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Subject: 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/EC

The Annex to this document contains an annotated and amended draft of the above-mentioned proposal. It reflects the outcome of discussions within the Working Party on the Environment on 24 January 2007 and written contributions that certain delegations provided subsequently.

The annexed draft Directive incorporates revised drafting suggestions and compromise suggestions from the Presidency to respond to delegations' comments and/or draft European Parliament amendments.

Underlining indicates changes of substance and "[...]" deletions compared to document 5408/07.

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/EC¹**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 (1) thereof,

Having regard to the proposal from the Commission^{*},

Having regard to the opinion of the European Economic and Social Committee^{**},

Having regard to the opinion of the Committee of the Regions^{***},

Acting in accordance with the procedure laid down in Article 251 of the Treaty^{****},

Whereas:

[Recitals omitted.]

¹ All delegations have a general scrutiny reservation.

DK/FR/UK have a parliamentary scrutiny reservation.

^{*} OJ C ..., ..., p.

^{**} OJ C ..., ..., p.

^{***} OJ C ..., ..., p.

^{****} Opinion of the European Parliament of ... (OJ C ..., ..., p. ...), Council common position of ... (OJ C ..., ..., p. ...) and Position of the European Parliament of ... (not yet published in the Official Journal).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

With the aim of achieving good surface water chemical status pursuant to Article 4 of Directive 2000/60/EC, this Directive lays down environmental quality standards² for priority substances and certain other pollutants as provided for in Article 16 [...] of Directive 2000/60/EC.

Article 1a

Definitions

The definitions laid down in Directive 2000/60/EC shall apply for the purposes of this Directive.³

² While several delegations would have preferred the proposed Directive to lay down emission controls in addition to environmental quality standards (EQS), many delegations support the Commission's approach and other delegations can accept it on certain conditions (particularly if the Directive refers to the possible adoption of Community emission controls for certain substances at a later stage).

The representative of the Commission explained that the Community had introduced a wide range of emission controls since 2000 and it would not be possible to identify gaps until Member States had fully implemented existing Community law. At the current time, there was no evidence that further control measures were needed at Community level.

The addition of a reference to Article 16 of the WFD is consistent with draft European Parliament amendment 3.

³ Some delegations consider it necessary to define terms that the WFD does not define, particularly emissions, discharges and losses.

Article 2

Environmental quality standards

1. In accordance with Article 4(1)(a) of Directive 2000/60/EC, Member States shall ensure [...] that bodies of surface water comply with the environmental quality standards for priority substances, expressed as an annual average and as a maximum allowable concentration⁴, laid down in Annex I, Part A. [...] ⁵

Member States shall ensure compliance with the environmental quality standards in accordance with the requirements laid down in Annex I, Part B.⁶

2. Member States shall arrange for the long term trend analysis of concentrations of those priority substances listed in Part A of Annex I that tend to accumulate in sediment and/or biota (as specified in column 8) on the basis of monitoring of water status carried out in accordance with Article 8 of Directive 2000/60/EC. [...] They shall ensure, subject to Article 4 of Directive 2000/60/EC, that such concentrations do not significantly increase in sediment and relevant biota.⁷

⁴ Several delegations suggest that the EQS-MAC be reference values rather than legally-binding standards. However, some delegations and the representative of the Commission oppose any such change.

Some delegations have suggested as a compromise that compliance be assessed on the basis of a percentile calculation (to avoid one or two atypical readings leading to non compliance).

⁵ Two delegations consider that the Directive should cover other substances, or at least lay down a methodology for their selection or provide guidelines for EQSs for such substances. The new wording of Article 2(1) is in line with the aims of draft European Parliament amendments 4, 16 and 17.

⁶ Several delegations argue that there should be a harmonised methodology to monitor compliance with the EQS and specification of the analytical methods to be used (particularly for pentabromodiphenylether and C₁₀₋₁₃ chloroalkanes).

Some delegations suggest clarifying these matters in Annex I.

However, several other delegations agree with the representative of the Commission that the procedure provided for in Article 8(3) of the WFD is the appropriate mechanism for the adoption of technical specifications and standardised methods and are satisfied with the work already underway.

⁷ Some delegations argue that the requirements laid down in paragraphs 1 and 2 should not apply to all the substances listed in Annex I but only those discharged into the relevant river basin (as provided for in Annex V to the WFD).

[...]

