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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy

(Text with EEA relevance)

{SEC(2011) 1546 final}
{SEC(2011) 1547 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Grounds for and objectives of the proposal

This Commission proposal concerns the review of the list of priority substances (PS) in the field of water policy, i.e. the chemicals identified among those presenting a significant risk to or via the aquatic environment at EU level which are listed in Annex X to the Water Framework Directive (WFD) 2000/60/EC¹. WFD Article 16(4) requires the Commission to review the list of PS at least every four years; Article 8 of the Environmental Quality Standards Directive (EQSD) 2008/105/EC², in which Directive the environmental quality standards (EQS)³ for the PS are set, requires the Commission to report the outcome of its first review to the European Parliament and the Council in 2011. As part of the review, the Commission has to consider *inter alia* the substances in Annex III to that Directive for possible inclusion in the list. It is also required to put forward proposals, if appropriate, for new PS, to set EQS for surface water, sediment or biota⁴ as appropriate, and to review the EQS and status of existing PS.

• General context

The WFD acknowledges the existence of considerable pressures on the aquatic environment, including that from chemical pollution, and the need for sustainable water management. Its environmental objectives include the achievement of good chemical and ecological status for surface and groundwater bodies, and the prevention of deterioration. The Directive is implemented at the level of river basin districts (RBDs). Member States were required to adopt by 2009 a River Basin Management Plan (RBMP) based *inter alia* on a pressures and impact analysis and the results of monitoring, and a programme of measures for each district.

To meet good chemical status, water bodies must meet the EQS set for the PS and other 8 pollutants that were already regulated at EU level. The current 33 PS include a range of industrial chemicals, plant protection products and metals/metal compounds. Some PS are identified as Priority Hazardous Substances (PHS) because of their persistence, bioaccumulation and/or toxicity or equivalent level of concern, criteria consistent with the criteria for Substances of Very High Concern (SVHCs) under REACH⁵. Member States are

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:02000L0060-20090113:EN:NOT>

² 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 (OJ L 348, 24.12.2008, p. 84). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0105:EN:NOT>

³ An EQS is defined as ‘the concentration of a particular pollutant or group of pollutants in water, sediment or biota which should not be exceeded in order to protect human health and the environment’ (WFD Article 2(35))

⁴ Biota refers to any groups of living aquatic organisms that can be analysed and used as indicators of pollution such as fish, mussels, invertebrates, etc.

⁵ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH),

required to monitor the PS in surface water bodies, and to report exceedances of the EQS. The WFD requires the adoption of measures to control the discharges, emissions and losses of PS and PHS to the aquatic environment – progressive reduction in the case of PS, cessation or phasing out in the case of PHS.

The objective of good ecological status requires that for chemicals identified as substances of concern at local/river-basin/national level but not as PS at EU level, standards have to be set at national level. These chemicals are known as river basin specific pollutants.

Technical work on the review of the PS list began in 2007 with a prioritisation exercise to identify possible new PS, and this was followed by the processes of setting EQS for them and reviewing the EQS for and status of the existing PS. The proposed new substances and changes to existing substances are expected to be taken into account in the 2015 updated RBMPs and programmes of measures.

In the course of reviewing the PS list, improvements in the functioning of the EQSD were identified, as well as a mechanism for improving the identification of additional PS in future reviews.

- **Existing provisions in this area**

- Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy
- 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
- 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

- **Consistency with other policies**

The 6th Environmental Action Programme identifies the measures for priority substances as a key action (see Article 7(2)(e) of Decision 1600/2002/EC⁶). The proposal is consistent with related policies and key legislation such as:

- Chemicals policy: Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation,

establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1907:EN:NOT>

⁶ Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme (OJ L 242, 10.9.2002, p. 1). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:242:0001:0015:EN:PDF>

Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency

- Plant Protection Products policy: Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, and Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides
- Biocides policy: Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market
- Pharmaceuticals policy: Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products, and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use
- Industrial emissions policy: Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control and Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions
- Waste policy: Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on Waste; Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast); Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)
- Persistent Organic Pollutants (POPs) policy: Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants
- Policy for the protection of the marine environment: Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

• Consultations and use of expertise

The technical work for the review, i.e. principally the prioritisation and EQS setting, was led by DG ENV and the JRC and carried out by a range of experts in the period 2008-2010. These included members of the Chemical Aspects Working Group E under the WFD Common Implementation Strategy (CIS)⁷, in particular two sub-groups of WG E, and the consultancy

⁷ http://ec.europa.eu/environment/water/water-framework/objectives/implementation_en.htm

INERIS (with input from the International Office for Water, IOW). The membership of WG E and the two sub-groups consists of Commission DGs (ENV, ENTR and SANCO), Member States and stakeholder organisations including a range of European industry associations (AESGP, AISE, Business Europe, CEFIC, CEPI, CONCAWE, COPA-COGECA, ECPA, EFPIA, EUCETSA, EUDA, EUREAU, EURELECTRIC, EUROFER, EUROMETAUX, EUROMINES), NGOs (EEB, Greenpeace, WWF) and intergovernmental organisations (OSPAR).

WG E contributed significantly to the review by supporting the collection of data (including monitoring and hazard data), the prioritisation process for identifying new substances, the update of the Technical Guidance Document on EQS setting, and the derivation of EQS. It also supported the review of the existing priority substances and EQS. The two sub-groups of WG E that carried out much of the work were the Expert Group on the Technical Guidance Document EQS (EG-EQS), and the Sub-Group on Review of Priority Substances (SG-R), both co-chaired by experts from the JRC and the UK. The WG E industry stakeholder groups involved their most relevant member companies, generally represented by technical experts, in the sub-group discussions, particularly as the selection procedure reached its final stages and EQS were developed.

The draft EQS were submitted to the Scientific Committee on Health and Environmental Risks (SCHER)⁸ for its opinion.

