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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
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Subject:	Priority Substances in Water Directive: Informal VC of the members of the WPE on 22 November 2023 – Presidency Steering Note

With a view to the Informal VC of the members of the WPE on 22 November 2023, delegations will find attached a Presidency Steering Note on the Priority Substances in Water Directive.

WORKING PARTY ON THE ENVIRONMENT (WPE)

22 November 2023

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy.

Presidency steering note

On 22 November 2023, the WPE will continue the examination of the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy.

The Presidency proposes to discuss Article 3 and Annexes V and VI of the proposal, amending the Directive 2008/105/EC on environmental quality standards in the field of water policy.

Based on the comments received from the Member States, the Presidency suggests discussing the topics identified below. A summary of the main issues identified for each topic is also provided.

The Annex to this Note contains the Presidency proposals to amendments of article 3 and annexes V and VI (amendments to the Directive 2008/105/EC on environmental quality standards in the field of water policy)

Topic	Article or Annex of EQSD
Environmental quality standards	Art. 3
Inventory of emissions, discharges and losses	Art. 5
Coordination	Art. 7a
Review of Annexes I and II	Art. 8
Specific provisions for certain substances	Art. 8a
Watch list	Art. 8b
River Basin Specific Pollutants	Art. 8d
Environmental Quality Standards (EQS) for priority substances in surface waters	Annex I
Environmental Quality Standards for River Basin Specific Pollutants	Annex II

Summary of the main issues identified by the Presidency.

Articles on environmental quality standards in the field of water policy (2008/105/EC)

Some Member States still maintain scrutiny reserve on specific articles or on the entire file. Main concerns, as for the article 2 of the proposal, are related to the increased cost required for monitoring, the inclusion of new substances, setting of tighter EQS, lack of development of analytical methods, and consistency with the DWD. A summary, although not exhaustive, of the main raised issues is provided below.

Article 3

Some Member States have welcomed the changes in Art. 3, as they make the text clearer, and the EU's ambition for harmonization between MS. However, some issues have been raised about the timeline, which should be in line with the points (i) and (ii) of paragraph 1a, and on the consequences if monitoring in biota or sediment is not feasible.

Article 5

Further clarification on reporting under the Industrial Emissions Portal (IEP) is requested. The IEP is currently under negotiation and the future Regulation should cover all priority substances and all river basin specific pollutants. There is some question as to whether IEP is accessible and open to the public as well as about the deadlines for submitting data. Additional clarifications are also requested as to whether all point sources are to be included regardless if the facility falls under the scope of the IPE, and the need to report point source data under the WFD or only diffuse sources.

Article 7a

The only comment received welcomes the inclusion of pharmaceuticals.

Article 8

Numerous issues have been raised with respect to article 8. Concerns about delegated acts have been expressed and some Member States are not in favour.

Some Delegations are asking for the involvement of CIS Working Groups and Member States in the discussion of delegated acts, or for more information and the implication for MS as well as how and which stakeholders would be consulted. Other Member States would prefer implementing acts in general as delegated acts limit the influence of individual states.

Concerns about how costs are significantly increased for the new substances to be monitored, the additional need of human resources, and the involved methodologies in addressing tighter EQS have been expressed.

Other concerns have been raised in relation to the timeline that should be aligned with the WFD in order to carry out monitoring and assessment of chemical status. Member States are also highlighting that several substances are added to the list while none are removed, in particular those substances that are banned in Europe and not found in several MS but still need to be monitored. A definition for ubiquitous should be included and a clarification on why priority substances are added automatically to the RBSP is requested.

Article 8a

Some Delegations have welcomed the effect-based methods (EBM). However, most of them have some concerns and they ask for further explanation with regards to such methods. On one hand, the limitations of these methods are remarked, such as the limited capacity to perform effects-based analyses and limited guidance for interpreting or using the results in a regulatory context. Therefore, there is call for the development of specific guidelines including harmonized methods and specifications for the derivation and application of trigger values. In addition, an adequate period for the implementation of these methods is required to prepare staffing and laboratory facilities.

On the other hand, it is questioned whether a study during a period of two years at EU level is necessary in order to establish the efficiency of EBM. A petition for which EBM methodologies have to be used by Member States, in order to obtain standardized data, is also expressed.

The increased costs due to the EBM implementation and the need to continue carrying out the standard chemical analysis as trigger values have not been established yet, are also highlighted.

Finally, Delegations suggest creating maps for RBSP to show that the status of a water body has not changed, only the classification of the different substances was modified, and that the RBSP monitoring frequencies should be specified in the Annex I.

Article 8b

Besides the welcoming of some points of the article, several issues have been raised. Once again, the increased financial burden related to the new obligations in monitoring and the development of analytical methods is remarked, as well as the difficulty to carry out analyses at such low concentrations. The existing methods are performed by universities and research institutions, neither they are validated and accredited as required for laboratories or directly transferable to routine. The proposed deadline is not feasible within the established timeline in order to succeed the new monitoring challenges. A suggestion to establish a list of laboratories at UE level is proposed, in case Member States do not have laboratories to accomplish with the analytical challenges of the proposal.

Microplastic and AMR are, in some cases, supported by MS to be included in the Watch List. However, monitoring and analytical methodologies for such substances are challenging and the comparability of results is not guaranteed among Member States.

Clarification about the number of substances to be added to the Watch list and on the transition periods between 2-watch-list cycles is also required.

Scrutiny reserve, in some case, is maintained, only for the implementing acts, as transparent monitoring and evaluation are not clear.

Finally, Delegations are wondering whether scientific experts are still involved in the updating process of watch lists under the CIS WGs frameworks and how data have to be submitted to ECHA.

Article 8d

The consequences of the new RBSP categorization on mapping should be assessed when considering these substances for chemical status. It is also wondered how differences in river basins are taken into account for determining EQS at EU level. In some cases, the obligation to report to ECHA is supported, however, cooperation with national experts should be ensured.

ANNEXES

General comments

In general terms, Member States point out that a significant increase in the number of substances to be monitored will lead to an increase in the associated costs. Time and resources will be needed to implement new analytical methods, and therefore it is requested that the new Directive enter into force as from the new planning cycle.

A major concern is that detection limits for some substances are not always detectable with current analytical methods. Member States call not only for harmonized EQS, but also for harmonized monitoring results. They consider essential that the proposed EQS take into account the feasibility of measurements in existing laboratories and the requirements of Directive 2009/90/EC with which laboratories must comply. They also call for the introduction of EQS limits for sediments.

The vast majority of Member States ask for more details on the limits of quantification of the sum parameters (PFAS, pesticides) in Annex I and the related individual parameters that need to be included. Concerning ubiquitous substances, the need for a source-based approach is expressed. There seems to be an agreement with setting strict standards for these substances, but there is a concern about the binding nature of the EQS and the timetable for achieving good chemical status.

