



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 December 2012

17243/12

**Interinstitutional File:
2011/0429 (COD)**

ENV	914
SAN	319
CHIMIE	95
AGRILEG	185
CODEC	2913

NOTE

from: General Secretariat
to: Delegations

Subject: Current legislative proposals
- Proposal for a Directive on environmental quality standards in the field of water policy (priority substances)
= Information from the Presidency

Delegations will find in Annex an information note from the Presidency on the above-mentioned subject, which will be dealt with under "other business" at the Council (Environment) meeting on 17 December 2012.

**Proposal for a Directive on environmental quality standards in the field of water policy
(priority substances)**

- Information from the Presidency -

1. On 31 January 2012 the Commission forwarded to the European Parliament and to the Council a proposal for a Directive amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy.
2. The DK Presidency worked intensively on the proposal and presented the progress made and the main open points to the Council on 11 June 2012 (10741/12).
3. The CY Presidency continued the examination of the proposal and, over the course of four meetings, progress was made on, among other things, the issue of definitions (Article 2.1), deadlines for implementation (recital 5a and Article 2.2 paragraph 1a), emission controls for ubiquitous PBTs (recital 15a), gaps in analytical methods (Article 2.2 paragraphs 3a and 3b), additional maps for new priority substances and ubiquitous PBT substances (Article 2.5) and on the watch list (Article 2.6).

The European Parliament's Environment Committee voted its Report on 28 November 2012. The vote in plenary is not expected before April 2013.

4. The main outstanding issues are outlined below:
 - (a) List of Priority Substances (PS) and Priority Hazardous Substances (PHS) – Annexes I and II, Article 3.

The Commission proposes to add 15 new PS (including six PHS) to the current list of 33 substances. Among the new PS, three substances are components of pharmaceutical products (Diclofenac, 17-beta-estradiol (E2) and 17-alpha-ethinylestradiol (EE2)). The Commission also proposes to classify two existing substances as PHS, and to revise the EQS values for seven existing PS.

A number of reservations exist on the proposed PS list. In particular, a majority of delegations continues to oppose the inclusion of the three pharmaceuticals on the list. The Presidency suggests, as a compromise, their deletion from the list while introducing an obligation to monitor such substances in all river basins starting 6 months after the entry into force of the Directive.

In its Report, the EP ENVI Committee maintains the pharmaceutical substances on the list while deleting the corresponding EQS values. Such values should be proposed by the Commission in the context of the next review of the PS list. In absence of agreement, Member States should establish EQS for these substances by 27 December 2016.

(b) Date of implementation - Article 2.2 (Article 3 paragraph 1a)

The Commission proposal does not introduce a specific derogation to the 2015 deadline¹ for the achievement of good surface water chemical status with respect to the new PS substances or the new EQS values of existing PS. The Presidency compromise, given the concerns of a majority of delegations, establishes that for new substances and new EQS values this deadline be set at 2021, with possible extensions. The majority of delegations supports a 2027 deadline.

The EP ENVI Committee suggests a 2021 deadline. In the case of pharmaceutical substances, the deadline would be 2027 as these substances should be taken into account in the review of programmes of measures and river basin management plans foreseen in 2021.

(c) Watch list – Article 2.6 (Article 8b)

The proposed watch list has the aim of supporting the prioritisation of substances in future reviews of the Directive. It provides for the obligation to monitor a dynamic list of up to 25 substances or groups of substances at 299 representative sites across the EU.

¹ Article 4 of the Water Framework Directive.

Given the reservations of a majority of delegations, the Presidency compromise reduces to 10 the maximum number of substances on the watch list, introduces new criteria for determining the number of sampling stations in each Member State (253 in total), and modifies the deadlines of the original proposal so that, among others, updates of the watch list may take place at minimum intervals of 2 years. Some delegations have reservations and ask, among others, to reduce the number of stations or for a longer time period to carry out the monitoring.

The EP ENVI Committee maintains at 25 the maximum number of substances and changes the criteria for determining the number of sampling stations bringing their total to 275.

5. Other issues concern, among others:

- PS behaving as ubiquitous, persistent, bioaccumulative and toxic (u-PBTs) - At present only 8 substances are indentified as u-PBT. For these substances it will be possible to reduce the frequency of monitoring, provided a robust monitoring baseline exists (Article 2.5). Some delegations propose to add further substances to the u-PBT list.
- The date of entry into force - the transposition period of 12 months is considered inadequate by all delegations. The Presidency compromise now provides for a 18-month period. Six delegations ask for a 24 month deadline.