In its opinion on the EQS dossier for Nickel, the SCHER noted that in-depth analysis, including independent statistical analysis, of some higher-tier data, could influence the final EQS. Although this has since been attempted, difference of opinion among the experts means that, in the draft proposal, the AA-EQS (inland waters) for Nickel has been set at 4 rather than 2 µg/l, pending the outcome of further consultation with the SCHER regarding the conclusions of the analysis.

- **Impact assessment**

As the technical work was in its final stages in 2010, work on the impact assessment began with the commencement of a study by the consultancy Entec⁹. The consultant drafted individual substance impacts reports taking into account the conclusions of the technical work¹⁰, and these were drawn upon for a large part of the accompanying Impact Assessment Report.

An Impact Assessment Steering Group supported the preparation of the impact assessment, with the participation of the following Commission services: the Secretariat-General (SG), AGRI, ENTR, JRC, MARE, REGIO, RTD, and SANCO.

For the development of the impact assessment report, consultations were undertaken with WG E and with additional stakeholders not represented in that WG.

⁸ The SCHER is one of the Scientific Committees providing the Commission with independent advice. It is made up of 17 scientists. More information at http://ec.europa.eu/health/scientific_committees/environmental_risks/index_en.htm

⁹ Contract No 070307/2009/547548/SER/D1

¹⁰ For the existing substances under review, some of the supporting information for the study was prepared by a second consultancy, WRc (with input from Milieu).

The Impact Assessment Board discussed the Impact Assessment report at its meeting on 22 June 2011. The comments made were addressed in the accompanying Impact Assessment report.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Legal basis**

The legal basis of the proposal is Article 192(1) of the Treaty.

- **Subsidiarity and proportionality principles**

Water pollution has a very important transboundary character. 60% of the EU territory lies in shared river basins. Because of this, and because many substances that cause pollution are used across the EU, it is appropriate to set harmonised EQS for them at EU level where a significant risk to or via the aquatic environment is identified. Apart from the wider protection, a more level playing field is ensured than when only a few Member States set an EQS or the national EQS are very different.

This proposal is limited to the identification of priority substances and to establishing EQS at EU level. No additional EU measures are proposed, beyond those already available. Specific and additional pollution control measures are left to the Member States, which can choose the most effective way of achieving the objectives taking into account local conditions.

- **Choice of instrument**

Proposed instrument: Directive amending WFD and EQSD.

4. BUDGETARY IMPLICATIONS

No budgetary implications are expected.

5. ADDITIONAL INFORMATION

- **Detailed explanation of the proposal**

The proposal amends the EQSD and the WFD, the latter only as regards Annex X.

Article 1 replaces Annex X to the WFD with the text set out in Annex I to this Directive. The updated Annex X includes the newly proposed PS and identifies two existing PS as PHS. The Annex is simplified by including some of the information that was previously in the table in footnotes.

Article 2 of this proposal amends the following provisions of the EQSD:

Article 2 is amended to introduce a definition for the term "matrix", i.e. the environmental compartment to which the EQS apply and in which the concentrations of PS and PHS are therefore to be monitored, usually water, sediment or biota (fish unless otherwise stated).

Article 3 is amended to make it coherent with the new structure of Part A of Annex I (in particular with the inclusion of biota standards in the Annex), and to amend the obligations of the Member States as regards the selection of the matrix for monitoring. A default monitoring matrix is specified for each substance, on the basis of its intrinsic properties. The existing flexibility for Member States to choose an alternative matrix is retained, but it is now conditioned to the fulfilment of the minimum analytical performance criteria in Article 4 of Commission Directive 2009/90/EC¹¹. In addition, to simplify reporting, the notification obligations set out in Article 3 of the EQSD are integrated into the reporting of the river basin management plans under Article 15 of the WFD. Finally, the comitology mandate to amend paragraph 3 of Part B of Annex I is aligned to the new delegated powers.

Articles 4(4) and 5(6) are deleted as a consequence of the alignment of the act to the new implementing powers in the Treaty. Such powers are not adequate for the adoption of technical guidelines as these are not legally binding documents.

Article 8 is updated.

A new Article 8a is inserted that addresses specific provisions for substances behaving as ubiquitous persistent, bioaccumulative and toxic substances.

A new Article 8b is inserted to establish a watch list for the targeted collection of monitoring data to support future reviews of the PS list.

Article 9 is amended to be aligned to the new Regulation (EU) No 182/2011¹² on Commission implementing powers and introduces a new Article 10 on the exercise of delegated powers.

Part A of Annex I is replaced by Annex II to this Directive, which introduces the newly proposed PS, amends the EQS for some of the existing PS¹³ and introduces a column for biota standards. This latter column includes the three biota standards that were already established by EQSD Article 3(2)(a) as well as biota standards for some other existing PS and some new PS. Listing the biota standards in Annex I of the EQSD simplifies presentation and improves clarity.

Paragraph 2 of Part B of Annex I to the EQSD is amended to make appropriate reference to the implementing powers under Article 9.

Annex II to the EQSD is rendered obsolete and is deleted.

Annex III to the EQSD, linked to the current Article 8, is rendered obsolete and is deleted.

¹¹ 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 (OJ L 201, 1.8.2009, p. 36). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:201:0036:0038:EN:PDF>

¹² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:055:0013:0018:EN:PDF>

¹³ Changes affect the following existing substances: numbers 2 (Anthracene), 5 (Brominated diphenyl ethers), 15 (Fluoranthene), 20 (Lead and its compounds), 22 (Naphthalene), 23 (Nickel and its compounds) and 28 (Polyaromatic hydrocarbons).

Article 3 of this proposal establishes the obligations as regards transposition into national legislation and notification to the Commission of the national provisions.

Article 4 refers to the entry into force.

Article 5 establishes that the Directive is addressed to Member States.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹⁴,

Having regard to the opinion of the Committee of the Regions¹⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Chemical pollution of surface water presents a threat to the aquatic environment with effects such as acute and chronic toxicity to aquatic organisms, accumulation in the ecosystem and loss of habitats and biodiversity, as well as a threat to human health. As a matter of priority, causes of pollution should be identified and emissions should be dealt with at source, in the most economically and environmentally effective manner.
- (2) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy¹⁶ lays down a strategy against the pollution of water. That strategy involves the identification of priority substances among those causing a significant risk to or via the aquatic environment at Union level. Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy¹⁷ set out the first list of 33 substances or groups

¹⁴ OJ C , , p. .