Annex I

If we focus on Annex I, in relation to the EQS for biota, MS suggest that it may be appropriate to consider how to incorporate the monitoring of bivalves into the compliance assessment.

They also ask for clarification as to whether the EQS for glyphosate, ibuprofen, PAHs and tributyltin have been updated in "Part A: Environmental Quality Standards".

However, the main concerns of the MS are directly related to the detection limits of some substances, hence, the Presidency will try to address the specific issues in the following lines.

The EQS of fluoranthene is reduced 10-fold in the Proposal, some MS consider that it will be a significant challenge to achieve good status, therefore they consider source control measures a priority and welcome the consideration of this substance as ubiquitous.

Regarding Nickel, it is stated that the detection limit of 2 µg/l is extremely low. Heptachlor also raises a strong concern in this regard, the limit of quantification is not achievable, thus MS request that limits be established so that they can be assumed by environmental laboratories.

There is also a concern about all of the bisphenol variants that have replaced bisphenol A and suggestions to include a sum of bisphenols in this Annex were submitted.

MS demand explanations as to why fluoranthene, naphthalene and anthracene are not among the substances that have been added to the group of PAHs. Likewise, they ask for clarification on how to treat other PFAS that are not included in the group of 24 and that also have toxic, bio accumulative and toxic characteristics. There is also a need to clarify the EQS of PFASs in water versus their EQS in biota.

Finally, Member States ask for clarification regarding line 70. First, suggesting if it is possible that the inclusion of "total pesticides" will lead to an increase in the number of water bodies requiring monitoring, and secondly, there are doubts about how the EQS of 0,5 ng/l has been obtained. Again, there are concerns here about consistency with the Drinking Water Directive

Annex II:

Some MS suggest that the list in Part A should be provided as an "indicative" list of RBSP to be applied as appropriate in each State or Basin depending on the relevant pressures and impact assessment processes.

MS emphasize that the procedure established in Part B to obtain EQS for the RBSP is described at a general level and, as such, does not allow for the adequate determination of comparable values.

It is important to note that in Part C the proposal for harmonization of environmental quality standards for RBSPs is welcome. However, it is stated that the Proposal is not clear regarding the monitoring of RBSP with harmonized values. In addition, MS note that the frequency of monitoring is missing and question whether it will remain at 4 times per year or be increased to 12 times per year as in the case of priority substances.

Next steps:

The Presidency will invite delegations to submit specific written text proposals, in track changes, no later than **29 November**.

More information will be given at the meeting on the next steps.

ANNEX

PRE proposals for amendments to article 3 and annexes V and VI of COM Proposal

This document contains the Presidency proposed changes to the EQSD articles and annexes included in the COM Proposal of a Directive amending the WFD, GWD and EQSD.

The document reproduces the article 3 and Annex V and VI of the COM Proposal. The numbers and letters in brackets are from the COM Proposal.

It contains

- “in plain text”: the EQSD articles and annexes amended by the COM Proposal
- in *italic text*: the COM proposal articles/annexes
- in **blue**: PRE comments
- in **blue, italic and bold text**: the proposed changes by the Presidency. When is necessary to better identify the amendments, the texts are highlighted.
- In **red**: typo/errata communicated by COM

Delegated are invited to comment the document. For new wording, we will appreciate the use of track changes tool. For new comments, we suggest adding them below the box containing the new wording proposed by Presidency.

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ACRONYMS

- WFD: Directive 2000/60/EC establishing a framework for Community action in the field of water policy
- GWD: Directive 2006/118/EC on the protection of groundwater against pollution and deterioration
- EQSD: Directive 2008/105/EC on environmental quality standards in the field of water policy
- COM Proposal: Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy
- DWD: Directive (EU) 2020/2184 of 1 December 2020 on the quality of water intended for human consumption

Article 3. Amendments to Directive 2008/105/EC

Directive 2008/105/EC is amended as follows:

(1) the title is replaced by the following:

EQSD	COM Proposal
Directive 2008/105/ec of the European Parliament and of the Council of 16 December 2008 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	<i>Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on the prevention and control of surface water pollution, 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’;</i>

PRE PROPOSAL

No amendments from MS

(2) Article 3 is amended as follows:

(a) in paragraph 1a, first subparagraph, the following point (iii) is added:

EQSD	COM Proposal
Article 3 Environmental quality standards 1a. [...]: (i) the substances numbered 2, 5, 15, 20, 22, 23, 28 in Part A of Annex I, for which revised EQS are set, with effect from 22 December 2015, with the aim of achieving good surface water chemical status in relation to those substances by 22 December 2021 by means of programmes of measures included in the 2015 river basin management plans produced in accordance with Article 13(7) of Directive 2000/60/EC; and (ii) the newly identified substances numbered 34 to 45 in Part A of Annex I, with effect from 22 December 2018, with the aim of achieving good surface water chemical status in relation to those	Article 3 Environmental quality standards 1a. [...]: (i) [...] (ii) [...] <i>(iii) the substances numbered 5, 9, 13, 15, 17, 21, 23, 24, 28, 30, 34, 37, 41, 44 in Part A of Annex I, for which revised EQS are set, and the newly identified substances numbered 46 to 70 in Part A of Annex I, with effect from ... [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive], with the aim of preventing deterioration in the chemical status of surface water bodies and of achieving good surface water chemical status in relation to those substances.’;</i>

EQSD	COM Proposal
<p>substances by 22 December 2027 and preventing deterioration in the chemical status of surface water bodies in relation to those substances. For this purpose, Member States shall, by 22 December 2018, establish and submit to the Commission a supplementary monitoring programme and a preliminary programme of measures covering those substances. A final programme of measures in accordance with Article 11 of Directive 2000/60/EC shall be established by 22 December 2021 and shall be implemented and made fully operational as soon as possible after that date and not later than 22 December 2024.</p> <p>Article 4(4) to (9) of Directive 2000/60/EC shall apply mutatis mutandis to the substances listed in points (i), and (ii) of the first subparagraph.</p>	<p><i>Article 4(4) to (9) of Directive 2000/60/EC shall apply mutatis mutandis to the substances listed in points (i) and (ii) of the first subparagraph.</i></p>

PRE PROPOSAL

Issues have been raised about the timeline, which should be in line with the points (i) and (ii) of paragraph 1a. Some legal uncertainties have to be corrected.

