in view of reaching a second reading agreement.

These amendments concern mainly the following:

- addition of reporting obligations regarding measures taken with a view to reducing the extent of mixing zones;
- the inclusion of sediment and biota in the inventories of emissions, discharges and losses;
- the development of technical guidelines through comitology for mixing zones and inventories;
- an article on reporting and review;
- an article on the future review of Annex X of the WFD;
- amendments to a number of recitals.

The Commission accepts all these amendments as they are in line with the overall purpose and the general characteristics of the proposal.

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 17/07/2006 - Document attached to the procedure

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 Registerwill 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.

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 22/05/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Anna **LAPERROUZE** (ADLE, FR) amending the proposal for a directive of the European Parliament and of the Council on environmental quality standards in the field of water policy and amending Directive 2000/60 (the Framework Water Directive). The amended proposal was adopted by 672 votes in favour to 13 against with 10 abstentions, and follows the position taken by the competent parliamentary committee. (Please refer to the summary dated 27/03/2007).

In addition, a new amendment was introduced which states that in cases which compliance with environmental quality standards is not technically feasible, or would lead to disproportionate social or economic costs, these 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 Directive 2000/60/EC.

Water policy: establishment of environmental quality standards (EQS)

2006/0129(COD) - 17/06/2008 - Text adopted by Parliament, 2nd reading

The European Parliament adopted, by 673 votes to 10 with 5 abstentions, a legislative resolution, amending the Council’s 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. The recommendation for second reading (under the codecision procedure) had been tabled for consideration in plenary by Anne **LAPERROUZE** (ALDE, FR) on behalf of the Committee on the Environment, Public Health and Food Safety.

The amendments were the result of a compromise between the Council and the Parliament. The main ones are as follows:

Additional substances to be reviewed: a new Annex III contains a list of 13 substances subject to review for possible identification as priority substance or priority hazardous substances. These are in addition to the substances already identified in Annex II and include dioxins, PCBs and Bisphenol. Within the framework of the review of Annex X to Directive 2000/60/EC, the Commission shall consider, inter alia, the substances set out in Annex III for possible identification as priority substances or priority hazardous substances. The Commission shall report the outcome of its review to the European Parliament and to the Council 24 months after entry into force of the Directive. It shall accompany the report, if appropriate, with relevant proposals, in particular proposals to identify new priority substances or priority hazardous substances or to identify certain priority substances as priority hazardous substances and to set corresponding environmental quality standards for surface water, sediment or biota, as appropriate

Coordination: a new recital states that, in order to ensure consistent protection of surface water, Member States sharing bodies of surface water should coordinate their monitoring activities and, as appropriate, the compilation of inventories.

Mixing zones: Member States may designate mixing zones adjacent to points of discharge. Concentrations of one or more substances listed in Part A of Annex I may exceed the relevant EQS within such mixing zones if they do not affect the compliance of the rest of the body of surface water with those standards. Member States that designate mixing zones shall include in river basin management plans a description of: the approaches and methodologies applied to derive such zones; and measures taken with a view to reducing the extent of the mixing zones in the future, such as those pursuant to the Water Framework Directive or by reviewing permits referred to in Directive 2008/1/EC.

Establishment of inventories: Member States shall establish an inventory, including maps, if available, of emissions, discharges and losses of all priority substances and pollutants listed in Part A of Annex I to this Directive for each river basin district or part of a river basin district lying within their territory including their concentrations in sediment and biota, as appropriate.

Target dates: the Commission shall, by 2018, verify that emissions, discharges and losses as reflected in the inventory are making progress towards compliance with the reduction or cessation objectives laid down in Directive 2000/60/EC (Water Framework Directive.)

Reporting and review: on the basis of reports from Member States, the Commission shall review the need to amend existing acts and for additional specific Community-wide measures, such as emission controls. It will report to the European Parliament and to the Council on: the conclusions of the review; the outcome of the verification referred to in Article 5(5) i.e by 2018 emissions and discharges are making progress towards reduction objectives; measures taken to reduce the extent of mixing zones; and the situation regarding pollution originating outside the territory of the Community.

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.

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.