3. The Commission shall examine technical and scientific progress, including the conclusion of risk assessments as referred to in Article 16(2)(a) and (b) of Directive 2000/60/EC and, if necessary, propose the revision of the environmental quality standards laid down in Part A of Annex I in accordance with the procedure laid down in Article 251 of the Treaty.
4. Point 3 of Part B of Annex I may be amended in accordance with the regulatory procedure with scrutiny referred to in Article 21(3) of Directive 2000/60/EC in order to specify the calculation method for metals.⁸

Article 3

Transitional area of exceedance⁹

1. Member States may designate transitional areas of exceedance adjacent to points of discharge. [...] Concentrations of one or more pollutants within such transitional areas of exceedance [...] may exceed the relevant environmental quality standards if they do not affect the compliance of the rest of the body of surface water with those standards.
2. Member States shall delimit in each case the extent of the parts of surface water bodies adjacent to the point of discharge to be classed as transitional areas of exceedance, taking into account relevant provisions of Community law.

⁸ Some delegations wish a harmonised methodology to be laid down before Member States begin monitoring in accordance with the Directive.
Several other delegations consider that guidance would be preferable and sufficient.
The representative of the Commission explained that it would not be possible to lay down a harmonised methodology in time for the first river basis management plans.
The wording of this provision assumes that the WFD will be amended in line with the Commission's recent proposal (doc. 5247/07) to incorporate the new regulatory procedure with scrutiny before this Directive is adopted.

⁹ Several delegations consider this Article to be overly bureaucratic, unclear and unnecessary.
The representative of the Commission explained that its purpose was to prevent EQS becoming emission controls in the vicinity of discharge points ("mixing zones").

Member States shall include a description of such delimitations in river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC, including the approaches and methodologies applied.¹⁰

3. Member States that designate transitional areas of exceedance shall carry out the review of the permits referred to in Directive 96/61/EC or of the prior regulations referred to in Article 11(3)(g) of Directive 2000/60/EC by ensuring the application of best available techniques with a view to ensuring that the extent of any transitional area of exceedance is appropriate having regard to the concentrations of pollutants at the point of discharge [...].¹¹
4. The method that Member States are to use to identify transitional areas of exceedance may be laid down in accordance with the procedure referred to in Article 21(3) of Directive 2000/60/EC.¹²

¹⁰ Some delegations request the deletion of this subparagraph.

¹¹ One delegation advocates the deletion of this paragraph, arguing that it is not consistent with the IPPC Directive. Draft European Parliament amendment 9 proposes the deletion of the reference to that Directive.

¹² Some delegations argue that the harmonised methodology provided for in Article 3(4) must be established in time for Member States to use it.

Some other delegations consider that it would be preferable to have guidance rather than laying down a harmonised methodology through comitology or to include the relevant rules in the Directive itself.

Article 4

Inventory of emissions, discharges and losses

1. On the basis of the information collected in accordance with Articles 5 and 8 of Directive 2000/60/EC and under Regulation (EC) No 166/2006, Member States shall establish an inventory of emissions, discharges and losses of all priority substances and pollutants listed in Part A [...] of Annex I for each river basin district or part of a river basin district lying within their territory.¹³
2. The reference period for the measurement of pollutant values to be entered in the inventories referred to in paragraph 1 shall be one year between 2007 and 2009.

However, for priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average of the years 2007, 2008 and 2009.¹⁴

3. Member States shall communicate the inventories established pursuant to paragraph 1, including the respective reference periods, to the Commission together with the river basin management plans reported in accordance with Article 15(1) of Directive 2000/60/EC.
4. Member States shall update their inventories as part of the reviews of the analyses specified in Article 5(2) of Directive 2000/60/EC.

The reference period for the establishment of values in the updated inventories shall be the year before that analysis is to be completed. For priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average of the three years before the completion of that analysis.

¹³ Many delegations doubt whether there is any need to add to the reporting requirements under the WFD and the PRTR Regulation. Consequently, they suggest deleting Article 4 or replacing it with clarification that reporting under Article 15 of the WFD should cover information on the results of monitoring carried out in accordance with this Directive. The representative of the Commission explained that the intention was not to create new reporting obligations but to make those of the WFD more explicit and to require the use of a reporting format that would make it easier to check compliance.

¹⁴ One delegation requests a year's postponement of the reference period.

Member States shall publish the updated inventories in their updated river basin management plans as laid down in Article 13(7) of Directive 2000/60/EC.

