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General Secretariat

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Interinstitutional files:
2022/0344 (COD)

WK 15657/2023 INIT

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REQUEST FOR CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	14265/22 + ADD 1
Subject:	Priority Substances in Water: Follow-up to the VTC of the members of the WPE on 22 November 2023 – Commission and Presidency Presentations and Call for Comments

Delegations will find attached the presentations from the Commission and the Presidency displayed at the VTC of the members of the WPE on 22 November 2023, and also a table prepared by the Commission regarding Annex V of the Environmental Quality Standards (EQSs).

Delegations are kindly requested to send any additional drafting suggestions, in track changes, on the compromise text proposals in relation to the Directive 2008/105/EC on environmental quality standards in the field of water policy (WK 15256/2023) to the Presidency [redacted]; [redacted]; [redacted]; [redacted]; [redacted] and the Commission [redacted]), with copy to the Council's Secretariat [redacted], [redacted] and [redacted] by Wednesday, 29 November, cob.

WK 15657/2023 INIT

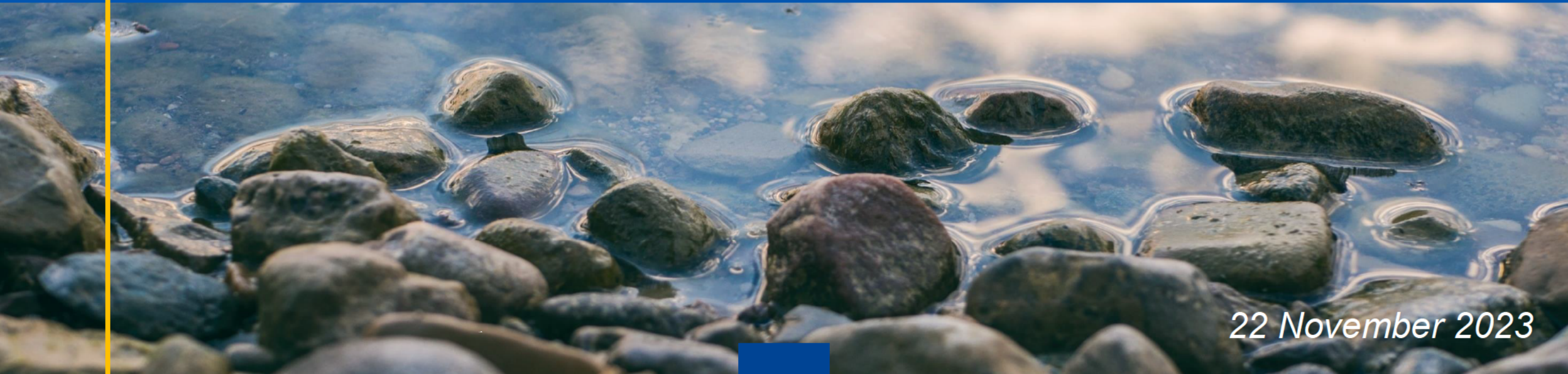
LIMITE

EN

Integrated water management

WPE (VTC): Proposal for a Directive amending WFD, GWD & EQSD

Art. 3, Annexes V and VI amending Directive 2008/105/EC on environmental quality standards in the field of water policy (EQSD)



22 November 2023



FAQ EQSD – clusters

1. Compliance with EQS - Art. 3
2. Inventory of emissions, discharges & losses - Art. 5
3. Review of Annexes I and II: delegated acts - Art 8
4. Specific provisions for certain substances - Art 8a
5. Watch List - Art 8b
6. River Basin Specific Pollutants (RBSPs) - Art 8d
7. EQS for priority substances - Annex I
8. EQS for RBSPs - Annex II

Art. 3 – Date of transposition / compliance



- Steering Note PCY proposes transposition within 24 months for revised and new EQS (as opposed to 18 months in EC proposal) - EC regrets as it will give less time to collect data and identify appropriate measures for the next RBMP
- Steering Note proposes a fixed compliance deadline (22-12-2033) - EC understands the need for such fixed deadline, in line with our proposal for compliance with new GW pollutants
- Note: All 'non-time-extension related' exemptions would remain fully applicable, where relevant, and subject to the usual conditions, in particular Art. 4(5) (*less stringent environmental objectives*) in relation to revised/new EQS i.e. if it can be demonstrated that achieving compliance is disproportionately costly/unfeasible; revision every six years

Articles 5 and 8

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Inventory of emissions (Art. 5)

- The COM Proposal aims at avoiding duplication and at streamlining reporting: everything that is reported to the Industrial Emissions Portal under the IED would not need to be reported again under the WFD. In addition, all emissions, both point source and diffuse, not in scope of the IEP (eg below thresholds), should be reported to the IEP – details to be set out in implementing acts.