¹⁵ OJ C , , p. .

¹⁶ OJ L 327, 22.12.2000, p. 1.

¹⁷ OJ L 331, 15.12.2001, p. 1.

of substances that were prioritised at Union level and that are currently included in Annex X to Directive 2000/60/EC.

- (3) 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 policy¹⁸ lays down environmental quality standards (EQS) for the 33 priority substances identified in Decision No 2455/2001/EC and 8 other pollutants that were already regulated at Union level, in accordance with the provisions and objectives of Directive 2000/60/EC.
- (4) The Commission has conducted a review of the list of priority substances according to Article 16(4) of Directive 2000/60/EC and to Article 8 of Directive 2008/105/EC and come to the conclusion that it is appropriate to amend the list of priority substances by identifying new substances for priority action at Union level, setting EQS for them, updating according to scientific progress the EQS for some existing substances, and setting biota EQS for some existing and new priority substances.
- (5) The review of the priority substances list has been supported by an extensive consultation with experts from the Commission services, Member States, stakeholders and the Scientific Committee on Health and Environmental Risks (SCHER).
- (6) Numerous Union acts have been adopted since the adoption of Directive 2000/60/EC, which constitute emission control measures in accordance with Article 16 of that Directive for individual priority substances. Moreover, many environmental protection measures fall under the scope of other existing Union legislation. Therefore, priority should be given to implementing and revising existing instruments rather than establishing new controls. The inclusion of a substance in Annex X to Directive 2000/60/EC is without prejudice to the application of the provisions of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC¹⁹.
- (7) Since the derivation of the EQS for the 33 priority substances included in Annex X to Directive 2000/60/EC a number of risk assessments under Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances,²⁰ later replaced by Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC,²¹ have been concluded. In order to ensure an appropriate level of protection and to update the EQS to the latest scientific and technical knowledge as regards risks to or via the aquatic environment, the EQS for some of the existing substances need to be revised.

¹⁸ OJ L 348, 24.12.2008, p. 84.

¹⁹ OJ L 309, 24.11.2009, p. 1.

²⁰ OJ L 84, 5.4.1993, p. 1.

²¹ OJ L 396, 30.12.2006, p. 1.

- (8) Additional substances posing a significant risk to or via the aquatic environment at Union level have been identified and prioritised using the approaches specified in Article 16(2) of Directive 2000/60/EC and need to be added to the list of priority substances. The latest available scientific and technical information has been taken into account in deriving the EQS for these substances.
- (9) The derivation of EQS for priority hazardous substances usually involves higher levels of uncertainty than is the case for priority substances but the EQS still establishes a benchmark to assess compliance with the objective of good surface water chemical status, as defined in Article 2(24) and points (ii) and (iii) of Article 4(1)(a) of Directive 2000/60/EC. However, in order to ensure an adequate level of protection for the environment and human health, the ultimate aim for the priority hazardous substances is the cessation or phase out of emissions, discharges and losses, as established in Article 4(1)(a)(iv) of Directive 2000/60/EC.
- (10) Scientific knowledge about the fate and effects of pollutants in water has evolved significantly over recent years. We know more about which compartment of the aquatic environment (water, sediment or biota, hereinafter "matrix") a substance is likely to be found in, and therefore where its concentration is most likely to be measurable. Some very hydrophobic substances accumulate in biota and are hardly detectable in water even using the most advanced analytical techniques. For these substances, EQS should be set in biota. Nevertheless, in order to take advantage of their monitoring strategy and adapt it to their local circumstances, Member States should have flexibility to use alternative matrices (water, sediment or biota) for monitoring provided the level of protection afforded by the EQS and the monitoring system is as good as that provided by the EQS and matrix laid down in this Directive.
- (11) 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 status²², establishes minimum performance criteria for the analytical methods used in monitoring water status. Those criteria ensure meaningful and relevant monitoring information by requiring the use of analytical methods that are sensitive enough to ensure that any exceedance of the EQS can be reliably detected and measured. Member States should be permitted to use monitoring matrices other than those specified by this Directive only if the analytical method used meets the minimum performance criteria in Article 4 of Directive 2009/90/EC for the relevant EQS and matrix, or performs significantly better than the method used for the EQS and matrix specified in this Directive.
- (12) Persistent, bioaccumulative and toxic substances (PBTs) and other substances that behave like PBTs may be found for decades in the aquatic environment at levels posing a significant risk, even if extensive measures to reduce or eliminate emissions have already been taken. Some are also capable of long-range transport and are largely ubiquitous in the environment. Several such substances are among the existing and proposed priority hazardous substances and, because of their long-term ubiquity, some of them need special consideration as regards their impact on the presentation of chemical status under Directive 2000/60/EC and as regards monitoring requirements.

²² OJ L 201, 1.8.2009, p. 36.