5. The Commission shall verify that emissions, discharges and losses as reflected in the inventory comply, by 2025, with the reduction or cessation objectives laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC.¹⁵
6. The method that Member States are to use to communicate inventories to the Commission may be laid down in accordance with the procedure referred to in Article 21(2) of Directive 2000/60/EC.¹⁶

Article 4a

Review

On the basis of reports from Member States, including on transboundary pollution, the Commission shall review the need for additional specific Community-wide emission controls. It shall report its conclusions to the European Parliament and to the Council in the context of the report prepared in accordance to Article 18(1) of Directive 2000/60/EC, accompanied, if appropriate, by relevant proposals.¹⁷

¹⁵ Several delegations advocate the deletion or rewording of this provision, arguing that it is not consistent with the WFD provides (in particular, because Article 4(1)(a)(iv) of the WFD requires measures *with the aim of* ceasing or phasing out emissions, discharges and losses of priority hazardous substances and Article 16(6) refers to a timetable not exceeding 20 years after the adoption of new control measures).

One delegation suggests replacing paragraph 5 with text specifying the scope of the reduction and cessation requirements of Article 4(1)(a)(iv) of the WFD.

The representative of the Commission explained that the date of 2025 derived from the review cycle specified in Article 5(2) of the WFD.

¹⁶ Some delegations argue that a harmonised methodology for inventories must be established before Member States establish them. Other delegations would prefer non-binding guidance.

¹⁷ One delegation suggests the addition of a new provision referring to Article 12 of the WFD but elaborating on the procedure provided for in that Article.

Article 5

Amendment of Directive 2000/60/EC

Annex X to Directive 2000/60/EC shall be replaced by the text set out in Annex II.

Article 6

Amendment of Directives 82/176/EEC, 83/513/EEC, 84/156/EEC and 84/491/EEC

Annex II to Directives 82/176/EEC, 83/513/EEC, 84/156/EEC and 84/491/EEC respectively shall be deleted.

Article 7

Amendment of Directive 86/280/EEC

Headings B in Sections I to XI of Annex II to Directive 86/280/EEC shall be deleted.

Article 8

Repeals

1. Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC shall be repealed with effect from 22 December 2012.¹⁸
2. Before 22 December 2012, Member States may carry out monitoring and reporting in accordance with Articles 5, 8 and 15 of Directive 2000/60/EC instead of carrying them out in accordance with the Directives referred to in paragraph 1.

¹⁸ One delegation stated that it could accept the repeal of existing Directives only if other Community legislation would guarantee the same level of protection. The representative of the Commission replied that the proposed Directive and other relevant recent Community legislation would indeed guarantee the same level of protection.

Article 9

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... * ¹⁹ at the latest. [...] **

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 10

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

* 18 months after entry into force of this Directive.

¹⁹ One delegation requests 24 months for transposition.

** The reference to correlation tables should appear in a recital reading as follows:
"In accordance with paragraph 34 of the Interinstitutional agreement on better law-making, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and the transposition measures and to make them public."

Article 11

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ENVIRONMENTAL QUALITY STANDARDS FOR PRIORITY SUBSTANCES [...]

PART A: ENVIRONMENTAL QUALITY STANDARDS (EQS) FOR PRIORITY SUBSTANCES IN SURFACE WATER²⁰

AA: annual average;

MAC: maximum allowable concentration.

Unit: [$\mu\text{g/l}$] for columns 4 to 7 and [$\mu\text{g/kg}$] for column 8.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N°	Name of substance	CAS number	AA-EQS ⁱ Inland surface waters	AA-EQS ⁱ Other surface waters	MAC- EQS ^{ii, 21} Inland surface waters	MAC-EQS ⁱⁱ Other surface waters	<u>EQS</u> <u>Biota</u> ^{iii, iv, 22}
(1)	Alachlor	15972-60-8	0.3 ²³	0.3	0.7	0.7	

²⁰ One delegation argues that the EQS for substances 1, 3, 4, 13, 19, 27, 28 and 29 should not be less strict than the standards for drinking water laid down in Directive 98/83/EC.

²¹ One delegation considers that the Directive should set MAC-EQS for substances for which the Commission has proposed "not applicable".

²² Some delegations consider that Member States should have the option of monitoring only biota or sediment for certain substances, particularly lipophilic substances.

Some other delegations oppose setting EQS for biota, arguing that the proposed standards for water the substances concerned should instead be considered as interim, like those for Ni and Pb, or should simply be indicators of a risk of failing to achieve good surface water chemical status.

The representative of the Commission stated that monitoring in biota or sediment could supplement but not replace monitoring in water.