*(iii) the substances numbered 5, 9, 13, 15, 17, 21, 23, 24, 28, 30, 34, 37, 41, 44 in Part A of Annex I, for which revised EQS are set, and the newly identified substances numbered 46 to 70 in Part A of Annex I, with effect from ... [OP please insert the date = the first day of the month following **24 18** months after the date of entry into force of this Directive], ~~with the aim of preventing deterioration in the chemical status of surface water bodies and of achieving good surface water chemical status in relation to those substances~~ with the aim of preventing deterioration in the chemical status of surface water bodies **in relation to those substances** and of achieving good surface water chemical status in relation to those substances **by 22 December 2033 by means of programmes of measures included in the 2027 river basin management plans produced in accordance with Article 13(7) of Directive 2000/60/EC;***

Article 4(4) to (9) of Directive 2000/60/EC shall apply mutatis mutandis to the substances listed in points (i) and (ii) of the first subparagraph.

- (b) paragraph 2 is replaced by the following:
- (c) in paragraph 6, first subparagraph, the first sentence is replaced by the following:
- (d) paragraph 7 is deleted;
- (e) paragraph 8 is replaced by the following:

EQSD	COM Proposal
<p>Article 3 Environmental quality standards [..]</p> <p>2. For the substances numbered 5, 15, 16, 17, 21, 28, 34, 35, 37, 43 and 44 in Part A of Annex I, Member States shall apply the biota EQS laid down in Part A of Annex I. For substances other than those referred to in the first subparagraph, Member States shall apply the water EQS laid down in Part A of Annex I. [..]</p> <p>6. 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, giving particular consideration to the substances numbered 2, 5, 6, 7, 12, 15, 16, 17, 18, 20, 21, 26, 28, 30, 34, 35, 36, 37, 43 and 44 listed in Part A of Annex I, on the basis of the monitoring of surface water status carried out in accordance with Article 8 of Directive 2000/60/EC. Member States shall take measures aimed at ensuring, subject to Article 4 of Directive 2000/60/EC, that such concentrations do not significantly increase in sediment and/or relevant biota.</p> <p>Member States [..]</p> <p>7. The Commission shall examine technical and scientific progress, including the conclusions of risk assessments as referred to in points (a) and (b) of Article 16(2) of Directive 2000/60/EC and information from the registration of substances made publicly available in accordance with Article 119 of Regulation (EC) No 1907/2006, and, if necessary, propose that the EQS laid down in Part</p>	<p>Article 3 Environmental quality standards [..]</p> <p>2. <i>With regard to substances for which a biota EQS or a sediment EQS is laid down in Part A of Annex I, Member States shall apply such biota EQS or sediment EQS.</i> <i>With regard to substances other than those referred to in the first subparagraph, Member States shall apply the water EQS laid down in Part A of Annex I.'</i> [..]</p> <p>6. <i>Member States shall arrange for the long-term trend analysis of concentrations of those priority substances identified in Part A of Annex I as substances that tend to accumulate in sediment and/or biota, on the basis of monitoring in sediment or biota as part of the monitoring of surface water status carried out in accordance with Article 8 of Directive 2000/60/EC;</i></p> <p>Member States [..]</p> <p>7. The Commission shall examine technical and scientific progress, including the conclusions of risk assessments as referred to in points (a) and (b) of Article 16(2) of Directive 2000/60/EC and information from the registration of substances made publicly available in accordance with Article 119 of Regulation (EC) No 1907/2006, and, if necessary, propose that the EQS laid down in Part</p>

EQSD	COM Proposal
A of Annex I to this Directive be revised in accordance with the procedure laid down in Article 294 TFEU in line with the timetable provided for in Article 16(4) of Directive 2000/60/EC.	A of Annex I to this Directive be revised in accordance with the procedure laid down in Article 294 TFEU in line with the timetable provided for in Article 16(4) of Directive 2000/60/EC.
8. The Commission shall be empowered to adopt delegated acts in accordance with Article 10, where necessary in order to adapt point 3 of Part B of Annex I to this Directive to scientific or technical developments.	8. The Commission is empowered to adopt delegated acts in accordance with Article 9a to amend Part B, point 3, of Annex I in order to adapt it to scientific or technical progress.

PRE PROPOSAL

Regarding the new paragraph 8 where delegated acts are included: Many MS have expressed concerns about the incorporation of delegated acts to these directives. Specially, they disagree with the use of delegated acts to modify the lists or the quality standards. The ordinary legislative procedure is preferred.

As it is already set, if this article is accepted it is necessary to guarantee the active participation of experts nominated by MS, not only before adopting the delegated act but also during the proposal elaboration.

Nevertheless, having established this topic as a political issue, we recommend it should be discussed during formal meetings of WPE

During WPE formal discussions attention should be paid to new paragraph 8 where delegated acts are included.

(3) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

EQSD	COM Proposal
Article 5 Inventory of emissions, discharges and losses	Article 5 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, under Regulation (EC) No 166/2006 and other available data, 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	1. On the basis of the information collected in accordance with Articles 5 and 8 of Directive 2000/60/EC, and other available data, Member States shall establish an inventory, including maps, if available, of emissions, discharges and losses of all priority substances listed in Part A of Annex I to this Directive and all pollutants listed in Part A of Annex II to this Directive for each river

EQSD	COM Proposal
district or part of a river basin district lying within their territory including their concentrations in sediment and biota, as appropriate.	<p><i>basin district or part of a river basin district lying within their territory, including their concentrations in sediment and biota, as appropriate.</i></p> <p><i>The first subparagraph shall not apply to emissions, discharges and losses reported to the Commission electronically in accordance with Regulation (EU) .../... of the European Parliament and of the Council.</i></p>

(b) paragraphs 2 and 3 are deleted;

EQSD	COM Proposal
<p>Article 5 Inventory of emissions, discharges and losses</p> <p>1. [...]</p> <p>2. The reference period for the estimation of pollutant values to be entered in the inventories referred to in paragraph 1 shall be one year between 2008 and 2010. However, for priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average of the years 2008, 2009 and 2010.</p> <p>3. Member States shall communicate the inventories established pursuant to paragraph 1 of this Article, including the respective reference periods, to the Commission in accordance with the reporting requirements under Article 15(1) of Directive 2000/60/EC.</p> <p>[...]</p>	<p>Article 5 Inventory of emissions, discharges and losses</p> <p>1. [...]</p> <p>2. The reference period for the estimation of pollutant values to be entered in the inventories referred to in paragraph 1 shall be one year between 2008 and 2010. However, for priority substances or pollutants covered by Directive 91/414/EEC, the entries may be calculated as the average of the years 2008, 2009 and 2010.</p> <p>3. Member States shall communicate the inventories established pursuant to paragraph 1 of this Article, including the respective reference periods, to the Commission in accordance with the reporting requirements under Article 15(1) of Directive 2000/60/EC.</p> <p>[...]</p>

(c) paragraph 4 is replaced by the following:

EQSD	COM Proposal
<p>Article 5 Inventory of emissions, discharges and losses</p> <p>[...]</p> <p>4. Member States shall update their inventories as part of the reviews of the analyses specified in</p>	<p>Article 5 Inventory of emissions, discharges and losses</p> <p>[...]</p> <p><i>‘4. Member States shall update their inventories as part of the reviews of the analyses specified in</i></p>