- (13) As regards the presentation of chemical status according to Section 1.4.3 of Annex V to Directive 2000/60/EC, Member States should be allowed to present separately the impact on chemical status of substances that behave as ubiquitous PBTs so that improvements in water quality achieved in relation to other substances are not obscured. In addition to the obligatory map covering all substances, two additional maps, one covering only substances behaving as ubiquitous PBTs and one covering other substances, could be provided.
- (14) Monitoring should be adapted to the spatial and temporal scale of the expected variation in concentrations. Given the widespread distribution and long recovery times expected for substances behaving as ubiquitous PBTs, Member States should be allowed to reduce the number of monitoring sites and/or frequency of monitoring for those substances, as long as a statistically robust monitoring baseline is available.
- (15) The special consideration given to substances behaving as ubiquitous PBTs does not exempt the Union or the Member States from taking measures additional to those already taken, including at international level, to reduce or eliminate emissions, discharges and losses of those substances to achieve the objectives set out in Article 4(1)(a) of Directive 2000/60/EC.
- (16) High-quality monitoring data, along with data on ecotoxicological effects, are needed for the risk assessments that support the selection of new priority substances. The monitoring data collected from Member States, although significantly improved over the past years, is not always fit for purpose in terms of quality and Union coverage. Monitoring data are particularly lacking for many emerging pollutants, which can be defined as pollutants currently not included in routine monitoring programmes at Union level but which could pose a significant risk requiring regulation, depending upon their potential (eco)toxicological and health effects and on their levels in the (aquatic) environment.
- (17) A new mechanism is needed to provide the Commission with targeted high-quality monitoring information on the concentration of substances in the aquatic environment, with a focus on emerging pollutants and substances for which available monitoring data are not of sufficient quality for the purpose of risk assessment. The new mechanism should facilitate the gathering of that information across Union river basins. In order to maintain the monitoring costs at reasonable levels, the mechanism should focus on a limited number of substances, included temporarily in a watch list, and a limited number of monitoring sites, but deliver representative data that are fit for the purpose of the Union prioritisation process. The list should be dynamic, to respond to new information on the potential risks posed by emerging pollutants and avoid monitoring substances for longer than necessary.
- (18) In order to simplify and streamline reporting obligations for the Member States, and increase coherence with other related elements of water management, the notification requirements in Article 3 of Directive 2008/105/EC should be merged with the overall reporting obligations under Article 15 of Directive 2000/60/EC.
- (19) With the adoption of this proposal and submission of its report to the European Parliament and to the Council, the Commission has completed its first review of the list of Priority Substances as required by Article 8 of Directive 2008/105/EC. This has included a review of the substances in Annex III to that Directive, some of which have

been identified for prioritisation. There is currently insufficient evidence to prioritise the other substances. The possibility that new information regarding those substances may become available means that they are not excluded from future review, as it is true for the other substances considered but not prioritised in the present review. Therefore, Annex III to Directive 2008/105/EC has become obsolete and should be deleted. Article 8 of that Directive should be amended accordingly, also regarding the date of reporting to the European Parliament and to the Council.

- (20) In order to react to relevant technical and scientific progress in the area covered by this Directive in a timely manner, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the updating of the methods for applying the environmental quality standards laid down in the Directive.
- (21) Furthermore, in order to improve the information basis for future identification of priority substances, in particular as regards emerging pollutants, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the drawing up of a watch list. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.
- (22) The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (23) In order to ensure uniform conditions for the implementation of this Directive, of the monitoring methods used for monitoring the substances on the watch list and of the reporting formats for the reporting to the Commission of the monitoring data and information, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers²³.
- (24) Since the objective of this Directive, namely that of achieving good surface water chemical status by laying down EQS for priority substances and certain other pollutants, cannot be sufficiently achieved by the Member States and can therefore, by reason of maintaining the same level of protection of surface water throughout the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (25) Directive 2000/60/EC and Directive 2008/105/EC should therefore be amended accordingly,

²³ OJ L 55, 28.2.2011, p. 13.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex X to Directive 2000/60/EC is replaced by the text set out in Annex I to this Directive.

Article 2

Directive 2008/105/EC is amended as follows:

1. Article 2 is replaced by the following:

‘Article 2

Definitions

For the purposes of this Directive, the definitions laid down in Article 2 of Directive 2000/60/EC and in Article 2 of Directive 2009/90/EC shall apply.

In addition, the following definition shall apply:

'Matrix' means a compartment of the aquatic environment, being water, sediment or biota.'

2. Article 3 is replaced by the following:

‘Article 3

1. In accordance with Article 1 of this Directive and Article 4 of Directive 2000/60/EC, Member States shall apply the EQS laid down in Part A of Annex I to this Directive in bodies of surface water.

Member States shall apply the EQS in bodies of surface water in accordance with the requirements laid down in Part B of Annex I. *[Note: this paragraph is not amended]*

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 the rest of the substances, Member States shall apply the water EQS laid down in Part A of Annex I.

3. Member States may opt to apply an EQS for a matrix different from that specified in paragraph 2.

Member States that make use of that option shall apply the relevant EQS laid down in Part A of Annex I or, if none is included for the relevant matrix, establish one that offers at least the same level of protection as the EQS provided for in that annex.

Member States may use that option only where the method of analysis used for the selected matrix fulfils the minimum performance criteria laid down in Article 4 of Commission Directive 2009/90/EC(*) or, where those criteria are not met for any

matrix, the method performs significantly better than that used for the matrix specified in paragraph 2.

4. For the substances for which an EQS for sediment and/or biota is applied, Member States shall monitor the substance in the relevant matrix at least once every year, unless technical knowledge and expert judgment justify another interval.

5. Member States shall include in the updated river basin management plans produced in accordance with Article 13(7) of Directive 2000/60/EC:

- (a) a table presenting the limits of quantification of the methods of analysis applied, and information on the performance of those methods in relation to the criteria laid down in Article 4 of Commission Directive 2009/90/EC;
- (b) for the substances for which the option in paragraph 3 has been used:
 - (i) the reasons and basis for using it;
 - (ii) where relevant, the alternative EQS established, evidence that they would be at least as protective, including the data and methodology used to derive them, and the categories of surface water to which they would apply;
 - (iii) for comparison with the information referred to in point (a) of paragraph 5 of this Article, the limits of quantification of the methods of analysis for the matrix or matrices specified in Part A of Annex I to this Directive, including information on the performance of those methods in relation to the criteria laid down in Article 4 of Commission Directive 2009/90/EC;
- (c) justification for the frequency of monitoring applied in accordance with paragraph 4, if monitoring intervals are longer than 1 year.