This column replaces Article 2(3) of the Commission's original proposal. Read together with note (iii) it is consistent with the aim of draft

European Parliament amendments 5 and 6.

²³ One delegation proposes stricter AA-EQS of 0.2 $\mu\text{g/l}$, both for inland and other surface waters.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N°	Name of substance	CAS number	AA-EQS ⁱ Inland surface waters	AA-EQS ⁱ Other surface waters	MAC- EQS ^{ii, 21} Inland surface waters	MAC-EQS ⁱⁱ Other surface waters	EQS Biota ^{iii, iv, 22}
(2)	Anthracene	120-12-7	0.1	0.1	0.4	0.4	iv
(3)	Atrazine	1912-24-9	0.6	0.6	2.0	2.0	
(4)	Benzene	71-43-2	10 ²⁴	8	50	50	
(5)	Pentabromo-diphenylether ^{v, 25}	32534-81-9	0.0005	0.0002	<i>not applicable</i>	<i>not applicable</i>	iv
(6)	Cadmium and its compounds <i>(depending on water hardness classes)^{vi}</i>	7440-43-9	≤ 0.08 (Class 1) 0.08 (Class 2) 0.09 ²⁶ (Class 3) 0.15 (Class 4) 0.25 (Class 5)	0.2 ²⁷	≤ 0.45 (Class 1) 0.45 (Class 2) 0.6 (Class 3) 0.9 (Class 4) 1.5 (Class 5)		iv
(6a)	Carbontetrachloride	56-23-5	12	12	<i>not applicable</i>	<i>not applicable</i>	

²⁴ One delegation suggests stricter AA-EQS of 1.7, both for inland and other surface waters.

Another delegation suggests an AA-EQS of 80 for other surface waters.

²⁵ One delegation asks whether only one of the two congeners is to be measured as an indicative parameter or, alternatively, whether the EQS apply to the sum of the two congeners.

²⁶ One delegation suggests a stricter AA-EQS of 0.08 (if it would always be permissible to take account of the background concentration).

²⁷ One delegation suggests a stricter AA-EQS of 0.02 (if it would always be permissible to take account of the background concentration).

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N°	Name of substance	CAS number	AA-EQS ⁱ Inland surface waters	AA-EQS ⁱ Other surface waters	MAC- EQS ^{ii, 21} Inland surface waters	MAC-EQS ⁱⁱ Other surface waters	EQS Biota ^{iii, iv, 22}
(7)	C10-13 Chloroalkanes ²⁸	85535-84-8	0.4	0.4	1.4	1.4	iv
(8)	Chlorfenvinphos	470-90-6	0.1 ²⁹	0.1	0.3	0.3	
(9)	Chlorpyrifos	2921-88-2	0.03	0.03	0.1	0.1	
(9a)	Cyclodiene pesticides: Aldrin Dieldrin Endrin Isodrin	 309-00-2 60-57-1 72-20-8 465-73-6	$\Sigma=0.01$ ³⁰	$\Sigma=0.005$	<i>not applicable</i>	<i>not applicable</i>	
(9b)	DDT total ^{vii}	<i>not applicable</i>	0.025 ³¹	0.025	<i>not applicable</i>	<i>not applicable</i>	
	para-para-DDT	50-29-3	0.01	0.01	<i>not applicable</i>	<i>not applicable</i>	
(10)	1,2-Dichloroethane	107-06-2	10	10	<i>not applicable</i>	<i>not applicable</i>	
(11)	Dichloromethane	75-09-2	20 ³²	20	<i>not applicable</i>	<i>not applicable</i>	

²⁸ One delegation suggests specifying which members of this group are to be monitored.

²⁹ One delegation suggests stricter AA-EQS of 0.04 µg/l, both for inland and other surface waters.

³⁰ One delegation suggests having a specific AA-EQS for each cyclodiene pesticide: 0.01µg/l for aldrin and dieldrin and 0.005 µg/l for endrin and isodrin, both for inland and other surface waters (as in Directive 86/280/EC).

³¹ One delegation suggests stricter AA-EQS of 0.002 µg/l, both for DDT total and para-para-DDT and both for inland and other surface waters.

