



Council of the
European Union

Brussels, 7 November 2023
(OR. en)

15079/23

ENV 1245

COVER NOTE

From:	European Commission
date of receipt:	3 November 2023
To:	General Secretariat of the Council
No. Cion doc.:	D091755/2
Subject:	COMMISSION DECISION of XXX establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Commission Decision (EU) 2018/229

Delegations will find attached document D091755/2.

Encl.: D091755/2



EUROPEAN
COMMISSION

Brussels, XXX
D091755
[...] (2023) XXX draft

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(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽¹⁾, and in particular Section 1.4.1(ix) of Annex V thereto,

Whereas:

- (1) Directive 2000/60/EC requires the Member States to protect, enhance and restore all bodies of surface waters with the aim of achieving good ecological and chemical status. It furthermore requires Member States to protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving good ecological potential and good chemical status.
- (2) In order to define one of the main environmental objectives of Directive 2000/60/EC, namely good ecological status, the Directive provides for a process to ensure the comparability between the biological monitoring results of Member States and their monitoring system classifications. Member States' biological monitoring results and their monitoring system classifications are to be compared through an intercalibration network comprised of monitoring sites in each Member State and in each ecoregion of the Union. Directive 2000/60/EC requires the Member States to collect, as appropriate, the necessary information for the sites included in the intercalibration network, in order to enable the assessment of the consistency of the national monitoring system classifications with the normative definitions of Section 1.2 of Annex V to Directive 2000/60/EC. In order to carry out the intercalibration exercise Member States are organised in Geographical Intercalibration Groups, consisting of Member States and Norway sharing particular surface water body types, as set out in Annex 2 to this Decision.
- (3) In accordance with Directive 2000/60/EC the intercalibration exercise is to be carried out at the level of the biological quality elements, comparing the classification results of the national monitoring system for each biological quality element and for each common surface water body type among Member States. The exercise has also to ensure the consistency of the results with the normative definitions set out in Section 1.2 of Annex V to that Directive.

¹ OJ L 327, 22.12.2000, p1

- (4) The Commission has facilitated four phases of the intercalibration exercise. Under the Water Framework Directive Common Implementation Strategy, four guidance documents (No 6 ⁽²⁾), 14 (two versions ⁽³⁾) and 30 ⁽⁴⁾) were prepared to facilitate the intercalibration process. They provide an overview of the key principles of the process and the options to perform the exercise including timescales, and reporting requirements. They also provide a procedure to ensure that new or revised national classification methods are consistent with the harmonised definition of good ecological status.
- (5) Commission Decision 2008/915/EC ⁽⁵⁾ included some intercalibration results for a number of biological quality elements. That Decision set out the values of the boundaries between classes that Member States had to use in their national monitoring system classifications.
- (6) The first phase of the intercalibration exercise was incomplete. Hence the Commission initiated a second phase for this process. The results of this exercise were included in Commission Decision 2013/480/EU ⁽⁶⁾ in order to close the gaps and improve the comparability of the intercalibration results in time for the second river basin management plans due in 2015. The results revealed that, in some cases, intercalibration was only partially achieved. There were also Geographical Intercalibration Groups and biological quality elements for which there were no intercalibration results for inclusion in that Decision.
- (7) A third phase of the intercalibration exercise was therefore necessary to close these gaps and improve the comparability of the intercalibration results in time for the third river basin management plans due in 2021. The results of this exercise were included in Commission Decision (EU) 2018/229 ⁽⁷⁾. Yet again, the results revealed that, in some cases, intercalibration was only partially achieved.
- (8) There was a need to close those remaining gaps, and to review some of the results previously adopted in view of adapting to scientific and technical progress in the Member States' monitoring and classification systems. Hence the Commission initiated a fourth phase of the intercalibration exercise. Its results are included in Annex 1 to this Decision.

