


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2006/0129(COD) Procedure completed
Water policy: establishment of environmental quality standards (EQS) Amending Directive 2000/60/EC Amended by	1997/0067(COD) 2011/0429(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		29/11/2005
		ALDE LAPERROUZE Anne	
	Former committee responsible		
	ENVI Environment, Public Health and Food Safety		29/11/2005
		ALDE LAPERROUZE Anne	
	Former committee for opinion		
AGRI Agriculture and Rural Development		11/09/2006	
	PSE BOURZAI Bernadette		
ITRE Industry, Research and Energy		04/10/2006	
	PPE-DE RÜBIG Paul		
PECH Fisheries		27/09/2006	
	PSE CORBEY Dorette		
Council of the European Union	Council configuration	Meeting	Date
	Environment	2898	20/10/2008
	Environment	2842	20/12/2007
	Environment	2812	28/06/2007
European Commission	Commission DG	Commissioner	
	Environment	DIMAS Stavros	

Key events			
16/07/2006	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	Results of vote in Parliament		
22/05/2007	Decision by Parliament, 1st reading	T6-0190/2007	Summary
19/12/2007	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
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
	Amending Directive 2000/60/EC 1997/0067(COD) Amended by 2011/0429(COD)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/54280

Documentation gateway

Legislative proposal		COM(2006)0397	17/07/2006	EC	Summary
Document attached to the procedure		COM(2006)0398	17/07/2006	EC	Summary
Document attached to the procedure		SEC(2006)0947	17/07/2006	EC	
Committee draft report		PE378.719	20/12/2006	EP	
Amendments tabled in committee		PE378.727	20/01/2007	EP	
Committee opinion	PECH	PE378.705	25/01/2007	EP	
Committee opinion	AGRI	PE382.209	25/01/2007	EP	
Economic and Social Committee: opinion, report		CES0204/2007	15/02/2007	ESC	
Committee opinion	ITRE	PE380.994	01/03/2007	EP	
Amendments tabled in committee		PE386.558	21/03/2007	EP	

Committee report tabled for plenary, 1st reading/single reading	A6-0125/2007	03/04/2007	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0190/2007	22/05/2007	EP	Summary
Commission response to text adopted in plenary	SP(2007)3179	14/06/2007	EC	
Council statement on its position	15964/2007	07/12/2007	CSL	
Council position	11486/3/2007	20/12/2007	CSL	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2007)0871	10/01/2008	EC	Summary
Committee draft report	PE402.794	03/03/2008	EP	
Amendments tabled in committee	PE404.754	14/04/2008	EP	
Committee recommendation tabled for plenary, 2nd reading	A6-0192/2008	20/05/2008	EP	
Text adopted by Parliament, 2nd reading	T6-0283/2008	17/06/2008	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2008)0487	17/07/2008	EC	Summary
Draft final act	03644/1/2008/LEX	16/12/2008	CSL	
Follow-up document	COM(2018)0847	17/12/2018	EC	
Follow-up document	COM(2021)0970	15/12/2021	EC	
Follow-up document	SWD(2021)0970	15/12/2021	EC	
Follow-up document	SWD(2021)0971	15/12/2021	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2008/105](#)
[OJ L 348 24.12.2008, p. 0084](#) Summary

Final legislative act with provisions for delegated acts

Water policy: establishment of environmental quality standards (EQS)

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)

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.

Water policy: establishment of environmental quality standards (EQS)

The Environment Commission adopted the report drafted by Mrs Anna LAPERROUZE (ADLE, FR) amending - at first reading of the codecision procedure - 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 main amendments proposed are as follows:

- the MEPs wish to specify that the proposal lays down measures to limit water pollution and environmental quality standards for priority substances and certain other pollutants in order to: (a) reduce discharges, emission and losses of priority substances by 2015; and (b) cease discharges, emission and losses of priority hazardous substances, in accordance with the Water Framework Directive to achieve a good chemical status for all surface waters. The aim is also to prevent any further deterioration and by 2020 to achieve concentrations close to the natural background levels for all naturally occurring substances and concentrations close to zero for all anthropogenic synthetic substances in accordance with international agreements on the protection of the sea;
- in its initial proposal, the Commission suggests limiting the control of surface water and not biota and sediments, except for three more dangerous substances which may accumulate in the food chain: hexachlorobenzene, hexachlorobutadien and mercury. MEPs are now calling on the Commission to make a proposal concerning quality standards applicable to the concentrations of the priority substances in sediment and biota no later than 12 months after the submission of the inventories by the Member States;
- monitoring of other substances in Annex I may also be performed in sediment or biota instead of in water if Member States consider this to be more adequate and cost-effective. If significant concentrations of substances are detected and Member States consider that there is a risk that the environmental quality standards for water will not be met, monitoring in water shall be performed to ensure compliance with the environmental quality standards for water;
- Member States shall at all times take the measures required to ensure that plants which discharge into bodies of water waste water containing priority substances employ the best available production and waste water treatment techniques; they must also improve the knowledge and data available on sources of priority substances and ways in which pollution occurs in order to identify targeted and effective control options;
- the Water Framework Directive refers specifically to the protection of drinking water. This directive relates to the protection of bodies of water in general. Bodies of water intended for the abstraction of drinking water require more specific measures and standards in order to comply more closely with the Water Framework (reduction of purification);
- the Commission should use the data which become available through REACH to detect further priority substances; it shall examine the most recent scientific information and technical progress regarding substances accumulating in sediment and biota and shall prepare Environmental Quality Standards concerning them;
- the Commission should be given the task of reacting to pollution problems affecting bodies of water which can be dealt with effectively by means of restrictions on the manufacture and use of individual substances by putting forward legal acts which are binding throughout Europe and which impose the same requirements on all Member States, in particular in the context of the REACH Regulation;
- if, with a view to enforcing the polluter-pays principle and the precautionary principle and to securing uniform implementation in the Member States, emission limit values valid throughout the Community are needed for specific plants, substances or point sources, or if such emission limit values can be effective in securing compliance with environmental quality standards, the Commission shall put forward proposals in accordance with Directive 96/61/EC;
- Member States shall designate transitional areas of exceedance, where the concentrations of one or more pollutants at low flow conditions exceed the relevant environmental quality standards. Member States are requested to include an action plan to reduce the extent and duration of each transitional area of exceedance within the river basin management plans in order to reach the relevant environmental quality standards by 2018 at the latest.
- in the case of cross-border watercourses the consent of the other affected Member States is needed in determining the transitional area of exceedance;
- although the European Commission suggests leaving it to the Member States to lay control measures, the MEPs wish, on the contrary, to specify the actual emission control measures. To achieve this, they call on the Member States to establish integrated plans for emission control and phase-out measures for priority and priority hazardous substances in the framework of the programme of measures provided for in the Framework Directive. The plans shall contain at least: (i) the results of the investigations; (ii) objectives for substances including for volumes and mass balances; (iii) sectoral strategies concerning the main pollution sources (particularly for industry, agriculture, forestry,

households, health systems, transport); (iv) measures for reduction of diffuse pollution due to losses of substances of products; (v) measures for substitution of priority hazardous substances; (vi) instruments, including economic measures, in accordance with the Framework Directive; (vii) emission standards additional to existing EC regulations; (viii) measures for information, advice and training.

The plans should be drafted according to transparent criteria and revised in the framework of the revision of the programmes of measures. The Member States shall report to the Commission and the public every three years on the progress of the implementation and on how the measures have contributed to achieve the objectives of this Directive;

- the inventory shall indicate the sources of the emissions, discharges and losses of the priority substances and other pollutants, as well as concentrations in sediments and biota. These should be mapped for better transparency. Given the reduction or cessation obligations on Member States concerning priority substances, Member States should include information about such measures in their Inventory. They should also accompany their inventory with a suitable timetable for achieving those objectives;

- the Commission shall verify by 2012 that emissions, discharges and losses as reflected in the inventory can be expected to comply, by 2015, with the reduction and cessation obligations laid down in the Framework Directive. The Commission shall submit a report on this verification to the European Parliament and the Council. If the report shows that compliance is unlikely to be achieved, it shall propose the necessary Community measures, pursuant to the codecision procedure, by 2013;

- as regards pollution originating from third countries, the Commission shall present to the European Parliament and the Council, no later than one year after the entry into force of this Directive, a report on the situations regarding pollution originating from third countries. On the basis of that report, the European Parliament and the Council shall, if this is adjudged necessary, ask the Commission to bring forward proposals;

- the Commission shall put in place clear and transparent procedures in order to establish a streamlined and targeted framework for the communication by the Member States of information on priority substances that support the Community decision-making process and permit harmonised EQS for sediment and biota as well as additional emission controls to be laid down in future;

- although the Commission's draft directive lays down environmental quality standards for priority substances and certain other pollutants, this report suggests that there is no reason to differentiate between priority substances and other pollutants, and it therefore makes sense to class them all together. The Environment Commission also included 28 substances to the list of 41 priority substances already proposed. It calls on the Commission to check whether or not these substances should be considered as priority hazardous substances.

Lastly, a formal evaluation should be carried out of the consistency and effectiveness of all Community legislative acts contributing directly or indirectly to achieving good water quality.

Water policy: establishment of environmental quality standards (EQS)

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)

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.

Water policy: establishment of environmental quality standards (EQS)

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)

The Committee on the Environment, Public Health and Food Safety adopted a report by Anne LAPERROUZE (ALDE, FR) recommending some amendments to the Council 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. It reinstated several amendments from Parliament's first reading.