EQSD	COM Proposal
<p>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. 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.</p>	<p><i>Article 5(2) of Directive 2000/60/EC and shall ensure that the emissions not reported to the Industrial Emissions Portal established under Regulation (EU) .../...+, are published in their river basin management plans as updated in accordance with Article 13(7) of that Directive.</i></p> <p><i>The reference period for the establishment of values in the updated inventories shall be the year before the year in which the analyses referred to in the first subparagraph are to be completed.</i></p> <p><i>For priority substances or pollutants covered by Regulation (EC) No 1107/2009, the entries may be calculated as the average of the three years before the completion of the analysis referred to in the first subparagraph.</i></p> <p><i>For point source emissions not reported in accordance with Regulation (EU)/...+, because they do not fall under the scope of that Regulation or because they are below the annual reporting thresholds set out in that Regulation, the reporting obligation set out in the first subparagraph of this Article in paragraph 1 of this Article shall be fulfilled by electronic reporting to the Industrial Emissions Portal established under that Regulation.</i></p> <p><i>The Commission shall, assisted by the European Environment Agency, adopt an implementing act establishing the format, level of granularity and frequency of the reporting referred to in the fourth subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 9(2).';</i></p> <p><i>[..]</i></p>

(d) paragraph 5 is deleted;

EQSD	COM Proposal
5. 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 Article 4(1)(a)(iv) of Directive 2000/60/EC, subject to Article 4(4) and (5) of that Directive.	5. 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 Article 4(1)(a)(iv) of Directive 2000/60/EC, subject to Article 4(4) and (5) of that Directive. ‘

PRE PROPOSAL

There are no comments to the deletion of paragraphs 2, 3 and 5.

MS comments to amendments to paragraphs 1 and 4 are referred to the need of more coherence with the “Regulation on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal (IEP Regulation)”. They have also expressed the necessity to avoid an increase on administrative burdens and duplications derived from new reporting requirements.

Accordingly, the Presidency proposal is drafted to reduce administrative burdens for reporting. With this aim the IEP is set as the main tool to collect and report data on emissions. If data is missing, the IEP must be adjusted.

Article 5 ~~Reporting 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 other available **data including data collected under Regulation EU) .../... on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal**, Member States **shall ensure that all emissions, discharges and losses, including diffuse emissions, discharges and losses** of all priority substances listed in Part A of Annex I to this Directive and all pollutants listed in Part A of Annex II 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,~~ **are reported electronically to the Industrial Emissions Portal, regardless of whether the reporting of this information is an obligation under that Regulation.**

2. Deleted

3. Deleted

4. The reference period for the **reported** values shall be the year before the year in which the analyses **specified under Article 5(2) of Directive 200/60/EC** are to be completed.

For priority substances or pollutants covered by Regulation (EC) No 1107/2009, the entries may be calculated as the average of the three years before the completion of the analysis **specified under Article 5(2) of Directive 2000/60/EC**.

Member States shall update the information when carrying out the reviews of the analyses specified in Article 5(2) of Directive 2000/60/EC.

The Commission shall, assisted by the European Environment Agency, adopt an implementing act establishing the format, level of granularity and frequency of the reporting referred to in the fourth

subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 9(2).'

5. Deleted

(4) In Article 7a(1), the first subparagraph is replaced by the following:

EQSD	COM Proposal
<p>Article 7a Coordination</p> <p>1. For priority substances that fall within the scope of Regulations (EC) No 1907/2006, (EC) No 1107/2009 (1), (EU) No 528/2012 (2) or Directive 2010/75/EU (3), the Commission shall, as part of the regular review of Annex X to Directive 2000/60/EC pursuant to Article 16(4) of that Directive, assess whether the measures in place at Union and Member State level are sufficient to achieve the EQS for priority substances and the cessation or phasing-out objective for discharges, emissions and losses of priority hazardous substances in accordance with point (a) of Article 4(1) and Article 16(6) of Directive 2000/60/EC.</p>	<p>Article 7a Coordination</p> <p><i>'1. For priority substances that fall within the scope of Regulation (EC) No 1907/2006, Regulation (EC) No 1107/2009, Regulation (EU) No 528/2012, Regulation (EU) 2019/6 of the European Parliament and of the Council*, or within the scope of Directive 2001/83/EC of the European Parliament and of the Council**, Directive 2009/128/EC of the European Parliament and of the Council*** or Directive 2010/75/EU, the Commission shall, as part of the report referred to in Article 18(1) of Directive 2000/60/EC, assess whether the measures in place at Union and Member State level are sufficient to achieve the EQS for priority substances and the cessation or phasing-out objective for discharges, emissions and losses of priority hazardous substances in accordance with Article 4(1), point (a), of Directive 2000/60/EC.</i></p>

PRE PROPOSAL

No amendments from MS

(5) Article 8 is repl

aced by the following:

The comparison between existing and proposed article 8 is presented in rows for easy reading:

EQSD
<p>Article 8 Review of Annex X to Directive 2000/60/EC</p> <p>The Commission shall report to the European Parliament and to the Council on the outcome of the regular review of Annex X to Directive 2000/60/EC provided for in Article 16(4) of that Directive. It shall accompany the report, where appropriate, with legislative proposals to amend Annex X including, 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 EQS for surface water, sediment or biota, as appropriate.</p>

COM Proposal
<p>Article 8 Review of Annexes I and II</p> <p><i>'1. The Commission shall review, for the first time by ... [OP: Please insert the date = six years after the date of entry into force of this Directive] and every six years thereafter, the list of priority substances and the corresponding EQS for those substances set out in Part A of Annex I and the list of pollutants set out in Part A of Annex II.</i></p> <p><i>2. The Commission is empowered to adopt delegated acts, having regard to the scientific reports prepared by the European Chemicals Agency (ECHA) pursuant to paragraph 6 of this Article, in accordance with Article 9a to amend Annex I in order to adapt it to scientific and technological progress by:</i></p> <ul style="list-style-type: none"> <i>(a) adding or removing substances from the list of priority substances;</i> <i>(b) designating or undesignating selected substances as priority hazardous substances and/or as ubiquitous Persistent Bio-accumulative and Toxic substances (uPBTs) and/or as substances that tend to accumulate in sediment and/or biota in that list;</i> <i>(c) setting corresponding EQS for surface water, sediment or biota, as appropriate.</i> <p><i>3. The Commission is empowered to adopt delegated acts, having regard to the scientific reports prepared by ECHA pursuant to paragraph 6 of this Article, in accordance with Article 9a to amend Annex II in order to adapt it to scientific and technological progress by:</i></p> <ul style="list-style-type: none"> <i>(a) adding or removing pollutants from the list of categories pollutants set out in Part A of Annex II;</i> <i>(b) updating the methodology set out in Part B of Annex II;</i> <i>(c) listing in Part C of Annex II to this Directive those river basin specific pollutants for which it has established that EQS set at Union level are to be applied, where relevant, to ensure a harmonised and science-based implementation of the objectives set out in Article 4 of Directive 2000/60/EC, and by listing the corresponding EQS for those pollutants in Part C of Annex II to this Directive.</i>

COM Proposal

4. When identifying river basin specific pollutants for which it could be necessary to set EQS at Union level, the Commission shall take into account the following criteria:

- (a) the risk posed by the pollutants, including their hazard, their environmental concentrations and the concentration above which effects might be expected;
- (b) the disparity between the national EQS set for river basin specific pollutants by different Member States and the degree to which such disparity is justifiable;
- (c) the number of Member States already implementing an EQS for the river basin specific pollutants under consideration.