Delegated acts for reviewing Annexes (Art. 8)

- The use of delegated acts would still guarantee the active participation of experts nominated by MS, not only at the stage of adoption but also during the process of developing the proposal.
- Delegated acts are the regular procedure for adapting technical annexes (eg CLP Regulation, PPP Regulation, Cosmetics Directive, REACH Regulation) - main obligation is to address pollutants – delegated acts merely set the science based harmonised standards



European
Commission

Article 8a – Effect-based methods

Specific provisions for certain substances (Art. 8a)

- Various EBM s are already available on the market and ready to use for estrogen monitoring
- Technical guidelines on using those EBM s could probably be adopted within 12 months of the transposition date
- The 2-year period for monitoring estrogenic substances using EBM s should be able to start within 12 months of the technical guidelines being finalised
- Monitoring should include sites in representative water bodies with a range of concentrations to ensure thorough comparison of the EBM results with those from chemical analysis of the estrogens



Article 8b – Watch List

Watch List provisions

- The cost of the WL was impact assessed and since there is a cap on the number of substances the costs should be reasonable. The proposal reduces the maximum from 14 to 10 substances or groups.
- Potential cost also limited by wording in existing EQSD ‘..... *monitoring is carried out using best available techniques not entailing excessive costs*’.
- Specifying that groups of substances should be analysable by the same analytical method could promote monitoring efficiency and further limit costs.
- For selecting representative monitoring stations, the monitoring frequency and seasonal timing for each substance or group of substances, it is important to consider use patterns and the possible occurrence of the substances. The minimum frequency of monitoring = 2x per year.
- When higher frequencies are required (e.g. due to seasonal variabilities) the minimum higher frequency could be justified/specified in the implementing act establishing the watch list.



Article 8b – Watch List cont'd

Methods for microplastics and ARGs

- Work on harmonised analytical methods for **microplastics** has already started in the JRC based on its work on analytical methods for microplastics in drinking water
- Work on analytical methods for groundwater and surface waters including coastal waters will be done in parallel, but the work on groundwater will likely advance more quickly due to greater parallels with drinking water
- Monitoring methods for selected **antimicrobial resistance genes** will also be developed so that ARGs can be included in the watch list



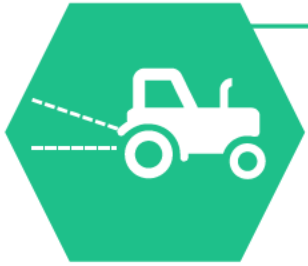
Art 8d River Basin Specific Pollutants

RBSPs in chemical status, and harmonisation of EQS

- The intention was to move only the RBSPs from the physico-chemical quality element list for ecological status to chemical status.
- Nutrient status and oxygenation (thus substances affecting BOD or COD) should therefore both remain contributors to ecological status and be excluded from the move. Points 11 and 12 should not be in the list proposed for Part A of Annex II to the EQSD. But the addition to point 10 (nano/microplastics) and the inclusion of point 13 (ARGs) are correct.
- Member States are required to inform the Commission/ECHA of the EQS for their RBSPs so that ECHA can work efficiently on harmonising the EQS.



EQS for priority substances - 1



- **PFAS** – the group of 24 is based on which substances have been found in surface waters. Inclusion of others (e.g. the 4 in the DWD sum of 20) would depend upon availability of the RPFs; the proposed EQS would probably not change;
- PFAS total – not included because SCHEER could not recommend an EQS (but clear that value in DWD not protective enough). Discussions ongoing in expert group led by JRC.
- Additional **bisphenols**?
The possibility of including more than BPA was considered but insufficient data were available to derive a group EQS. More work could be done on this.