³² One delegation suggests AA-EQS of 200 µg/l, both for inland and other surface waters.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N°	Name of substance	CAS number	AA-EQS ⁱ Inland surface waters	AA-EQS ⁱ Other surface waters	MAC- EQS ^{ii, 21} Inland surface waters	MAC-EQS ⁱⁱ Other surface waters	<u>EQS</u> <u>Biota</u> ^{iii, iv, 22}
(12)	Di(2-ethylhexyl)-phthalate (DEHP)	117-81-7	1.3	1.3	<i>not applicable</i>	<i>not applicable</i>	
(13)	Diuron	330-54-1	0.2	0.2	1.8	1.8	
(14)	Endosulfan ³³	115-29-7	0.005	0.0005 ³⁴	0.01	0.004	
(15)	Fluoranthene	206-44-0	0.1 ³⁵	0.1	1	1	iv
(16)	Hexachlorobenzene	118-74-1	0.01	0.01 ³⁶	0.05	0.05	<u>10</u> ^{iv}
(17)	Hexachlorobutadiene	87-68-3	0.1	0.1 ³⁷	0.6	0.6	<u>55</u> ^{iv}
(18)	Hexachlorocyclohexane	608-73-1 ³⁸	0.02	0.002 ³⁹	0.04	0.02	iv
(19)	Isoproturon	34123-59-6	0.3	0.3	1.0	1.0	

³³ One delegation suggests clarifying that the EQS apply to the sum of the two isomers: α - and β -endosulfan.

³⁴ One delegation suggests that the AA-EQS for other surface waters be 0.005 $\mu\text{g/l}$, as for inland waters.

³⁵ One delegation suggests AA-EQS of 1 $\mu\text{g/l}$, both for inland and other surface waters.

³⁶ One delegation suggests a stricter AA-EQS of 0.001 $\mu\text{g/l}$, only for other surface waters.

³⁷ One delegation suggests a stricter AA-EQS of 0.003 $\mu\text{g/l}$, only for other surface waters.

³⁸ One delegation suggests having separate EQS for lindane and for the sum of other isomers.

³⁹ One delegation suggests that the AA-EQS for other surface waters be 0.02 $\mu\text{g/l}$, as for inland waters.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N°	Name of substance	CAS number	AA-EQS ⁱ Inland surface waters	AA-EQS ⁱ Other surface waters	MAC- EQS ^{ii, 21} Inland surface waters	MAC-EQS ⁱⁱ Other surface waters	EQS Biota ^{iii, iv, 22}
(20)	Lead and its compounds	7439-92-1	7.2 ⁴⁰	7.2	<i>not applicable</i>	<i>not applicable</i>	^{iv}
(21)	Mercury and its compounds	7439-97-6	0.05	0.05 ⁴¹	0.07	0.07	<u>20</u> ^{iv, viii, 42}
(22)	Naphthalene	91-20-3	2.4 ⁴³	1.2	<i>not applicable</i>	<i>not applicable</i>	
(23)	Nickel and its compounds	7440-02-0	20 ⁴⁴	20	<i>not applicable</i>	<i>not applicable</i>	
(24)	Nonylphenol ⁴⁵	25154-52-3	0.3	0.3	2.0	2.0	
(25)	Octylphenol	1806-26-4	0.1 ⁴⁶	0.01	<i>not applicable</i>	<i>not applicable</i>	
(26)	Pentachlorobenzene	608-93-5	0.007 ⁴⁷	0.0007	<i>not applicable</i>	<i>not applicable</i>	^{iv}
(27)	Pentachlorophenol	87-86-5	0.4	0.4	1	1	

⁴⁰ One delegation suggests stricter AA-EQS of 0.4, both for inland and other surface waters (if it would always be permissible to take account of the background concentration).

⁴¹ One delegation suggests "*not applicable*".

⁴² One delegation considers this figure too high, in view of the high background concentrations of mercury.

⁴³ One delegation suggests AA-EQS of 12 µg/l, both for inland and other surface waters.

⁴⁴ One delegation suggests stricter AA-EQS of 2.1, both for inland and other surface waters (if it would always be permissible to take account of the background concentration).

⁴⁵ One delegation requests clarification of whether the EQS are a sum for all members of the group or just for one indicative member. This question also applies to substances 25 and 30.

⁴⁶ One delegation suggests AA-EQS of 0.5 µg/l, both for inland and other surface waters.