5. Priority substances which have, as a result of the review referred to in paragraph 1, been removed from the list of priority substances because they are no longer posing a Union-wide risk, shall be included in Part C of Annex II, listing the river basin specific pollutants and related harmonised EQS which are to be implemented where the pollutants are of national or regional concern, in accordance with Article 8d.

6. For the purpose of assisting the Commission with regard to the review of Annexes I and II, ECHA shall prepare scientific reports. Those scientific reports shall take account of the following:

- (a) the opinions of the Committee for Risk Assessment and the Committee for Socio-Economic Analysis of ECHA;
- (b) the results of the monitoring programmes established in accordance with Article 8 of Directive 2000/60/EC;
- (c) the monitoring data collected in accordance with Article 8b(4) of this Directive;
- (d) the outcome of the reviews of the Annexes to Directive 2006/118/EC of the European Parliament and of the Council* and Directive (EU) 2020/2184 of the European Parliament and of the Council**;
- (e) requirements to address soil pollution, including related monitoring data;
- (f) Union research programmes and scientific publications, including information resulting from remote sensing technologies, earth observation (Copernicus services), in-situ sensors and devices, and/or citizen science data, leveraging the opportunities offered by artificial intelligence, advanced data analysis and processing; (e g) comments and information from relevant stakeholders.

7. ECHA shall every six years prepare and make publicly available a report summarizing the findings of the scientific reports established under paragraph 6. The first report shall be submitted to the Commission on ... [OP: Please insert the date = five years after the date of entry into force of this Directive].

PRE PROPOSAL

Many MS have expressed concerns about the incorporation of delegated acts to these directives. Specially, they disagree with the use of delegated acts to modify the lists or the quality standards. The ordinary legislative procedure is preferred.

As it is already set, if this article is accepted it is necessary to guarantee the active participation of experts nominated by MS, not only before adopting the delegated act but also during the proposal elaboration.

Nevertheless, having established this topic as a political issue, we recommend it should be discussed during formal meetings of WPE.

(8) Article 8a is replaced by the following:

EQSD	COM Proposal
<p>Article 8a Specific provisions for certain substances</p> <p>1. In the river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC, without prejudice to the requirements of Section 1.4.3 of Annex V thereof regarding the presentation of the overall chemical status and the objectives and obligations laid down in point (a) of Article 4(1), in point (k) of Article 11(3) and in Article 16(6) of that Directive, Member States may provide additional maps that present the chemical status information for one or more of the following substances separately from the information for the rest of the substances identified in Part A of Annex I to this Directive:</p> <p>(a) substances numbered 5, 21, 28, 30, 35, 37, 43 and 44 (substances behaving like ubiquitous PBTs);</p> <p>(b) substances numbered 34 to 45 (newly identified substances);</p> <p>(c) substances numbered 2, 5, 15, 20, 22, 23 and 28 (substances for which revised, stricter EQS are established).</p> <p>Member States may also present the extent of any deviation from the EQS value for the substances referred to in points (a) to (c) of the first subparagraph in the river basin management plans. Member States providing such additional maps shall seek to ensure their inter-comparability at river basin and Union level.</p>	<p>Article 8a Specific provisions for certain substances</p> <p><i>1. In the river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC, without prejudice to the requirements of Section 1.4.3 of Annex V to that Directive regarding the presentation of the overall chemical status and the objectives and obligations laid down in Article 4(1), point (a), of that Directive, Member States may provide additional maps that present the chemical status information for one or more of the following substances separately from the information for the rest of the substances identified in Part A of Annex I to this Directive:</i></p> <p><i>(a) substances identified in Part A of Annex I as substances behaving like ubiquitous PBTs;</i></p> <p><i>(b) substances newly identified in the latest review in accordance with Article 8;</i></p> <p><i>(c) substances for which a stricter EQS has been set in the latest review in accordance with Article 8.</i></p> <p><i>Member States may present the extent of any deviation from the EQS value for the substances referred to in the first subparagraph, points (a), (b) and (c), in the river basin management plans produced in accordance with Article 13 of Directive 2000/60/EC. Member States providing additional maps as referred to in the first subparagraph shall seek to ensure their inter-comparability at river basin and Union level and shall make the data available in accordance with Directive 2003/4/EC, Directive 2007/2/EC of the</i></p>

EQSD	COM Proposal
<p>2. Member States may monitor the substances numbered 5, 21, 28, 30, 35, 37, 43 and 44 in Part A of Annex I less intensively than is required for priority substances in accordance with Article 3(4) of this Directive and Annex V to Directive 2000/60/EC, provided that the monitoring is representative and a statistically robust baseline is available regarding the presence of those substances in the aquatic environment. As a guideline, in accordance with the second subparagraph of Article 3(6) of this Directive, monitoring should take place every three years, unless technical knowledge and expert judgment justify another interval.</p>	<p><i>European Parliament and of the Council* and Directive (EU) 2019/1024 of the European Parliament and of the Council**.</i></p> <p><i>2. Member States may monitor substances identified in Part A of Annex I as substances behaving like ubiquitous PBTs less intensively than is required for priority substances in accordance with Article 3(4) of this Directive and Annex V to Directive 2000/60/EC, provided that the monitoring is representative and a statistically robust baseline is available regarding the presence of those substances in the aquatic environment. As a guideline, in accordance with Article 3(6), second subparagraph, of this Directive, monitoring should take place every three years, unless technical knowledge and expert judgment justify another interval.</i></p> <p><i>3. Member States shall, from ... [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive], for a period of two years, monitor the presence of estrogenic substances in water bodies, using effect-based monitoring methods. They shall conduct the monitoring at least four times during each of the two years at locations where the three estrogenic hormones 7-Beta estradiol (E2), Estrone (E1) and Alpha-Ethinyl estradiol (EE2) listed in Part A to Annex I to this Directive, are being monitored using conventional analytical methods in accordance with Article 8 of Directive 2000/60/EC and Annex V to that Directive. Member States may use the network of monitoring sites identified for the surveillance monitoring of representative surface water bodies in accordance with point 1.3.1 of Annex V to Directive 2000/60/EC.</i></p>

PRE PROPOSAL

There is a call for the development of specific guidelines including harmonized methods and specifications for the derivation and application of trigger values, and also concerns are raised about the increase of financial costs due to the new monitoring requirements. Some legal uncertainties need to be clarified.