EQS for priority substances - 2



- To limit negative effects from mixtures / cocktails of pesticides, and in the absence of a better approach for the time being, an **EQS for total pesticides** (analogous to that for groundwater) is proposed – this aims in particular at increasing the protection of water bodies used for the abstraction of drinking water, consistent with the GWD
- **Limit of Quantification (LoQ):** Exceedances of concentrations of many of the proposed pollutants (incl. BPA) are so large that they can be reliably measured without any doubt (concentrations close to the LoQ hardly occur).
- Art 3(3b) of the current EQSD already contains clear wording on LoQs.
“Where the calculated mean value of a measurement is referred to as ‘less than limit of quantification’, and the limit of quantification of that technique is above the EQS, the result for the substance being measured shall not be considered for the purposes of assessing the overall chemical status of that water body”

Final EQS for PS after SCHEER opinions



Changes to EQS for PS following the final SCHEER opinions

- EQS that should be modified in the proposal to amend Annex I to the EQSD because of final changes made in reaction to final SCHEER opinions, and to correct (typographical) errors.
- Modified EQS are in bold blue text, next to the EQS in the proposal (in brackets);
- Deletions are shown in red strike-through text.
- EQS not subject to changes (incl. those in brackets in the proposal and accepted by SCHEER) are not shown in this table

No	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
16	Hexachlorobenzene					1 (instead of 20)	EQS recalculated following SCHEER final opinion
17	Hexachlorobutadiene	9 × 10⁻⁴			0,06 (instead of 0,6)		MAC-EQS marine water amended by applying an AF of 100 in line with the final SCHEER opinion. The AA-EQS for freshwater must be deleted – it was included in error and is not sufficiently protective.

Final EQS for PS after SCHEER - 2



No	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
21	Mercury					11 (instead of 10)	EQS recalculated following SCHEER final opinion. Critical QS is QS _{biota, secpois} of 11 µg/kg. The footnote regarding the form of mercury that should be measured should be deleted (see below) because no change was intended, i.e. total mercury should be measured.
28	PAHs ⁽¹⁶⁾					Sum of Benzo(a)pyrene equivalents 0,6 ⁽¹⁷⁾	Replacement of full-stop by a comma in the biota EQS. See also change to footnote 16 to include fluoranthene and its RPF (even though fluoranthene is also retained as an individual priority substance (row 15) in the list, and change to footnote 17.
	Benzo(a)pyrene			0,5 (instead of 0,27)	0,05 (instead of 0,027)		EQS suggested by SCHEER in its final opinion
	Fluoranthene			0,12	0.012	see footnote 17	CAS and EU numbers for Fluoranthene also need to be included in this row.

Final EQS for PS after SCHEER - 3



No	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
30	Tributyltin					1,6 (instead of 1,3) sediment	Value suggested by SCHEER. (SCHEER did not accept the probabilistic approach and applied a different AF in the deterministic approach.)
34	Dicofol					4,6 (instead of 5,45)	Correction of a transcription error
37	Dioxins					Sum of PCDDs+ PCDFs+ PCB-DLs equivalents 3,5 × 10 ⁻⁵ (²²)	To add "x" (multiplier)
51	Bisphenol A	1,7 × 10 ⁻⁴ (instead of 3,4 × 10 ⁻⁵)	1,7 × 10 ⁻⁴ (instead of 3,4 × 10 ⁻⁵)			0,025 (instead of 0,005)	The critical value is QS human health biota. The new EFSA TDI (April 2023) required revision of this value to 0.025µg/kg. Back calculation to water yields 1.7× 10 ⁻⁴ µg/L (0.17 ng/L) for freshwater and marine water.

Final EQS for PS after SCHEER - 4



No	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
60	Glyphosate			Not applicable ⁽²⁵⁾ 398,6 ⁽²⁶⁾			Footnote 5 should apply in relation to SW used for the abstraction of DW, i.e. ".... Where the MAC EQS are marked as "not applicable", the AA EQS values are considered protective against short-term pollution peaks in continuous discharges since they are significantly lower than the values derived on the basis of acute toxicity."
61	Ibuprofen	0,14 (instead of 0,22)	0,014 (instead of 0,022)				The final critical QS values are AA-EQS _{eco} and need to be corrected (Corrigendum SCHEER opinion of 26 January 2023 https://health.ec.europa.eu/publications/scheer-scientific-opinion-draft-environmental-quality-standards-priority-substances-under-water-6_en)

(25) For freshwater used for the abstraction and preparation of drinking water.

(26) For freshwater not used for the abstraction and preparation of drinking water.



Final EQS for PS after SCHEER - 5



no	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
65	PFAS	Sum of PFOA equivalents 0,0044 ^(28, 29)	Sum of PFOA equivalents 0,0044 ^(28, 29)			Sum of PFOA equivalents 0,077 ^(28, 29)	A footnote (29) should be inserted to clarify that "The critical EQS is the biota EQS (relating to fish consumption) and must therefore be complied with. The AA-EQS are not as protective."
66	Silver		0,006 (10‰ salinity) 0,17 (30‰ salinity)				Salinity units should be per mille not percent.