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, on the basis of the monitoring of water status carried out in accordance with Article 8 of Directive 2000/60/EC. They 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. *[Note: amendment includes only the addition of references to new priority substances (30 to 44)]*

Member States shall determine the frequency of monitoring in sediment and/or biota so as to provide sufficient data for a reliable long-term trend analysis. As a guideline, monitoring should take place every three years, unless technical knowledge and expert judgment justify another interval. *[Note: this paragraph is not amended]*

7. The Commission shall examine technical and scientific progress, including the conclusion of risk assessments as referred to in Article 16(2)(a) and (b) of Directive 2000/60/EC and information from the registration of substances made publicly available according to Article 119 of Regulation (EC) No 1907/2006, and, if necessary, propose that the EQS laid down in Part A of Annex I to this Directive be

revised in accordance with the procedure laid down in Article 294 of the Treaty in line with the timetable provided for in Article 16(4) of Directive 2000/60/EC. [Note: this paragraph is not amended]

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of point 3 of Part B of Annex I to this Directive.

(*) OJ L 201, 1.8.2009, p. 36.’

3. Paragraph 4 of Article 4 and paragraph 6 of Article 5 are deleted.
4. Article 8 is replaced by the following:

‘Article 8

Review of Annex X to Directive 2000/60/EC

The Commission shall report to the European Parliament and to the Council 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, if appropriate, with relevant proposals, 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.’

5. The following Article 8a is inserted:

‘Article 8a

Specific provisions for substances behaving as ubiquitous persistent, bioaccumulative and toxic substances

For the substances numbered 5, 21, 28, 30, 35, 37, 43 and 44 in Part A of Annex I to this Directive, Member States may:

(a) present the chemical status information separately from that for the rest of the substances 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/or

(b) monitor less intensively than 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 regarding the presence of those substances in the aquatic environment already exists, covering at least one river basin management planning cycle of six years.

The first paragraph shall be without prejudice to the objectives and obligations laid down in Articles 4(1)(a), 11(3)(k) and 16(6) of Directive 2000/60/EC.’

6. The following Article 8b is inserted:

‘Article 8b

Watch list

1. The Commission shall draw up a watch list of substances for which Union-wide monitoring data shall be gathered for the purpose of supporting future prioritisation exercises in accordance with Article 16(2) of Directive 2000/60/EC.

The watch list shall contain no more than 25 substances or groups of substances at any given time and shall indicate the monitoring matrix for each substance. The substances shall be selected from among those for which the available information indicates that they may pose a significant risk at Union level to or via the aquatic environment. In selecting the substances for the watch list the Commission shall take into account all available information including research projects, Member States' characterisation and monitoring programmes under Articles 5 and 8 of Directive 2000/60/EC and information on production volumes, use patterns, concentrations in the environment and effects, including that gathered in accordance with Directives 98/8/EC, 2001/82/EC* and 2001/83/EC of the European Parliament and of the Council**, and with Regulation (EC) No 1907/2006 and Regulation (EC) No 1107/2009 of the European Parliament and of the Council***.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 10 concerning the drawing up of the watch list referred to in paragraph 1 of this Article.

3. The Commission shall draw up the first watch list as referred to in paragraph 1 by[...]²⁴.

4. Member States shall monitor each substance in the watch list at selected representative monitoring stations over at least a 12-month period commencing within 3 months of its inclusion in the watch list.

Each Member State shall select at least one station per, on average, 15000 km² geographical area, with a minimum of one per Member State.

In selecting the representative stations, the monitoring frequency and timing for each substance, Member States shall take into account the use patterns of the substance. The frequency of monitoring shall not be less than once per year.

5. Member States shall report the results of the monitoring carried out under paragraph 4 to the Commission within 18 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 station and monitoring strategy.

6. The Commission may adopt implementing acts laying down technical specifications for the monitoring of the substances in the watch list and technical

²⁴ 12 months after the adoption of this Directive.

formats for the reporting to the Commission of the monitoring results and related information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(2).

* OJ L 311, 28.11.2001, p. 1.

** OJ L 311, 28.11.2001, p. 67.

*** OJ L 309, 24.11.2009, p. 1.’

7. Article 9 is replaced by the following:

‘Article 9

1. The Commission shall be assisted by the Committee established by Article 21(1) of Directive 2000/60/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.^(*)

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) OJ L 55, 28.2.2011, p. 13.’

8. Article 10 is replaced by the following:

‘Article 10

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 3(8) and 8b(2) shall be conferred on the Commission for an indeterminate period of time from the [...] ²⁵.

3. The delegation of power referred to in Article 3(8) and 8b(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(8) and 8b(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European

²⁵ Date of the entry into force of this Directive.

Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’

9. In Annex I, Part A is replaced by the text set out in Annex II to this Directive.
10. In Annex I, point 2 of Part B is replaced by the following:

‘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.

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. If they 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.’
11. Annexes II and III are deleted.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ²⁶ at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

²⁶ 12 months after the adoption of this Directive.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 31.1.2012

For the European Parliament
The President

For the Council
The President

ANNEX I

‘ANNEX X LIST OF PRIORITY SUBSTANCES IN THE FIELD OF WATER POLICY

Number	CAS number ¹	EU number ²	Name of priority substance ³	Identified as priority hazardous substance
(1)	15972-60-8	240-110-8	Alachlor	
(2)	120-12-7	204-371-1	Anthracene	X
(3)	1912-24-9	217-617-8	Atrazine	
(4)	71-43-2	200-753-7	Benzene	
(5)	not applicable	not applicable	Brominated diphenylethers	X ⁴
(6)	7440-43-9	231-152-8	Cadmium and its compounds	X
(7)	85535-84-8	287-476-5	Chloroalkanes, C ₁₀₋₁₃	X