3. Member States shall, from ... ~~[OP please insert the date – the first day of the month following 18 months after the publication of the technical guidelines referred to in paragraph 4 the date of entry into force of this Directive]~~, for a period of two years, monitor the presence of estrogenic substances in water bodies, using effect-based monitoring methods. They shall conduct the monitoring at least four times during each of the two years at locations where the three estrogenic hormones 7-Beta estradiol (E2), Estrone (E1) and Alpha-Ethinyl estradiol (EE2) listed in Part A to Annex I to this Directive, are being monitored using conventional analytical methods in accordance with Article 8 of Directive 2000/60/EC and Annex V to that Directive ~~and Annex V to that Directive~~. Member States **shall select a number of sites in representative surface water bodies in order to obtain comparative results at a range of concentrations** ~~may use the network of monitoring sites identified for the surveillance monitoring of representative surface water bodies in accordance with point 1.3.1 of Annex V to Directive 2000/60/EC.~~

4. To ensure a coherent approach between Member States the Commission shall establish technical guidelines regarding effect-based monitoring methods by [OP please inset the date = the first day of the month following 12 months after the date of entry into force of this Directive]. The guidelines should contain, at least, monitoring strategies, harmonized analytical methods and proposed trigger values if possible.

(9) Article 8b is replaced by the following:

EQSD	COM Proposal
<p>Article 8b Watch list</p> <p>1. The Commission shall establish a watch list of substances for which Union-wide monitoring data are to be gathered for the purpose of supporting future prioritisation exercises in accordance with Article 16(2) of Directive 2000/60/EC, to complement data from, inter alia, analyses and reviews under Article 5 and monitoring programmes under Article 8 of that Directive.</p> <p>The first watch list shall contain a maximum of 10 substances or groups of substances and shall indicate the monitoring matrices and the possible methods of analysis not entailing excessive costs for each substance. Subject to the availability of methods of analysis not entailing excessive costs, the maximum number of substances or groups of substances that the Commission is allowed to include in the list shall increase by one at each update of the list in accordance with paragraph 2</p>	<p>Article 8b Watch list</p> <p><i>1. The Commission is empowered to adopt implementing acts to establish, having regard to scientific reports prepared by ECHA, a watch list of substances for which it is necessary to gather Union wide monitoring data from the Member States and to lay down the formats to be used by the Member States for reporting the results of that monitoring and related information to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(2).</i></p> <p><i>The watch list shall contain a maximum of 10 substances or groups of substances at any one time, and shall indicate the monitoring matrices and the possible methods of analysis for each substance. Those monitoring matrices and methods shall not entail excessive costs for the competent authorities. The substances to be included in the watch list shall be selected from</i></p>

EQSD	COM Proposal
<p>of this Article, up to a maximum number of 14. The substances to be included in the watch list shall be selected from amongst those for which the information available indicates that they may pose a significant risk at Union level to, or via, the aquatic environment and for which monitoring data are insufficient.</p> <p>Diclofenac (CAS 15307-79-6), 17-beta-estradiol (E2) (CAS 50-28-2) and 17-alpha-ethinylestradiol (EE2) (CAS 57-63-6) shall be included in the first watch list, in order to gather monitoring data for the purpose of facilitating the determination of appropriate measures to address the risk posed by those substances.</p> <p>In selecting the substances for the watch list, the Commission shall take into account all available information including:</p> <ul style="list-style-type: none"> (a) the results of the most recent regular review of Annex X to Directive 2000/60/EC provided for in Article 16(4) of that Directive; (b) research projects; (c) recommendations from the stakeholders referred to in Article 16(5) of Directive 2000/60/EC; (d) Member States' characterisation of river basin districts and the results of monitoring programmes, under Articles 5 and 8 of Directive 2000/60/EC respectively; (e) on production volumes, use patterns, intrinsic properties (including, where relevant, particle size), concentrations in the environment and effects, including information gathered in accordance with Directives 98/8/EC, 2001/82/EC (1) and 2001/83/EC (2), and with Regulations (EC) No 1907/2006 and (EC) No 1107/2009. <p>2. The Commission shall establish the first watch list as referred to in paragraph 1 by 14 September 2014 and shall update it every 24 months thereafter. When updating the watch list, the Commission shall remove any substance for</p>	<p><i>amongst the substances for which the information available indicates that they may pose a significant risk at Union level to, or via, the aquatic environment and for which monitoring data are insufficient. The watch list shall include substances of emerging concern.</i></p> <p><i>As soon as suitable monitoring methods for micro-plastics and selected antimicrobial resistance genes have been identified, those substances shall be included in the watch list.</i></p> <p><i>ECHA shall prepare scientific reports to assist the Commission in selecting the substances for the watch list, taking into account the following information:</i></p> <ul style="list-style-type: none"> <i>(a) the results of the most recent regular review of Annex I to this Directive;</i> <i>(b) recommendations from the stakeholders referred to in Article 8 of Directive 2008/105/EC;</i> <i>(c) Member States' characterisation of river basin districts in accordance with Article 5 of Directive 2000/60/EC and the results of monitoring programmes established in accordance with Article 8 of that Directive;</i> <i>(d) information on production volumes, use patterns, intrinsic properties (including, where relevant, particle size), concentrations in the environment and adverse effects to human health and the aquatic environment of a substance, including information gathered in accordance with Regulation (EC) No 1907/2006, Regulation (EC) No 1107/2009, Regulation (EU) No 528/2012, Regulation (EU) 2019/6, Directive 2001/83/EC and Directive 2009/128/EC;</i> <i>(e) research projects and scientific publications, including information on trends and predictions based on modelling or other predictive assessments and data and information from remote sensing technologies, earth observation (Copernicus services), in-situ sensors and devices, or citizen science data, leveraging the opportunities offered by artificial intelligence, advanced data analysis and processing.</i> <p><i>ECHA shall every three years prepare a report summarizing the findings of the scientific reports established under the fourth subparagraph and</i></p>