Typo's in footnotes to Annex I EQS table - 1



Footnotes: Added text is shown in blue bold; deleted text is shown in red strike-through.

no	Footnote	Explanatory note
13	The EQS for biota refers to methyl mercury.	This footnote should be deleted because total mercury should still be monitored for comparison with the EQS. No change to the current practice was intended. The footnotes will need to be renumbered.
16	Benzo(a)pyrene (CAS 50-32-8) (RPF 1), benzo(b)fluoranthene (CAS 205-99-2) (RPF 0,1), benzo(k)fluoranthene (CAS 207-08-9) (RPF 0,1), benzo(g,h,i)perylene (CAS 191-24-2) (RPF 0), indeno(1,2,3-cd)pyrene (CAS 193-39-5) (RPF 0,1), chrysene (CAS 218-01-9) (RPF 0,01), benzo(a)anthracene (CAS 56-55-3) (RPF 0,1), and dibenz(a,h)anthracene (CAS 53-70-3) (RPF 1) and fluoranthene (CAS 206-44-0) (RPF 0,01). Fluoranthene also appears separately in row 15. The PAHs anthracene, fluoranthene and naphthalene are listed only separately because no RPF is available.	Fluoranthene and its RPF are included in the PAH group in line with the SCHEER final opinion. Although the SCHEER also supported inclusion of anthracene and naphthalene, no RPF is available for these substances.

Typo's in footnotes to Annex I EQS table – 2



no	Footnote	Explanatory note
17	For the group of polyaromatic hydrocarbons (PAHs) (No 28), the biota EQS refers to the sum of the concentrations of seven -eight of the eight -nine PAHs listed in footnote 17 6 expressed as - benzo(a)pyrene equivalents based on the carcinogenic potencies of the substances relative to that of benzo(a)pyrene, i.e. the RPFs in footnote 16. Benzo(g,h,i)perylene does not need to be measured in biota for the purposes of determining compliance with the overall EQS biota. The biota EQS for fluoranthene in row 15 must also be complied with.	Fluoranthene added, as explained above. Correction made to footnote number, and inappropriate full-stop replaced by space.
22	For the group of Dioxins and dioxin-like compounds (No 37), the biota EQS refers to the sum of the concentrations of the substances listed in footnote 20 1 expressed as toxic equivalents based on the World Health Organisation 2005 Toxic Equivalence Factors.	The dioxins are listed in footnote 21.

Typo's in footnotes to Annex I EQS table – 2



no	Footnote	Explanatory note
17	For the group of polyaromatic hydrocarbons (PAHs) (No 28), the biota EQS refers to the sum of the concentrations of seven -eight of the eight -nine PAHs listed in footnote 17 6 expressed as - benzo(a)pyrene equivalents based on the carcinogenic potencies of the substances relative to that of benzo(a)pyrene, i.e. the RPFs in footnote 16. Benzo(g,h,i)perylene does not need to be measured in biota for the purposes of determining compliance with the overall EQS biota. The biota EQS for fluoranthene in row 15 must also be complied with.	Fluoranthene added, as explained above. Correction made to footnote number, and inappropriate full-stop replaced by space.
22	For the group of Dioxins and dioxin-like compounds (No 37), the biota EQS refers to the sum of the concentrations of the substances listed in footnote 20 1 expressed as toxic equivalents based on the World Health Organisation 2005 Toxic Equivalence Factors.	The dioxins are listed in footnote 21.

