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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE COUNCIL AND THE
EUROPEAN PARLIAMENT on the exercise of the power to adopt
delegated acts conferred on the Commission pursuant to Directive
2008/105/EC on environmental quality standards in the field of water policy

Delegations will find attached document COM(2018) 847 final.

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**REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN
PARLIAMENT**

**on the exercise of the power to adopt delegated acts conferred on the Commission
pursuant to Directive 2008/105/EC on environmental quality standards in the field of
water policy**

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE
COUNCIL on the exercise of the power to adopt delegated acts conferred on the
Commission pursuant to Directive 2008/105/EC on environmental quality standards in the
field of water policy**

1. INTRODUCTION

Directive 2008/105/EC¹ of the European Parliament and of the Council on environmental quality standards in the field of water policy, as amended by Directive 2013/39/EU², sets environmental quality standards for the priority substances identified under the Water Framework Directive³ (2000/60/EC) as posing a significant EU-wide risk to and via aquatic ecosystems. Directive 2008/105/EC is a daughter of the Water Framework Directive, which seeks to protect, restore and enhance the status of aquatic ecosystems.

Directive 2008/105/EC (as amended) empowers the Commission to adopt delegated acts to adapt to scientific or technical developments the specifications in point 3 of Part B of Annex I to the Directive, i.e. specifications relating to the fraction⁴ in which the water environmental quality standards are defined and specifications relating to the assessment of compliance with the environmental quality standards for metals.

2. LEGAL BASIS

This report is required under Article 9a(2) of Directive 2008/105/EC as amended by Directive 2013/39/EU. Pursuant to this provision, the power to adopt delegated acts referred to in Article 3(8) is conferred on the Commission for a period of six years from 13 September 2013 and the Commission is required to prepare a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power is automatically extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension in accordance with Article 9a.

3. EXERCISE OF THE DELEGATION

A similar empowerment was included in the original version of Directive 2008/105/EC but not used before the Directive was amended by ordinary legislative procedure in 2013. The 2013 amendment made some changes to the text in point 3 of Part B of Annex I to reflect technical advances relating to the assessment of compliance with the environmental quality standards for metals, in particular to acknowledge the introduction of bioavailable annual average environmental quality standards for two metals in freshwaters, and the progress made on bioavailability modelling.

The scientific and technical developments since then have not yet required any further adaptation of point 3 of Part B of Annex I, therefore the Commission has not exercised its delegated power during the reporting period. However, it may be necessary to use the delegated power in future, in particular since the need to take account of relevant scientific or technical developments might not coincide with the timing of other possible future amendments to the Directive.

¹ *OJ L 348, 24.12.2008, p. 84–97*

² *OJ L 226, 24.8.2013, p. 1–17*

³ *OJ L 327, 22.12.2000, p. 1–73*

⁴ i.e. whole water or dissolved fraction.

4. CONCLUSION

The Commission has not exercised the delegated power conferred on it under Directive 2008/105/EC but may need to do so in the future. It invites the European Parliament and the Council to take note of this report.