EQSD	COM Proposal
<p>which a risk-based assessment as referred to in Article 16(2) of Directive 2000/60/EC can be concluded without additional monitoring data. The duration of a continuous watch list monitoring period for any individual substance shall not exceed four years.</p> <p>3. Member States shall monitor each substance in the watch list at selected representative monitoring stations over at least a 12-month period. For the first watch list, the monitoring period shall commence by 14 September 2015 or within six months of the establishment of the watch list, whichever is the later. For each substance included in subsequent lists, Member States shall commence monitoring within six months of its inclusion in the list.</p> <p>Each Member State shall select at least one monitoring station, plus one station if it has more than one million inhabitants, plus the number of stations equal to its geographical area in km² divided by 60 000 (rounded to the nearest integer), plus the number of stations equal to its population divided by five million (rounded to the nearest integer).</p> <p>In selecting the representative monitoring stations, the monitoring frequency and timing for each substance, Member States shall take into account the use patterns and possible occurrence of the substance. The frequency of monitoring shall be no less than once per year.</p> <p>Where a Member State provides sufficient, comparable, representative and recent monitoring data for a particular substance from existing monitoring programmes or studies, it may decide not to undertake additional monitoring under the watch list mechanism for that substance, provided also that the substance was monitored using a methodology that satisfies the requirements of the technical guidelines developed by the Commission in accordance with Article 8b(5).</p> <p>4. Member States shall report to the Commission the results of the monitoring carried out pursuant to paragraph 3. For the first watch list, the monitoring results shall be reported within 15 months of 14 September 2015 or within 21</p>	<p><i>shall make that report publicly available. The first ECHA report shall be made available by ... [OP: please insert the date = first day of the twentyfirst month after the date of entry into force of this Directive].</i></p> <p><i>2. The watch list shall be updated by X [OP please insert date = the last day of the twenty-third month after the date of entry into force of this Directive], and every 36 months thereafter. When updating the watch list, the Commission shall remove any substance from the existing watch list for which it considers it possible to assess its risk for the aquatic environment without additional monitoring data. When the watch list is updated, an individual substance or group of substances may be kept on the watch list for another period of maximum three years where additional monitoring data are needed to assess the risk to the aquatic environment. Each updated watch list shall also include one or more new substances for which the Commission considers, on the basis of the scientific reports of ECHA, that there is a risk for the aquatic environment.</i></p> <p><i>3. Member States shall monitor each substance or group of substances in the watch list at selected representative monitoring stations over a 24-month period. The monitoring period shall commence within six months of the inclusion of the substance in the list.</i></p> <p><i>Each Member State shall select at least one monitoring station, plus one station if it has more than one million inhabitants, plus the number of stations equal to its geographical area in km² divided by 60 000 (rounded to the nearest integer), plus the number of stations equal to its population divided by five million (rounded to the nearest integer).</i></p> <p><i>In selecting the representative monitoring stations, the monitoring frequency and the seasonal timing for each substance or group of substances, Member States shall take into account the use patterns and possible occurrence of the substance or group of substances. The frequency of monitoring shall be no less than twice per year, except for substances that are sensitive to climatic or seasonal variabilities, for</i></p>

EQSD	COM Proposal
<p>months of the establishment of the watch list, whichever is the later, and every 12 months thereafter while the substance is kept on the list. For each substance included in subsequent lists, Member States shall report the results of the monitoring to the Commission within 21 months of the inclusion of the substance in the watch list, and every 12 months thereafter while the substance is kept on the list. The report shall include information on the representativeness of the monitoring stations and monitoring strategy.</p> <p>5. The Commission shall adopt implementing acts establishing and updating the watch list as referred to in paragraphs 1 and 2. It may also adopt technical formats for reporting the monitoring results and related information to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(2).</p> <p>The Commission shall develop guidelines, including technical specifications, with a view to facilitating the monitoring of the substances in the watch list and is invited to promote coordination of such monitoring.</p>	<p><i>which the monitoring shall be carried out more frequently, as set out in the implementing act establishing the watch list adopted pursuant to paragraph 1.</i></p> <p><i>Where a Member State is able to generate and provide the Commission with sufficient, comparable, representative and recent monitoring data for a particular substance or group of substances from existing monitoring programmes or studies, it may decide not to undertake additional monitoring under the watch list mechanism for that substance or group of substances, provided that the substance or group of substances was monitored using a methodology that is compliant with the monitoring matrices and the methods of analysis referred to in the implementing act establishing the watch list, as well as with Directive 2009/90/EC*.</i></p> <p><i>4. Member States shall make available the results of the monitoring referred to in paragraph 3 of this Article in accordance with Article 8(4) of Directive 2000/60/EC and with the implementing act establishing the watch list adopted pursuant to paragraph 1. They shall also make available information on the representativeness of the monitoring stations and on the monitoring strategy.</i></p> <p><i>5. ECHA shall review the monitoring results at the end of the 24-month period referred to in paragraph 3 and assess which substances or groups of substances need to be monitored for another 24-month period and therefore are to be kept in the watch list and which substances or groups of substances can be removed from the watch list.</i></p> <p><i>Where the Commission, having regard to the assessment by ECHA referred to in the first subparagraph,, concludes that no further monitoring is required to further assess the risk to the aquatic environment, this assessment shall be taken into account in the review of Annex I or II referred to in Article 8.'</i></p>

PRE PROPOSAL

Concerns about the increase of financial costs due to the new monitoring requirements were expressed and the proposed deadlines are found not feasible. Concerns were also raised regarding the analytical methodologies for Microplastic and AMR as they are considered challenging and comparability is not guaranteed.

Article 8b Watch list

1. [...]

The watch list shall contain a maximum of 10 substances or groups of substances at any one time and shall indicate the monitoring matrices and the possible methods of analysis for each substance. **The total of individual compounds**, ~~These~~ monitoring matrices and methods shall not entail excessive costs for the competent authorities. The substances to be included in the watch list shall be selected from amongst the substances for which the information available indicates that they may pose a significant risk at Union level to, or via, the aquatic environment and for which monitoring data are insufficient. The watch list shall include substances of emerging concern.

With the aim of efficiency and consistency, as far as possible, the watch lists for surface and groundwater should be coherent and appropriately harmonized to optimise the methodological effort implemented in Member States to analyse the watch list compounds.

As soon as **harmonized and sufficiently reliable** ~~suitable~~ monitoring methods, **not entailing excessive costs**, for micro-plastics and selected antimicrobial resistance genes have been identified, those substances shall be included in the watch list.

[..]

3. [...]

In selecting the representative monitoring stations, the monitoring frequency and the seasonal timing for each substance or group of substances, Member States shall take into account the use patterns and possible occurrence of the substance or group of substances. The frequency of monitoring shall be no less than twice per year. **When higher frequencies are required, except as** for substances that are sensitive to climatic or seasonal variabilities, ~~for which the monitoring shall be carried out more frequently, as set out in the increase of frequency shall be technically justified in the~~ implementing act establishing the watch list adopted pursuant to paragraph 1.