Typo's in footnotes to Annex I EQS table – 3



no	Footnote	Explanatory note
27	... This refers to the following compounds, listed with their CAS number, EU number and Relative Potency Factor (RPF), as well as their derivatives: Perfluorooctanoic acid (PFOA) (CAS 335-67-1, EU 206-397-9) (RPF 1), Perfluorooctane sulfonic acid (PFOS) (CAS 1763-23-1, EU 217-179-8) (RPF 2), Perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4, EU 206-587-1) (RPF 0,6), Perfluorononanoic acid (PFNA) (CAS 375-95-1, EU 206-801-3) (RPF 10), Perfluorobutane sulfonic acid (PFBS) (CAS 375-73-5, EU 206-793-1) (RPF 0,001), Perfluorohexanoic acid (PFHxA) (CAS 307-24-4, EU 206-196-6) (RPF 0,01), Perfluorobutanoic acid (PFBA) (CAS 375-22-4, EU 206-786-3) (RPF 0,05), Perfluoropentanoic acid (PFPeA) (CAS 2706-90-3, EU 220-300-7) (RPF 0,03), Perfluoropentane sulfonic acid (PFPeS) (CAS 2706-91-4, EU 220-301-2) (RPF 0,3005), Perfluorodecanoic acid (PFDA) (CAS 335-76-2, EU 206-400-3) (RPF 7), Perfluorododecanoic acid (PFDoDA or PFDoA) (CAS 307-55-1, EU 206-203-2) (RPF 3), Perfluoroundecanoic acid (PFUnDA or PFUnA) (CAS 2058-94-8, EU 218-165-4) (RPF 4), Perfluoroheptanoic acid (PFHpA) (CAS 375-85-9, EU 206-798-9) (RPF 0,505), Perfluorotridecanoic acid (PFTrDA) (CAS 72629-94-8, EU 276-745-2) (RPF 1,65), Perfluoroheptane sulfonic acid (PFHpS) (CAS 375-92-8, EU 206-800-8) (RPF 1,3), Perfluorodecane sulfonic acid (PFDS) (CAS 335-77-3, EU 206-401-9) (RPF 2), Perfluorotetradecanoic acid (PFTeDA) (CAS 376-06-7, EU 206-803-4) (RPF 0,3), Perfluorohexadecanoic acid (PFHxDA) (CAS 67905-19-5, EU 267-638-1) (RPF 0,02), Perfluorooctadecanoic acid (PFODA) (CAS 16517-11-6, EU 240-582-5) (RPF 0,02), and Ammonium perfluoro (2-methyl-3-oxahexanoate) 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propionic acid (HFPO-DA or Gen X) (CAS 62037-80-3 13252-13-6) (RPF 0,06), Propanoic Acid / Ammonium 2,2,3-trifluoro-3-(1,1,2,2,3,3-hexafluoro-3-(trifluoromethoxy)propoxy)propanoateic acid (ADONA) (CAS 958445-44-8 919005-14-4) (RPF 0,03), 2-(Perfluorohexyl)ethyl alcohol (6:2 FTOH) (CAS 647-42-7, EU 211-477-1) (RPF 0,02), 2-(Perfluorooctyl)ethanol (8:2 FTOH) (CAS 678-39-7, EU 211-648-0) (RPF 0,04) and Acetic acid / 2,2-difluoro-2-((2,2,4,5-tetrafluoro-5-(trifluoromethoxy)-1,3-dioxolan-4-yl)oxy)-acetic acid (C6O4) (CAS 1190931-41-9) (RPF 0,06)	The derivatives (salts of acids) need to be mentioned, as was the case for PFOS when listed individually. The long names of three of the substances (HFPO-DA/Gen X, ADONA and C6O4) need to be corrected, in the first two cases to refer instead to the acid form. In those two cases, the CAS number also needs to be changed, and the incorrect abbreviations (for the salts) need to be left out. A superfluous "and" needs to be deleted.



Typo's in footnotes to Annex I EQS table – 4



no	Footnote	Explanatory note
28	For the group of PFAS (No 65), the EQS refer to the sum of the concentrations of the 24 PFAS listed in footnote 27, and their derivatives , expressed as PFOA-equivalents based on the potencies of the substances relative to that of PFOA, i.e. the RPFs in footnote 27.	The derivatives need to be mentioned, as was the case for PFOS when listed individually.

Other changes needed

In the EQS table:

Entry 35 refers to entry 65. In both entries (35 and 65), the full name of PFAS should read **Per- and polyfluoroalkyl substances**, NOT Per- and poly-fluorinated substances.

Thank you

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GOBIERNO
DE ESPAÑA

MINISTERIO
PARA LA TRANSICIÓN ECOLÓGICA
Y EL RETO DEMOGRÁFICO

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

(Text with EEA relevance)

WORKING PARTY ON THE ENVIRONMENT (WPE)

22 November 2023

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Environmental Quality Standards for River Basin Specific Pollutants	Annex II

Article 3- Amendments to Directive 2008/105/EC

(2) Article 3(a) in paragraph 1a, first subparagraph, point (iii):

PRE PROPOSAL

*(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 **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 programs 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.