⁴⁷ One delegation suggests AA-EQS of 0.063 µg/l, both for inland and other surface waters.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N°	Name of substance	CAS number	AA-EQS ⁱ Inland surface waters	AA-EQS ⁱ Other surface waters	MAC- EQS ^{ii, 21} Inland surface waters	MAC-EQS ⁱⁱ Other surface waters	<u>EQS</u> <u>Biota</u> ^{iii, iv, 22}
(28)	Polyaromatic hydrocarbons (PAH) ^{ix, 48}	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>	<i>not applicable</i>	
	Benzo(a)pyrene	50-32-8	0.05	0.05	0.1	0.1	iv
	Benzo(b)fluor-anthene	205-99-2	Σ=0.03	Σ=0.03	<i>not applicable</i>	<i>not applicable</i>	iv
	Benzo(k)fluor-anthene	207-08-9					iv
	Benzo(g,h,i)-perylene	191-24-2	Σ=0.002	Σ=0.002	<i>not applicable</i>	<i>not applicable</i>	iv
	Indeno(1,2,3-cd)-pyrene	193-39-5					iv
(29)	Simazine	122-34-9	1	1	4	4	
(29a)	Tetrachloroethylene	127-18-4	10	10	<i>not applicable</i>	<i>not applicable</i>	
(29b)	Trichloroethylene	79-01-6	10	10	<i>not applicable</i>	<i>not applicable</i>	

⁴⁸ One delegation suggests having a specific AA-EQS for each PAH: making the current figure applicable to each substance.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N°	Name of substance	CAS number	AA-EQS ⁱ Inland surface waters	AA-EQS ⁱ Other surface waters	MAC-EQS ^{ii, 21} Inland surface waters	MAC-EQS ⁱⁱ Other surface waters	<u>EQS</u> <u>Biota</u> ^{iii, iv, 22}
(30)	Tributyltin compounds ⁴⁹	<i>not applicable</i>	0.0002	0.0002	0.0015	0.0015	^{iv}
(31)	Trichlorobenzenes (all isomers)	12002-48-1	0.4	0.4 ⁵⁰	<i>not applicable</i>	<i>not applicable</i>	
(32)	Trichloromethane	67-66-3	2.5	2.5	<i>not applicable</i>	<i>not applicable</i>	
(33)	Trifluralin	1582-09-8	0.03	0.03	<i>not applicable</i>	<i>not applicable</i>	

⁴⁹ One delegation has raised concerns about the availability of cost-effective analytical methods for TBT, suggesting that sampling in sediment might be more appropriate.

⁵⁰ One delegation suggests an AA-EQS of 4 µg/l for other surface waters.

[...]

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- i This parameter is the Environmental Quality Standard expressed as an annual average value (EQS-AA).
- ii This parameter is the Environmental Quality Standard expressed as a maximum allowable concentration (EQS-MAC). Where the MAC-EQS are marked as "not applicable", the AA-EQS values are also protective against short-term pollution peaks since they are significantly lower than the values derived on the basis of acute toxicity.
- iii This parameter is the Environmental Quality Standard for prey tissue (wet weight) choosing the most appropriate indicator from among fish, molluscs, crustaceans and other biota. Rather than monitoring compliance with this standard by sampling biota, Member States may instead introduce a more stringent standard for water replacing the one listed in columns 4 to 7 and providing the same level of protection.
- iv These substances constitute the minimum list of appropriate substances to be monitored in sediment and/or biota according to Article 2(2).
- v For the group of priority substances covered by brominated diphenylethers (No. 5) listed in Decision 2455/2001/EC, an EQS is established only for pentabromodiphenylether.
- vi For Cadmium and its compounds (No. 6) the EQS values vary dependent upon the hardness of the water as specified in five class categories (Class 1: <40 mg CaCO₃/l, Class 2: 40 to <50 mg CaCO₃/l, Class 3: 50 to <100 mg CaCO₃/l, Class 4: 100 to <200 mg CaCO₃/l and Class 5: ≥200 mg CaCO₃/l).
- vii DDT total comprises the sum of the isomers 1,1,1-trichloro-2,2 bis (*p*-chlorophenyl) ethane (CAS number 50-29-3; EU number 200-024-3); 1,1,1-trichloro-2 (*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane (CAS number 789-02-6; EU Number 212-332-5); 1,1-dichloro-2,2 bis (*p*-chlorophenyl) ethylene (CAS number 72-55-9; EU Number 200-784-6); and 1,1-dichloro-2,2 bis (*p*-chlorophenyl) ethane (CAS number 72-54-8; EU Number 200-783-0).
- viii For methyl-mercury only.
- ix For the group of priority substances of polyaromatic hydrocarbons (PAH) (No. 28), each individual EQS is applicable, i.e., the EQS for Benzo(a)pyrene, the EQS for the sum of Benzo(b)fluoranthene and Benzo(k)fluoranthene and the EQS for the sum of Benzo(g,h,i)perylene and Indeno(1,2,3-cd)pyrene must be met.