² Common implementation strategy for the Water Framework Directive (2000/60/EC), Guidance Document No 6, Towards a Guidance on Establishment of the Intercalibration Network and the Process on the Intercalibration Exercise, European Communities, 2003. ISBN 92-894-5126-2

³ Common implementation strategy for the Water Framework Directive (2000/60/EC), Guidance document No 14. Guidance document on the Intercalibration Process 2004-2006, ISBN 92-894-9471-9; Common implementation strategy for the Water Framework Directive (2000/60/EC), Guidance document No 14. Guidance document on the Intercalibration Process 2008-2011, ISBN: 978-92-79-18997-5

⁴ Procedure to fit new or updated classification methods to the results of a completed intercalibration exercise, Guidance document No 30. Technical Report 2015-085, ISBN: 978-92-79-38434-9

⁵ Commission Decision 2008/915/EC of 30 October 2008 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise (OJ L 332, 10.12.2008, p.20)

⁶ Commission Decision 2013/480/EU establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2008/915/EC (OJ L 266, 8.10.2013, p. 1)

⁷ Commission Decision (EU) 2018/229 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Commission Decision 2013/480/EU (OJ L 47, 20.2.2018, p. 1–91)

- (9) For the purpose of developing the results in Part 1 of Annex 1, all steps of the intercalibration process set out in the guidance documents have been fully completed. Part 2 of Annex 1 includes the national classification methods and their respective boundary values for which it has not been technically feasible to complete the comparability assessment due to a lack of common types, different pressures addressed or different assessment concepts. Part 3 of Annex 1 includes surface water body types (found in Member States and Norway) for which a biological or sub-biological quality element is not applicable on the basis of the justifications provided and accepted. Since the results set out in Part 1 and Part 2 of Annex 1 are consistent with the normative definitions set out in Section 1.2 of Annex V to Directive 2000/60/EC, the respective boundary values should be used in Member States' monitoring and classification systems.
- (10) Where water bodies corresponding to the intercalibrated types are designated as artificial or heavily modified water bodies in accordance with Article 4(3) of Directive 2000/60/EC, Member States should be allowed to use the results presented in Annex 1 to this Decision to derive their good ecological potential. In doing so, they should take into account their physical modifications and their associated water use in accordance with the normative definitions in point 1.2.5 of Annex V to Directive 2000/60/EC.
- (11) Member States should apply the results of the intercalibration exercise to their national classification systems when setting the boundaries between high and good status and between good and moderate status for all their national types.
- (12) The information that is made available through the establishment of the monitoring programmes provided for in Article 8 of Directive 2000/60/EC and the review and update of the characteristics of river basin districts provided for in Article 5 of that Directive will bring new evidence. In some cases, such information may entail the need for Member States to adapt their monitoring and classification systems to cater for scientific and technical progress. Member States may also develop new national classification methods covering biological quality elements or sub-biological quality elements and respective boundary values which would need to be consistent with the normative definitions set out in Section 1.2 of Annex V to Directive 2000/60/EC.
- (13) Decision (EU) 2018/229 should be repealed and replaced accordingly.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 21(1) of Directive 2000/60/EC,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of section 1.4.1(iii) of Annex V to Directive 2000/60/EC, Member States shall use in their monitoring and classification systems the values of the boundaries between classes that are set out in Part 1 of Annex 1 to this Decision.
2. Where a comparability assessment for a biological quality element has not been completed within a Geographical Intercalibration Group as set out in Annex 2 to this Decision, Member States shall, for the purpose of section 1.4.1(iii) of Annex V to Directive 2000/60/EC, use in their monitoring and classification systems the methods and the values of the boundaries between classes that are set out in Part 2 of the Annex 1 to this Decision.

3. Member States may use the methods and the values of the boundaries between classes set out in the Annex 1 to this Decision to establish the good ecological potential of water bodies designated as artificial or heavily modified water bodies in accordance with Article 4(3) of Directive 2000/60/EC.

Article 2

Decision (EU) 2018/229 is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Commission
Virginijus Sinkevičius
Member of the Commission*