Deadlines

	Current status	With effect from (Monitoring)	Programmes of Measures included	Achieving good surface water chemical status
EQSD	Reviewed	24 Months 22 December 2015	December 2015	22 December 2021
	New	5 Years	December 2021	22 December 2027
COM Proposal 2023 (Expected to be adopted in 2024)	Reviewed	18 Months	December 2027 legal uncertainty	¿? legal uncertainty
	New	18 Months	December 2027 legal uncertainty	¿? legal uncertainty
PRES 2023 (Expected to be adopted in 2024)	Reviewed	24 Months	2027	22 December 2033
	New	22 December 2026		

Article 3- Amendments to Directive 2008/105/EC

(2) Article 3(e) paragraph 8:

PRE PROPOSAL

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



Article 3- Amendments to Directive 2008/105/EC

(3) Article 5, paragraphs 1, and 4:

PRE PROPOSAL

New Wording

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, 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

Article 3- Amendments to Directive 2008/105/EC

(5) Article 8 :

PRE PROPOSAL

The new delegated acts should be discussed during the formal WPE



Article 3- Amendments to Directive 2008/105/EC

(8) Article 8a :

PRE PROPOSAL

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. 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.**

Article 3- Amendments to Directive 2008/105/EC

(8) Article 8b :

PRE PROPOSAL

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** 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, as** for substances that are sensitive to climatic or seasonal variabilities, **the increase of frequency shall be technically justified in the** implementing act establishing the watch list adopted pursuant to paragraph 1.

Article 3- Amendments to Directive 2008/105/EC

(8) Article 8d:

PRE PROPOSAL

1. [..]

*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.*

Article 3- Amendments to Directive 2008/105/EC

Annex V: Annex I is amended in accordance with Annex V to this Directive; (21) Part B:

PRE PROPOSAL

A) New parameter nº 70 “Total pesticides”:

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

Article 3- Amendments to Directive 2008/105/EC

Annex V: Annex I is amended in accordance with Annex V to this Directive; (21) Part B:

B).- Limit of quantification:

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

New Wording

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.

Article 3- Amendments to Directive 2008/105/EC

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

(21) Part B is amended as follows:

PRE PROPOSAL

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

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Environmental Quality Standards (EQSs) and corresponding footnotes that should be modified in the proposed amendments to Annex I to Directive 2008/105/EC (the Environmental Quality Standards Directive- EQSD) that are part of Commission's legal proposal COM(2022) 540 final.

The modifications to the proposed amendments of Annex I (which is Annex V of the legal proposal) are listed below, and are needed to take account of the final scientific opinions of the Scientific Committee on Health and Emerging Environmental Risks (SCHEER), that were not yet available at the time of publication of the legal proposal, and to correct errors.

- **Modified EQS** are in **bold blue text**, next to the EQS in the proposal (in brackets);
- **Deletions** are shown in **red strike-through text**;
- EQS not subject to amendment (including those that were in brackets in the proposal and can now be accepted) are not shown in this table.

No	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
16	Hexachlorobenzene					1 (instead of 20)	EQS recalculated following SCHEER final opinion
17	Hexachlorobutadiene	9 × 10⁻⁴			0,06 (instead of 0,6)		MAC-EQS marine water amended by applying an AF of 100 in line with the final SCHEER opinion. The AA-EQS for freshwater must be deleted – it was included in error and is not sufficiently protective.
21	Mercury					11 (instead of 10)	EQS recalculated following SCHEER final opinion. Critical QS is QS _{biota, secpois} of 11 µg/kg. The footnote regarding the form of mercury that should be measured should be deleted (see below) because no change was intended, i.e. total mercury should be measured.
28	PAHs ⁽¹⁶⁾					Sum of Benzo(a)pyrene equivalents 0,6⁽¹⁷⁾	Replacement of full-stop by a comma in the biota EQS. See also change to footnote 16 to include fluoranthene and its RPF (even though fluoranthene is also retained as an individual priority substance (row 15) in the list, and change to footnote 17.