PART B: COMPLIANCE WITH ENVIRONMENTAL QUALITY STANDARDS

1. Column 4 and 5: For any given surface water body, compliance with EQS-AA requires that, for each representative monitoring point within the water body, the arithmetic mean of the concentrations measured at different times during the year is below the standard.⁵¹

The calculation of the arithmetic mean and the analytical method used must be in accordance with Decision .../... [Decision under preparation for adoption through comitology in accordance with Article 8(3) of the WFD]. Where the limit of quantification is greater than the EQS, compliance is achieved when the arithmetic mean of the concentrations measured does not exceed the limit of quantification.

2. Column 6 and 7: For any given surface water body, compliance with EQS-MAC means that the measured concentration at any representative monitoring point within the water body must not exceed the standard.⁵²

- 2a. If no appropriate analytical method meeting the minimum performance criteria laid down in Decision .../... [Decision under preparation for adoption through comitology in accordance with Article 8(3) of the WFD] is available for a particular priority substance, compliance with the relevant EQS cannot be checked for.

3. With the exception of cadmium, lead, mercury and nickel (hereinafter “metals”) the Environmental Quality Standards (EQS) set up in this Annex are expressed as total concentrations in the whole water sample. In the case of metals the EQS refers to the dissolved concentration, i.e. the dissolved phase of a water sample obtained by filtration through a 0.45 µm filter or any equivalent pre-treatment.

⁵¹ One delegation argues that the Directive should require the Commission to propose the adoption of minimum criteria for sampling, preparation and analysis through comitology. Some other delegations suggest deleting the paragraph since, in their view, it duplicates provisions of the WFD.

⁵² One delegation suggests that compliance be based on a 90 percentile evaluation. Some other delegations suggest deleting the paragraph since, in their view, it duplicates provisions of the WFD.

If natural background concentrations for metals are higher than the EQS value or if hardness, pH or other water quality parameters affect the bioavailability of metals, Member States may take this into account when assessing the monitoring results against the EQS. If they choose to do so, the use of calculation methods set up pursuant to Article 2(5) is compulsory.⁵³

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⁵³ Many delegations advocate an "added risk" approach, meaning that background concentrations should always be taken into account. The representative of the Commission explained that the opinion of the Scientific Committee had discouraged it from proposing this approach.

Some other delegations suggest widening the provision to cover either hydrophobic substances or any priority substance for which the background concentration in border sections of incoming transboundary waters is higher than the EQS.

⁵⁴ Some delegations request the addition of a paragraph clarifying that samples taken during abnormal circumstances such as floods may be disregarded.

One delegation suggests clarifying that substances associated with sediments redistributed as a result of dredging activities for navigation purposes are not to be construed as emissions, discharges or losses. Draft European Parliament amendment 11 also concerns the problem of monitoring in harbour areas.

The representative of the Commission considers that the appropriate place for dealing with such issues is the monitoring guidance currently under preparation.

AMENDMENT OF ANNEX X TO DIRECTIVE 2000/60/EC ⁵⁵

Annex X of Directive 2000/60/EC shall be replaced by the following:

"ANNEX X

LIST OF PRIORITY SUBSTANCES IN THE FIELD OF WATER POLICY

Number	CAS number ¹	EU number ²	Name of priority substance *	Identified as priority hazardous substance
(1)	15972-60-8	240-110-8	Alachlor	
(2)	120-12-7	204-371-1	Anthracene	X
(3)	1912-24-9	217-617-8	Atrazine	
(4)	71-43-2	200-753-7	Benzene	
(5)	not applicable	not applicable	Brominated diphenylether **	X ***
	<u>not applicable</u>	<u>not applicable</u>	<u>(BDE congener numbers 28, 47, 99, 100, 153 and 154 or only BDE congener number 99) *</u>	
(6)	7440-43-9	231-152-8	Cadmium and its compounds	X
(6a)	<u>56-23-5</u>	<u>200-262-8</u>	Carbontetrachloride	
(7)	85535-84-8	287-476-5	Chloroalkanes, C ₁₀₋₁₃ **	X
			<u>(All C₁₀₋₁₃ chlorinated paraffins (49% to 70% chlorine)) *</u>	<u>X</u>
(8)	470-90-6	207-432-0	Chlorfenvinphos	
(9)	2921-88-2	220-864-4	Chlorpyrifos	
			(ethyl-chlorpyrifos) *	
(9a)	<u>not applicable</u>	<u>not applicable</u>	<u>Cyclodiene pesticides</u>	
	<u>309-00-2</u>	<u>206-215-8</u>	<u>Aldrin</u>	
	<u>60-57-1</u>	<u>200-484-5</u>	<u>Dieldrin</u>	
	<u>72-20-8</u>	<u>200-775-7</u>	<u>Endrin</u>	
	<u>465-73-6</u>	<u>207-366-2</u>	<u>Isodrin</u>	