Number	CAS number ¹	EU number ²	Name of priority substance ³	Identified as priority hazardous substance
(8)	470-90-6	207-432-0	Chlorfenvinphos	
(9)	2921-88-2	220-864-4	Chlorpyrifos (Chlorpyrifos-ethyl)	
(10)	107-06-2	203-458-1	1,2-dichloroethane	
(11)	75-09-2	200-838-9	Dichloromethane	
(12)	117-81-7	204-211-0	Di(2-ethylhexyl)phthalate (DEHP)	X
(13)	330-54-1	206-354-4	Diuron	
(14)	115-29-7	204-079-4	Endosulfan	X
(15)	206-44-0	205-912-4	Fluoranthene ⁵	
(16)	118-74-1	204-273-9	Hexachlorobenzene	X
(17)	87-68-3	201-765-5	Hexachlorobutadiene	X
(18)	608-73-1	210-168-9	Hexachlorocyclohexane	X
(19)	34123-59-6	251-835-4	Isoproturon	
(20)	7439-92-1	231-100-4	Lead and its compounds	

Number	CAS number ¹	EU number ²	Name of priority substance ³	Identified as priority hazardous substance
(21)	7439-97-6	231-106-7	Mercury and its compounds	X
(22)	91-20-3	202-049-5	Naphthalene	
(23)	7440-02-0	231-111-4	Nickel and its compounds	
(24)	not applicable	not applicable	Nonylphenols	X ⁶
(25)	not applicable	not applicable	Octylphenols ⁷	
(26)	608-93-5	210-172-0	Pentachlorobenzene	X
(27)	87-86-5	201-778-6	Pentachlorophenol	
(28)	not applicable	not applicable	Polyaromatic hydrocarbons (PAH) ⁸	X

Number	CAS number ¹	EU number ²	Name of priority substance ³	Identified as priority hazardous substance
(29)	122-34-9	204-535-2	Simazine	
(30)	not applicable	not applicable	Tributyltin compounds	X ⁹
(31)	12002-48-1	234-413-4	Trichlorobenzenes	
(32)	67-66-3	200-663-8	Trichloromethane (chloroform)	
(33)	1582-09-8	216-428-8	Trifluralin	X
(34)	115-32-2	204-082-0	Dicofol	X
(35)	1763-23-1	217-179-8	Perfluorooctane sulfonic acid and its derivatives (PFOS)	X
(36)	124495-18-7	not applicable	Quinoxifen	X
(37)	not applicable	not applicable	Dioxins and dioxin-like compounds	X ¹⁰
(38)	74070-46-5	277-704-1	Aclonifen	
(39)	42576-02-3	255-894-7	Bifenox	
(40)	28159-98-0	248-872-3	Cybutryne	
(41)	52315-07-8	257-842-9	Cypermethrin ¹¹	
(42)	62-73-7	200-547-7	Dichlorvos	
(43)	not applicable	not applicable	Hexabromocyclododecanes (HBCDD)	X ¹²
(44)	76-44-8 / 1024-57-3	200-962-3 / 213-831-0	Heptachlor and heptachlor epoxide	X
(45)	886-50-0	212-950-5	Terbutryn	
(46)	57-63-6	200-342-2	17alpha-ethinylestradiol ¹³	
(47)	50-28-2	200-023-8	17beta-estradiol ¹³	
(48)	15307-79-6	239-346-4	Diclofenac ¹³	

¹ CAS: Chemical Abstracts Service.

2 EU-number: European Inventory of Existing Commercial Substances (EINECS) or
European List of Notified Chemical Substances (ELINCS).

3 Where groups of substances have been selected, unless explicitly noted, typical
individual representatives are defined in the context of the setting of environmental
quality standards.

4 Only Tetra, Penta, Hexa and Heptabromodiphenylether (CAS-numbers 93703-48-1,
32534-81-9, 36483-60-0, 68928-80-3, respectively).

5 Fluoranthene is on the list as an indicator of other, more dangerous polyaromatic
hydrocarbons.

6 Nonylphenol (CAS 25154-52-3, EU 246-672-0) including isomers 4-nonylphenol
(CAS 104-40-5, EU 203-199-4) and 4-nonylphenol (branched) (CAS 84852-15-3,
EU 284-325-5).

7 Octylphenol (CAS 1806-26-4, EU 217-302-5) including isomer 4-(1,1',3,3'-
tetramethylbutyl)-phenol (CAS 140-66-9, EU 205-426-2).

8 Including benzo(a)pyrene (CAS 50-32-8, EU 200-028-5), benzo(b)fluoranthene
(CAS 205-99-2, EU 205-911-9), benzo(g,h,i)perylene (CAS 191-24-2, EU 205-883-
8), benzo(k)fluoranthene (CAS 207-08-9, EU 205-916-6), indeno(1,2,3-cd)pyrene
(CAS 193-39-5, EU 205-893-2) and excluding anthracene, fluoranthene and
naphthalene, which are listed separately.

9 Including tributyltin-cation (CAS 36643-28-4).

10 This includes the following compounds:

7 polychlorinated dibenzo-p-dioxins (PCDDs): 2,3,7,8-T4CDD (CAS 1746-01-6),
1,2,3,7,8-P5CDD (CAS 40321-76-4), 1,2,3,4,7,8-H6CDD (CAS 39227-28-6),
1,2,3,6,7,8-H6CDD (CAS 57653-85-7), 1,2,3,7,8,9-H6CDD (CAS 19408-74-3),
1,2,3,4,6,7,8-H7CDD (CAS 35822-46-9), 1,2,3,4,6,7,8,9-O8CDD (CAS 3268-87-9)

10 polychlorinated dibenzofurans (PCDFs): 2,3,7,8-T4CDF (CAS 51207-31-9),
1,2,3,7,8-P5CDF (CAS 57117-41-6), 2,3,4,7,8-P5CDF (CAS 57117-31-4),
1,2,3,4,7,8-H6CDF (CAS 70648-26-9), 1,2,3,6,7,8-H6CDF (CAS 57117-44-9),
1,2,3,7,8,9-H6CDF (CAS 72918-21-9), 2,3,4,6,7,8-H6CDF (CAS 60851-34-5),
1,2,3,4,6,7,8-H7CDF (CAS 67562-39-4), 1,2,3,4,7,8,9-H7CDF (CAS 55673-89-7),
1,2,3,4,6,7,8,9-O8CDF (CAS 39001-02-0)