No	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
	Benzo(a)pyrene			0,5 (instead of 0,27)	0,05 (instead of 0,027)		EQS suggested by SCHEER in its final opinion
	Fluoranthene			0,12	0,012	see footnote 17	CAS and EU numbers for Fluoranthene also need to be included in this row.
30	Tributyltin					1,6 (instead of 1,3) sediment	Value suggested by SCHEER. (SCHEER did not accept the probabilistic approach and applied a different AF in the deterministic approach.)
34	Dicofol					4,6 (instead of 5,45)	Correction of a transcription error
37	Dioxins					Sum of PCDDs+ PCDFs+ PCB- DLs equivalents $3,5 \times 10^{-5}$ (²²)	To add "x" (multiplier)
51	Bisphenol A	$1,7 \times 10^{-4}$ (instead of $3,4 \times 10^{-5}$)	$1,7 \times 10^{-4}$ (instead of $3,4 \times 10^{-5}$)			0,025 (instead of 0,005)	The critical value is QS human health biota. The new EFSA TDI (April 2023) required revision of this value to 0.025µg/kg. Back calculation to water yields $1.7 \times$ 10^{-4} µg/L (0.17 ng/L) for freshwater and marine water.
60	Glyphosate			Not applicable (²⁵) 398,6(²⁶)			Footnote 5 should apply in relation to SW used for the abstraction of DW, i.e. "... Where the MAC EQS are marked as "not applicable", the AA EQS values are considered protective against short-term pollution peaks in continuous discharges since they are significantly lower than the values derived on the basis of acute toxicity."
61	Ibuprofen	0,14 (instead of 0,22)	0,014 (instead of 0,022)				The final critical QS values are AA-EQS _{eco} and need to be corrected (Corrigendum SCHEER opinion of 26 January 2023 https://health.ec.europa.eu/publications/scheer-

No	Substance	AA-EQS fw [µg/L]	AA-EQS sw [µg/L]	MAC-EQS fw [µg/L]	MAC-EQS sw [µg/L]	EQS biota [µg/kg _{ww}]	Explanatory note
							scientific-opinion-draft-environmental-quality-standards-priority-substances-under-water-6_en
65	PFAS	Sum of PFOA equivalents 0,0044 ^(28, 29)	Sum of PFOA equivalents 0,0044 ^(28, 29)			Sum of PFOA equivalents 0,077 ^(28, 29)	A footnote (29) should be inserted to clarify that "The critical EQS is the biota EQS (relating to fish consumption) and must therefore be complied with. The AA-EQS are not as protective."
66	Silver		0,006 (10‰ salinity) 0,17 (30‰ salinity)				Salinity units should be per mille not percent.

Footnotes: Added text is shown in blue bold; deleted text is shown in red strike-through.

no	Footnote	Explanatory note
13	The EQS for biota refers to methyl mercury.	This footnote should be deleted because total mercury should still be monitored for comparison with the EQS. No change to the current practice was intended. The footnotes will need to be renumbered.
16	Benzo(a)pyrene (CAS 50-32-8) (RPF 1), benzo(b)fluoranthene (CAS 205-99-2) (RPF 0,1), benzo(k)fluoranthene (CAS 207-08-9) (RPF 0,1), benzo(g,h,i)perylene (CAS 191-24-2) (RPF 0), indeno(1,2,3-cd)pyrene (CAS 193-39-5) (RPF 0,1), chrysene (CAS 218-01-9) (RPF 0,01), benzo(a)anthracene (CAS 56-55-3) (RPF 0,1), and dibenz(a,h)anthracene (CAS 53-70-3) (RPF 1) and fluoranthene (CAS 206-44-0) (RPF 0,01). Fluoranthene also appears separately in row 15. The PAHs anthracene, fluoranthene and naphthalene are listed only separately because no RPF is available.	Fluoranthene and its RPF are included in the PAH group in line with the SCHEER final opinion. Although the SCHEER also supported inclusion of anthracene and naphthalene, no RPF is available for these substances.
17	For the group of polyaromatic hydrocarbons (PAHs) (No 28), the biota EQS refers to the sum of the concentrations of seven eight of the eight nine PAHs listed in footnote 17 6 expressed as benzo(a)pyrene equivalents based on the carcinogenic potencies of the substances relative to that of benzo(a)pyrene, i.e. the RPFs in footnote 16. Benzo(g,h,i)perylene does not need to be	Fluoranthene added, as explained above. Correction made to footnote number, and inappropriate full-stop replaced by space.