⁵⁵ One delegation argues that the substances that used to appear in Part B of Annex I should be classified as priority hazardous substances, as proposed in draft European Parliament amendment 19.

(9b)	<u>not applicable</u>	<u>not applicable</u>	<u>DDT total</u>	
	<u>50-29-3</u>	<u>200-024-3</u>	<u>para-para-DDT</u>	
(10)	107-06-2	203-458-1	1,2-dichloroethane	
(11)	75-09-2	200-838-9	Dichloromethane	
(12)	117-81-7	204-211-0	Di(2-ethylhexyl)phthalate (DEHP)	
(13)	330-54-1	206-354-4	Diuron	
(14)	115-29-7	204-079-4	Endosulfan	X
	959-98-8	not applicable	(Alpha-endosulfan) *	<u>X</u>
(15)	206-44-0	205-912-4	Fluoranthene ****	
(16)	118-74-1	204-273-9	Hexachlorobenzene	X
(17)	87-68-3	201-765-5	Hexachlorobutadiene	X
(18)	608-73-1	210-158-9	Hexachlorocyclohexane	X
	58-89-9	200-401-2	(gamma-isomer, Lindane) *	<u>X</u>
(19)	34123-59-6	251-835-4	Isoproturon	
(20)	7439-92-1	231-100-4	Lead and its compounds	
(21)	7439-97-6	231-106-7	Mercury and its compounds	X
(22)	91-20-3	202-049-5	Naphthalene	
(23)	7440-02-0	231-111-14	Nickel and its compounds	
(24)	25154-52-3	246-672-0	Nonylphenol	X
	104-40-5	203-199-4	(4-(para)nonylphenol) *	<u>X</u>
(25)	1806-26-4	217-302-5	Octylphenol	
	140-66-9	not applicable	(4-(1,1',3,3'-tetramethylbutyl)-phenol) *	
(26)	608-93-5	210-172-5	Pentachlorobenzene	X
(27)	87-86-5	231-152-8	Pentachlorophenol	
(28)	not applicable	not applicable	Polyaromatic hydrocarbons	X
	50-32-8	200-028-5	(Benzo(a)pyrene)	<u>X</u>
	205-99-2	205-911-9	(Benzo(b)fluoranthene)	<u>X</u>
	191-24-2	205-883-8	(benzo(g,h,i)perylene)	<u>X</u>
	207-08-9	205-916-6	(Benzo(k)fluoranthene)	<u>X</u>
	193-39-5	205-893-2	(Indeno(1,2,3-cd)pyrene)	<u>X</u>
(29)	122-34-9	204-535-2	Simazine	

(29a)	<u>127-18-4</u>	<u>204-825-9</u>	<u>Tetrachloroethylene</u>	
(29b)	<u>79-01-6</u>	<u>201-167-4</u>	<u>Trichloroethylene</u>	
(30)	<u>not applicable</u>	<u>not applicable</u>	Tributyltin compounds	X
	36643-28-4	not applicable	Tributyltin-cation	<u>X</u>
(31)	12002-48-1	234-413-4	Trichlorobenzenes	
	120-82-1	204-428-0	(1,2,4-trichlorobenzene)	
(32)	67-66-3	200-663-8	Trichloromethane (chloroform)	
(33)	1582-09-8	216-428-8	Trifluralin	

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¹ CAS: Chemical Abstract Services

² EU-number: European Inventory of Existing Commercial Chemical Substances (EINECS) or European List of Notified Chemical Substances (ELNICS).

* Where groups of substances have been selected, typical individual representatives are listed as indicative parameters (in brackets and without number). At least these indicator substances should be analysed and reported.

** These groups of substances normally include a considerable number of individual compounds. At present, appropriate indicative parameters cannot be given.

*** Only Pentabromobiphenylether (CAS-number 32534-81-9).

**** Fluoranthene is on the list as an indicator of other, more dangerous Polyaromatic Hydrocarbons.