12 dioxin-like polychlorinated biphenyls (PCB-DL): 3,3',4,4'-T4CB (PCB 77, CAS
32598-13-3), 3,3',4',5-T4CB (PCB 81, CAS 70362-50-4), 2,3,3',4,4'-P5CB (PCB
105, CAS 32598-14-4), 2,3,4,4',5-P5CB (PCB 114, CAS 74472-37-0), 2,3',4,4',5-
P5CB (PCB 118, CAS 31508-00-6), 2,3',4,4',5'-P5CB (PCB 123, CAS 65510-44-3),
3,3',4,4',5-P5CB (PCB 126, CAS 57465-28-8), 2,3,3',4,4',5-H6CB (PCB 156, CAS
38380-08-4), 2,3,3',4,4',5'-H6CB (PCB 157, CAS 69782-90-7), 2,3',4,4',5,5'-H6CB
(PCB 167, CAS 52663-72-6), 3,3',4,4',5,5'-H6CB (PCB 169, CAS 32774-16-6),
2,3,3',4,4',5,5'-H7CB (PCB 189, CAS 39635-31-9).

- ¹¹ This includes the eight isomers contributing to CAS 52315-07-8, and therefore also CAS 67375-30-8 (Alpha cypermethrin).
- ¹² This includes 1,3,5,7,9,11-Hexabromocyclododecane (CAS 25637-99-4), 1,2,5,6,9,10-Hexabromocyclododecane (CAS 3194-55-6), α -Hexabromocyclododecane (CAS 134237-50-6), β -Hexabromocyclododecane (CAS 134237-51-7) and γ -Hexabromocyclododecane (CAS 134237-52-8).
- ¹³ The inclusion of these substances in Annex X is without prejudice to Regulation (EC) 726/2004, Directive 2001/83/EC and Directive 2001/82/EC.’

ANNEX II

PART A: ENVIRONMENTAL QUALITY STANDARDS (EQS)

AA: annual average.

MAC: maximum allowable concentration.

Unit: [$\mu\text{g/l}$] for columns (4) to (7)

[$\mu\text{g/kg wet weight}$] for column (8)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(1)	Alachlor	15972-60-8	0,3	0,3	0,7	0,7	
(2)	Anthracene	120-12-7	0,1	0,1	0,1	0,1	
(3)	Atrazine	1912-24-9	0,6	0,6	2,0	2,0	
(4)	Benzene	71-43-2	10	8	50	50	
(5)	Brominated diphenylethers ⁵	32534-81-9	$4,9 \cdot 10^{-8}$	$2,4 \cdot 10^{-9}$	0,14	0,014	0,0085