	measured in biota for the purposes of determining compliance with the overall EQS biota. The biota EQS for fluoranthene in row 15 must also be complied with.	
22	For the group of Dioxins and dioxin-like compounds (No 37), the biota EQS refers to the sum of the concentrations of the substances listed in footnote 201 expressed as toxic equivalents based on the World Health Organisation 2005 Toxic Equivalence Factors.	The dioxins are listed in footnote 21.
27	... This refers to the following compounds, listed with their CAS number, EU number and Relative Potency Factor (RPF), as well as their derivatives: Perfluorooctanoic acid (PFOA) (CAS 335-67-1, EU 206-397-9) (RPF 1), Perfluorooctane sulfonic acid (PFOS) (CAS 1763-23-1, EU 217-179-8) (RPF 2), Perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4, EU 206-587-1) (RPF 0,6), Perfluorononanoic acid (PFNA) (CAS 375-95-1, EU 206-801-3) (RPF 10), Perfluorobutane sulfonic acid (PFBS) (CAS 375-73-5, EU 206-793-1) (RPF 0,001), Perfluorohexanoic acid (PFHxA) (CAS 307-24-4, EU 206-196-6) (RPF 0,01), Perfluorobutanoic acid (PFBA) (CAS 375-22-4, EU 206-786-3) (RPF 0,05), Perfluoropentanoic acid (PFPeA) (CAS 2706-90-3, EU 220-300-7) (RPF 0,03), Perfluoropentane sulfonic acid (PFPeS) (CAS 2706-91-4, EU 220-301-2) (RPF 0,3005), Perfluorodecanoic acid (PFDA) (CAS 335-76-2, EU 206-400-3) (RPF 7), Perfluorododecanoic acid (PFDoDA or PFDoA) (CAS 307-55-1, EU 206-203-2) (RPF 3), Perfluoroundecanoic acid (PFUnDA or PFUnA) (CAS 2058-94-8, EU 218-165-4) (RPF 4), Perfluoroheptanoic acid (PFHpA) (CAS 375-85-9, EU 206-798-9) (RPF 0,505), Perfluorotridecanoic acid (PFTrDA) (CAS 72629-94-8, EU 276-745-2) (RPF 1,65), Perfluoroheptane sulfonic acid (PFHpS) (CAS 375-92-8, EU 206-800-8) (RPF 1,3), Perfluorodecane sulfonic acid (PFDS) (CAS 335-77-3, EU 206-401-9) (RPF 2), Perfluorotetradecanoic acid (PFTeDA) (CAS 376-06-7, EU 206-803-4) (RPF 0,3), Perfluorohexadecanoic acid (PFHxDA) (CAS 67905-19-5, EU 267-638-1) (RPF 0,02), Perfluorooctadecanoic acid (PFODA) (CAS 16517-11-6, EU 240-582-5) (RPF 0,02), and Ammonium perfluoro (2-methyl 3-oxahexanoate) 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propionic acid (HFPO-DA or Gen X) (CAS 62037-80-3 13252-13-6) (RPF 0,06), Propanoic Acid / Ammonium 2,2,3-trifluoro-3-(1,1,2,2,3,3-hexafluoro-3-(trifluoromethoxy)propoxy)propanoic acid (ADONA) (CAS 958445-44-8 919005-14-4) (RPF 0,03), 2- (Perfluorohexyl)ethyl alcohol (6:2 FTOH) (CAS 647-42-7, EU 211-477-1) (RPF 0,02), 2- (Perfluorooctyl)ethanol (8:2 FTOH) (CAS 678-39-7, EU 211-648-0) (RPF 0,04) and Acetic acid / 2,2-difluoro-2-((2,2,4,5-tetrafluoro-5-(trifluoromethoxy)-1,3-dioxolan-4-yl)oxy)-acetic acid (C6O4) (CAS 1190931-41-9) (RPF 0,06)	The derivatives (salts of acids) need to be mentioned, as was the case for PFOS when listed individually. The long names of three of the substances (HFPO-DA/Gen X, ADONA and C6O4) need to be corrected, in the first two cases to refer instead to the acid form. In those two cases, the CAS number also needs to be changed, and the incorrect abbreviations (for the salts) need to be left out. A superfluous “and” needs to be deleted.

28	For the group of PFAS (No 65), the EQS refer to the sum of the concentrations of the 24 PFAS listed in footnote 27, and their derivatives , expressed as PFOA-equivalents based on the potencies of the substances relative to that of PFOA, i.e. the RPFs in footnote 27.	The derivatives need to be mentioned, as was the case for PFOS when listed individually.
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Other changes needed

In the EQS table:

Entry 35 refers to entry 65. In both entries (35 and 65), the full name of PFAS should read **Per- and polyfluoroalkyl substances**, NOT Per- and poly-fluorinated substances.