The main amendments are as follows:

Scope: in order to achieve a good chemical status for bodies of surface water pursuant to Article 4(1)(a) of Directive 2000/60/EC, Member States shall ensure that the composition of those bodies of surface water, sediment and biota complies with the EQS for priority substances as laid down in Annex I.

Additional substances to be reviewed: the Committee added two tables to a new Annex II Part B. These comprise 31 substances which must be subject to a review for identification as a possible priority substance or priority hazardous substance. For the substances listed in Table 1, including dioxins and PCBs, the final decision on identification must be adopted in accordance with the regulatory procedure with scrutiny within six months of entry into force of the directive. For substances listed in Table 2, the final decision must be taken using the same procedure within 12 months of entry into force. Furthermore, the Committee reinstated amendments changing certain classifications into priority hazardous substances.

Water Framework Directive (2000/60/EC): where the EQS for one or more substances listed in Annex X to Directive 2000/60/EC are exceeded in a river basin or where concentrations show an unfavourable trend, Member States shall establish plans for the control of discharges for those substances. The plans shall be drawn up according to transparent criteria and revised in the framework of the revision of the programmes of measures. Member States shall report to the Commission and to the public every three years on the progress of the implementation and on how the measures have contributed to achieving the objectives of this Directive.

Separate standards for living organisms and sediments: the Commission shall, no later than 12 months after the submission of the inventories by the Member States, make a proposal concerning quality standards applicable to the concentrations of the priority substances in sediment and biota.

Coordination: where a watercourse passes through more than one Member State, coordination of the monitoring programmes and of the national inventories compiled shall take place in order to avoid penalising Member States located downstream.

Mixing zones: Member States must ensure the best available waste water treatment techniques as well as techniques related to industrial points of discharge are applied when providing for mixing zones. River basin management plans must contain a description of the measures taken with a view to reducing the extent of the mixing zone in the future, such as those pursuant to Directive 2000/60/EC or the reviewing of permits referred to in Directive 2008/1/EC or of prior regulations referred to in Article 11(3)(g) of Directive 2000/60/EC. The Commission shall, in accordance with the regulatory procedure, set up the method to be used by the Member States for the identification of the mixing zones. The Commission's review must outline the progress in the reduction of the extent of the mixing zones.

Target dates: the Commission shall verify by 2015 that emissions, discharges and losses as reflected in the inventory can be expected to comply, by 2025, with the reduction and cessation objectives laid down in Directive 2000/60/EC. The Commission shall submit a report on this verification to the European Parliament and the Council. If the report shows that compliance is unlikely to be achieved, it shall propose Community measures pursuant to the codecision procedure by 2016.

Establishment of inventories: the Commission shall, in accordance with the regulatory procedure, lay down the technical specifications for the analyses as well as the method to be used by Member States for establishing the inventories.

Measures to reduce pollution by priority substances: a new Article states that, in order to achieve the objectives of reducing pollution by priority substances and priority hazardous substances, Member States shall ensure that the programme of measures established pursuant to Article 11 of the Water Framework Directive includes prevention or control measures relating to point and diffuse sources of pollution, as well as the EQS laid down in that Directive. In the course of preparing its report under Directive 2000/60/EC on the implementation of that Directive, the Commission shall carry out a formal assessment of the consistency and effectiveness of all Community legislative acts with a direct or indirect impact on good water quality. This assessment will enable Community measures to be proposed, adapted or implemented as necessary. The Commission shall, in accordance with Article 16(8) of Directive 2000/60/EC, propose emission control techniques based on the best available technologies and environmental practices, to be used by the Member States for all point sources.

Pollution originating from third countries: the Commission shall present to the European Parliament and the Council, by one year after entry into force, a report on the situation regarding pollution originating from third countries. On the basis of that report, the European Parliament and the Council shall, if necessary, ask the Commission to bring forward proposals.

Review: Member States shall determine whether there is a need to review the implementation of existing measures or to introduce new measures for the reduction and control of pollution by priority substances and priority hazardous substances. Where these measures are best taken at Community level, the Commission shall propose the appropriate measures at Community level.

Evaluation: by 31 December 2010 at the latest, and every four years thereafter, the Commission shall draw up an evaluation report for the European Parliament and for the Council on the progress made in the review process defined in Article 16 of Directive 2000/60/EC and, where necessary, take appropriate measures to ensure an adequate rate of substance evaluation.

Other amendments include the following:

- priority substances and pollutants released from sediments as the result of shipping, dredging or natural phenomena shall not be regarded as losses;

- cases in which compliance with EQS is not technically feasible, or would lead to disproportionate social or economic costs, 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 that Directive;

- Member States may impose more stringent restrictions on the use or discharge of substances than those set out in Directive 91/414/EEC and in the Regulation concerning the placing of plant protection products on the market, which replaces it, or in other Community legislation.

Water policy: establishment of environmental quality standards (EQS)

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)

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)

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.