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(6)	Cadmium and its compounds (depending on water hardness classes) ⁶	7440-43-9	≤ 0,08 (Class 1) 0,08 (Class 2) 0,09 (Class 3) 0,15 (Class 4) 0,25 (Class 5)	0,2	≤ 0,45 (Class 1) 0,45 (Class 2) 0,6 (Class 3) 0,9 (Class 4) 1,5 (Class 5)	≤ 0,45 (Class 1) 0,45 (Class 2) 0,6 (Class 3) 0,9 (Class 4) 1,5 (Class 5)	
(6a)	Carbon-tetrachloride ⁷	56-23-5	12	12	not applicable	not applicable	
(7)	C10-13 Chloroalkanes ⁸	85535-84-8	0,4	0,4	1,4	1,4	
(8)	Chlorfenvinphos	470-90-6	0,1	0,1	0,3	0,3	
(9)	Chlorpyrifos (Chlorpyrifos-ethyl)	2921-88-2	0,03	0,03	0,1	0,1	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(9a)	Cyclodiene pesticides: Aldrin ⁷ Dieldrin ⁷ Endrin ⁷ Isodrin ⁷	309-00-2 60-57-1 72-20-8 465-73-6	$\Sigma = 0,01$	$\Sigma = 0,005$	not applicable	not applicable	
(9b)	DDT total ^{7,9}	not applicable	0,025	0,025	not applicable	not applicable	
	para-para-DDT ⁷	50-29-3	0,01	0,01	not applicable	not applicable	
(10)	1,2-Dichloroethane	107-06-2	10	10	not applicable	not applicable	
(11)	Dichloromethane	75-09-2	20	20	not applicable	not applicable	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(12)	Di(2-ethylhexyl)-phthalate (DEHP)	117-81-7	1,3	1,3	not applicable	not applicable	
(13)	Diuron	330-54-1	0,2	0,2	1,8	1,8	
(14)	Endosulfan	115-29-7	0,005	0,0005	0,01	0,004	
(15)	Fluoranthene	206-44-0	0,0063	0,0063	0,12	0,12	30
(16)	Hexachlorobenzene	118-74-1			0,05	0,05	10
(17)	Hexachlorobutadiene	87-68-3			0,6	0,6	55
(18)	Hexachlorocyclohexane	608-73-1	0,02	0,002	0,04	0,02	
(19)	Isoproturon	34123-59-6	0,3	0,3	1,0	1,0	
(20)	Lead and its compounds	7439-92-1	1,2 ¹³	1,3	14	14	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(21)	Mercury and its compounds	7439-97-6			0,07	0,07	20
(22)	Naphthalene	91-20-3	2	2	130	130	
(23)	Nickel and its compounds	7440-02-0	4 ¹³	8,6	34	34	
(24)	Nonylphenols (4-Nonylphenol)	84852-15-3	0,3	0,3	2,0	2,0	
(25)	Octylphenols ((4-(1,1',3,3'-tetramethylbutyl)-phenol))	140-66-9	0,1	0,01	not applicable	not applicable	
(26)	Pentachlorobenzene	608-93-5	0,007	0,0007	not applicable	not applicable	
(27)	Pentachlorophenol	87-86-5	0,4	0,4	1	1	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(28)	Polyaromatic hydrocarbons (PAH) ¹¹	not applicable	not applicable	not applicable	not applicable	not applicable	
	Benzo(a)pyrene	50-32-8	1,7 10 ⁻⁴	1,7 10 ⁻⁴	0,27	0,027	2 for fish
	Benzo(b)fluoranthene	205-99-2			0,017	0,017	5 for crustaceans and cephalopods
	Benzo(k)fluoranthene	207-08-9			0,017	0,017	
	Benzo(g,h,i)perylene	191-24-2			8,2 10 ⁻³	8,2 10 ⁻⁴	10 for molluscs
	Indeno(1,2,3-cd)-pyrene	193-39-5					
(29)	Simazine	122-34-9	1	1	4	4	
(29a)	Tetrachloroethylene ⁷	127-18-4	10	10	not applicable	not applicable	
(29b)	Trichloroethylene ⁷	79-01-6	10	10	not applicable	not applicable	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(30)	Tributyltin compounds (Tributhyltin-cation)	36643-28-4	0,0002	0,0002	0,0015	0,0015	
(31)	Trichlorobenzenes	12002-48-1	0,4	0,4	not applicable	not applicable	
(32)	Trichloromethane	67-66-3	2,5	2,5	not applicable	not applicable	
(33)	Trifluralin	1582-09-8	0,03	0,03	not applicable	not applicable	
(34)	Dicofol	115-32-2	1,3 10 ⁻³	3,2 10 ⁻⁵	not applicable ¹⁰	not applicable ¹⁰	33
(35)	Perfluorooctane sulfonic acid and its derivatives (PFOS)	1763-23-1	6,5 10 ⁻⁴	1,3 10 ⁻⁴	36	7,2	9,1
(36)	Quinoxifen	124495-18-7	0,15	0,015	2,7	0,54	
(37)	Dioxins and dioxin-like compounds	See footnote 10 in Annex X to Directive 2000/60/EC					Sum of PCDD +PCDF+PCB-DL 0,008 µg.kg ⁻¹ TEQ ¹⁴
(38)	Aclonifen	74070-46-5	0,12	0,012	0,12	0,012	
(39)	Bifenox	42576-02-3	0,012	0,0012	0,04	0,004	
(40)	Cybutryne	28159-98-0	0,0025	0,0025	0,016	0,016	
(41)	Cypermethrin	52315-07-8	8 10 ⁻⁵	8 10 ⁻⁶	6 10 ⁻⁴	6 10 ⁻⁵	
(42)	Dichlorvos	62-73-7	6 10 ⁻⁴	6 10 ⁻⁵	7 10 ⁻⁴	7 10 ⁻⁵	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number ¹	AA-EQS ² Inland surface waters ³	AA-EQS ² Other surface waters	MAC-EQS ⁴ Inland surface waters ³	MAC-EQS ⁴ Other surface waters	EQS Biota ¹²
(43)	Hexabromocyclododecane (HBCDD)	See footnote 12 in Annex X to Directive 2000/60/EC	0,0016	0,0008	0,5	0,05	167
(44)	Heptachlor and heptachlor epoxide	76-44-8 / 1024-57-3	2 10 ⁻⁷	1 10 ⁻⁸	3 10 ⁻⁴	3 10 ⁻⁵	6,7 10 ⁻³
(45)	Terbutryn	886-50-0	0,065	0,0065	0,34	0,034	
(46)	17alpha-ethinylestradiol	57-63-6	3,5 10 ⁻⁵	7 10 ⁻⁶	not applicable	not applicable	
(47)	17beta-estradiol	50-28-2	4 10 ⁻⁴	8 10 ⁻⁵	not applicable	not applicable	
(48)	Diclofenac	15307-79-6	0,1	0,01	not applicable ¹⁰	not applicable ¹⁰	

¹ CAS: Chemical Abstracts Service.

² This parameter is the EQS expressed as an annual average value (AA-EQS). Unless otherwise specified, it applies to the total concentration of all isomers.

³ Inland surface waters encompass rivers and lakes and related artificial or heavily modified water bodies.

⁴ This parameter is the EQS expressed as a maximum allowable concentration (MAC-EQS). 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.

- 5 For the group of priority substances covered by brominated diphenylethers (No 5), the EQS should be compared with the sum of the concentrations of congener numbers 28, 47, 99, 100, 153 and 154.
- 6 For Cadmium and its compounds (No 6) the EQS values vary depending on the hardness of the water as specified in five class categories (Class 1: <40 mg CaCO₃/l, Class 2: 40 to <50 mg CaCO₃/l, Class 3: 50 to <100 mg CaCO₃/l, Class 4: 100 to <200 mg CaCO₃/l and Class 5: ≥200 mg CaCO₃/l).
- 7 This substance is not a priority substance but one of the other pollutants for which the EQS are identical to those laid down in the legislation that applied prior to 13 January 2009.
- 8 No indicative parameter is provided for this group of substances. The indicative parameter(s) must be defined through the analytical method.
- 9 DDT total comprises the sum of the isomers 1,1,1-trichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 50-29-3; EU number 200-024-3); 1,1,1-trichloro-2 (o-chlorophenyl)-2-(p-chlorophenyl) ethane (CAS number 789-02-6; EU Number 212-332-5); 1,1-dichloro-2,2 bis (p-chlorophenyl) ethylene (CAS number 72-55-9; EU Number 200-784-6); and 1,1-dichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 72-54-8; EU Number 200-783-0).
- 10 There is not sufficient information available to set a MAC-EQS for these substances.
- 11 For the group of priority substances of polyaromatic hydrocarbons (PAH) (No 28), the biota EQS is based on the toxicity of benzo(a)pyrene, which should be measured as a marker for the other PAHs, and whose concentration should be compared with the EQS. The AA-EQS in water is a corresponding value.
- 12 Unless explicitly indicated, the biota EQS refer to fish.
- 13 These EQS refer to bioavailable concentrations of the substances.
- 14 PCDD: polychlorinated dibenzo-p-dioxins; PCDF: polychlorinated dibenzofurans; PCB-DL: dioxin-like polychlorinated biphenyls; TEQ: toxic equivalents.