(10) the following Article 8d is inserted:

EQSD	COM Proposal
---	<p>Article 8d River Basin Specific Pollutants</p> <p>'1. Member States shall set and apply EQS for the river basin specific pollutants covered by the categories listed in points 1 to 10 of Part A of Annex II to this Directive, where those pollutants pose a risk to water bodies in one or more of their river basin districts based on the analyses and reviews under Article 5 of Directive 2000/60/EU, in accordance with the procedure set out in Part B of Annex II to this Directive.</p>

EQSD	COM Proposal
	<p><i>Member States shall, by [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive], inform ECHA of the EQS referred to in the first subparagraph. ECHA shall make that information publicly available.</i></p> <p><i>2. Where EQS for river basin specific pollutants have been set at Union level and listed in Part C of Annex II, in accordance with Article 8, those EQS shall take precedence over EQS for river basin specific pollutants established at national level in accordance with paragraph 1. Those EQS set at Union level shall also be applied by the Member States to establish whether the river basin specific pollutants listed in Part C of Annex II pose a risk.</i></p> <p><i>3. Compliance with the applicable national EQS or EQS set at Union level, where relevant, is required for a water body to be in good chemical status, in accordance with the definition set out in Article 2(24) of Directive 2000/60/EC.’;</i></p>

PRE PROPOSAL

MS expressed concern about new reporting requirements because they will increase significantly administrative and financial burdens.

<p>1. [...]</p> <p><i>Member States shall, by [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive], inform the Commission ECHA of the EQS referred to in the first subparagraph. ECHA shall make that information publicly available.</i></p>
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(11) Article 10 is deleted;

EQSD	COM Proposal
<p>Article 10 Amendment of Directive 2000/60/EC</p> <p>Annex X to Directive 2000/60/EC shall be replaced by the text set out in Annex II to this Directive.</p>	<p>Article 10 Amendment of Directive 2000/60/EC</p> <p>Annex X to Directive 2000/60/EC shall be replaced by the text set out in Annex II to this Directive.</p>

PRE PROPOSAL

No amendments from MS

Annex V:

Annex I is amended in accordance with Annex V to this Directive;

(19) the title is replaced by the following:

(20) Part A is replaced by the following:

(21) Part B is amended as follows:

EQSD	COM Proposal
<p>PART B: APPLICATION OF THE EQS SET OUT IN PART A</p> <p>1. Columns 4 and 5 of the table: For any given surface water body, applying the AA-EQS means that, for each representative monitoring point within the water body, the arithmetic mean of the concentrations measured at different times during the year does not exceed the standard.</p> <p>The calculation of the arithmetic mean, the analytical method used and, where there is no appropriate analytical method meeting the minimum performance criteria, the method of applying an EQS must be in accordance with implementing acts adopting technical specifications for chemical monitoring and quality of analytical results, in accordance with Directive 2000/60/EC</p> <p>2. Columns 6 and 7 of the table: for any given surface water body, applying the MAC-EQS means that the measured concentration at any representative monitoring point within the water body does not exceed the standard.</p> <p>However, in accordance with Section 1.3.4 of Annex V to Directive 2000/60/EC, Member States may introduce statistical methods, such as a percentile calculation, to ensure an acceptable level of confidence and precision for determining compliance with the MAC-EQS. Where Member States do so, such statistical methods shall comply with detailed rules laid down in accordance with the examination procedure referred to in Article 9(2) of this Directive</p>	<p>PART B: APPLICATION OF THE EQS SET OUT IN PART A</p> <p>1. <i>'For any given surface water body, applying the AA-EQS means that, for each representative monitoring point within the water body, the arithmetic mean of the concentrations measured at different times during the year does not exceed the standard.'</i></p> <p><i>The calculation of the arithmetic mean, the analytical method used and, where there is no appropriate analytical method meeting the minimum performance criteria, the method of applying an EQS must be in accordance with implementing acts adopting technical specifications for chemical monitoring and quality of analytical results, in accordance with Directive 2000/60/EC</i></p> <p>2. <i>'For any given surface water body, applying the MAC-EQS means that the measured concentration at any representative monitoring point within the water body does not exceed the standard.'</i></p> <p><i>However, in accordance with Section 1.3.4 of Annex V to Directive 2000/60/EC, Member States may introduce statistical methods, such as a percentile calculation, to ensure an acceptable level of confidence and precision for determining compliance with the MAC-EQS. Where Member States do so, such statistical methods shall comply with detailed rules laid down in accordance with the examination procedure referred to in Article 9(2) of this Directive</i></p>

PRE PROPOSAL

Concerns of the MS are directly related to the lack of appropriate methodology, specially, it is not possible to achieve the LOQ required to guarantee the compliance of requirements for the competence laboratories set at the ISO 17025 standard.

The inclusion of the parameter “(70) Total pesticides” is refused by several MS, mainly because the proposed value is not in line with the risk-based methodology for deriving EQS values for surface water and is inconsistent with EQS of individual pesticides.

Accordingly, it could be useful to remind in the Annex what is set in article 3 (3) and (3b) of the EQSD, and article 4(2) of Commission Directive 2009/90/EC, of 31 July 2009, laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status.

1.- New parameter nº 70 “Total pesticides”:

MS are invited to discuss whether:

1. The parameter “Total pesticides” should be removed from the Priority List
2. The parameter “Total pesticides” can be included, but a Note has to added indicating that it applies to areas designated for the abstraction of water intended for human.
3. The parameter “Total pesticides” should be included from the Priority list as is set at the COM Proposal

2.- Limit of quantification:

MS are invited to discuss whether is better:

1. Adding the following new point 4 in Part B to Annex I of the EQSD, to remind how to handle when results are below the LOQ:

PART B: APPLICATION OF THE EQS SET OUT IN PART A

1. [...]
2. [...]
3. [...]

4. Accordingly to article 3(3b) of this directive, if the calculated mean value of a measurement is ‘less than limit of quantification’ the result for the substance being measured shall not be considered for the purposes of assessing the overall chemical status of that water body.

2. Moving the current Art 3(3b) to point 4 in Part B to Annex I to the EQSD, as it is a statistical/data-handling issue which fits well there. This would require legal text deleting the current Art 3(3b) and inserting the deleted text as point 4 in Part B to Annex I to the EQSD.

Annex VI:

Annex II, as set out in Annex VI to this Directive, is added.

Part A: LIST OF CATEGORIES OF RIVER BASIN SPECIFIC POLLUTANTS

PART B: THE PROCEDURE FOR DERIVING ENVIRONMENTAL QUALITY STANDARDS FOR RIVER BASIN SPECIFIC POLLUTANTS

PART C: REPOSITORY OF HARMONISED ENVIRONMENTAL QUALITY STANDARDS FOR RIVER BASIN SPECIFIC POLLUTANTS

PRE PROPOSAL

Part A should be provided as an "indicative" list of RBSP;

1. Part A: **INDICATIVE** LIST OF CATEGORIES OF RIVER BASIN SPECIFIC POLLUTANTS