

**Amended proposal for a Decision of the European Parliament and of the Council establishing the list of priority substances in the field of water policy <sup>(1)</sup>**

(2001/C 154 E/11)

(Text with EEA relevance)

COM(2001) 17 final — 2000/0035(COD)

*(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 16 January 2001)*

<sup>(1)</sup> OJ C 177 E, 27.6.2000, p. 74.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular to Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard the opinion of the Economic and Social Committee,

Having regard the opinion of the Economic and Social Committee <sup>(1)</sup>,

Having regard the opinion of the Committee of the Regions,

Unchanged

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community <sup>(2)</sup> and the Directives adopted within its framework represent presently the major Community instrument for the control of point and diffuse discharges of dangerous substances.

(2) The Community controls under Council Directive 76/464/EEC have been replaced, harmonised and further developed by the Directive 2000/60/EC of the European Parliament and Council establishing of a framework for Community action in the field of water policy.

<sup>(2)</sup> OJ L 129, 18.5.1976, p. 23.

<sup>(1)</sup> Opinion of 12.7.2000 not published yet.

## INITIAL PROPOSAL

## AMENDED PROPOSAL

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| <p>(3) The Directive 2000/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, hereby introduces in Article 16(2) a scientifically based methodology for identifying priority substances on the basis of their risk to aquatic ecosystems.</p> <p>(4) The methodology set out in the Directive 2000/EC of the European Parliament and Council establishing of a framework for Community action in the field of water policy enables, as a most practical option, the application of a simplified risk-based assessment procedure based on scientific principles taking particular account of</p> <ul style="list-style-type: none"> <li>— evidence regarding the intrinsic hazard of the substance concerned, and, in particular, its aquatic ecotoxicity and human toxicity via aquatic exposure routes,</li> <li>— evidence from monitoring of widespread environmental contamination and</li> <li>— other proven factors which may indicate the possibility of widespread environmental contamination, such as production, use volume and use pattern of the substance concerned.</li> </ul> <p>(5) The Commission has, on this basis, developed a combined monitoring-based and modelling-based priority setting (COMMPS) scheme, in collaboration with experts of interested parties, involving the Scientific Committee for Toxicity, Ecotoxicity and the Environment, Member States, EFTA countries, the European Environment Agency, European business associations including those representing small and medium-sized enterprises and European environmental organisations.</p> | <p>(2a) Under Directive 2000/60/EC specific measures are to be adopted against pollution of water by individual pollutants or groups of pollutants presenting a significant risk to or via the aquatic environment, including such risks to waters used for the abstraction of drinking water. Such measures are aimed at the progressive reduction and, for priority hazardous substances, as defined in Article 2(30) of Directive 2000/60/EC, at the cessation or phasing out of discharges, emissions and losses. In view of their adoption, it is necessary to establish, as Annex X of Directive 2000/60/EC, the list of priority substances, including the priority hazardous substances. The list has been prepared in taking into account the recommendations referred to in Article 16(5) of Directive 2000/60/EC.</p> <p>(3) The Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, hereby introduces in Article 16(2) a scientifically based methodology for selecting priority substances on the basis of their significant risk to or via aquatic environment.</p> <p>(4) The methodology set out in the Directive 2000/60/EC of the European Parliament and Council establishing of a framework for Community action in the field of water policy enables, as a most practical option, the application of a simplified risk-based assessment procedure based on scientific principles taking particular account of</p> <p>Unchanged</p> |
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## INITIAL PROPOSAL

## AMENDED PROPOSAL

- (6) A first list of 32 priority substances or groups of substances has been identified on the basis of the COMMPS procedure, following a publicly open and transparent discussion with the interested parties.
- (7) The expeditious adoption of this list is desirable in order to allow for the timely and continuing implementation of Community controls of dangerous substances pursuant to the strategy set out in Article 16 of the European Parliament and Council Directive establishing a framework for Community action in the field of water policy.
- (8) The list of priority substances adopted under this Decision shall replace the list of substances in the Communication from the Commission to the Council on dangerous substances which might be included in List I of Council Directive 76/464/EEC <sup>(1)</sup>.
- (9) The identification of priority substances targeted to the establishment of controls of emissions into surface waters from land-based sources contributes to the Community commitments under international conventions for the protection of marine waters, in particular to the implementation of the Strategy with regard to hazardous substances adopted at the 1998 OSPAR Ministerial Meeting under the Convention for the protection of the marine environment of the North-East Atlantic pursuant to Council Decision 98/249/EC <sup>(2)</sup>.
- (10) The COMMPS procedure is designed as a dynamic instrument for the prioritisation of dangerous substances open to continuous improvements and modifications with a view of possible revision and adaptation of the first priority list within at the latest within 6 years of its adoption,

HAVE ADOPTED THIS DECISION:

*Article 1*

The list of priority substances in the field of water policy is hereby established and is set out in the Annex to this Decision.

<sup>(1)</sup> OJ C 176, 14.7.1982, p. 3

<sup>(2)</sup> OJ L 104, 3.4.1998, p. 1.

- (6) A first list of 32 priority substances or groups of substances has been selected on the basis of the COMMPS procedure, following a publicly open and transparent discussion with the interested parties.
- (7) The expeditious adoption of this list is desirable in order to allow for the timely and continuing implementation of Community controls of dangerous and hazardous substances pursuant to the strategy set out in Article 16 of the European Parliament and Council Directive 2000/60/EC establishing a framework for Community action in the field of water policy, in particular the proposals of controls as set-out in Article 16(6) and the proposals for quality standards as set-out in Article 16(7) in order to achieve the objectives of this Directive.

Unchanged

- (9) The identification of priority substances and priority hazardous substances targeted to the establishment of controls of emissions, discharges and losses into surface, transitional and coastal waters from land-based sources contributes to the objectives and the Community commitments under international conventions for the protection of marine waters, in particular to the implementation of the Strategy with regard to hazardous substances adopted at the 1998 OSPAR Ministerial Meeting under the Convention for the protection of the marine environment of the North-East Atlantic pursuant to Council Decision 98/249/EC <sup>(2)</sup>.
- (10) The COMMPS procedure is designed as a dynamic instrument for the prioritisation of dangerous and hazardous substances open to continuous improvements and modifications with a view of revision and adaptation of the first priority list at the latest four years after the entry into force of the Directive 2000/60/EC and at least every four years thereafter,

Unchanged

The list of priority substances including substances identified as priority hazardous substances, provided for in Article 16(2) and (3) of Directive 2000/60/EC, is hereby established and is set out in the Annex to this Decision.

<sup>(2)</sup> OJ L 104, 3.4.1998, p. 1.

## INITIAL PROPOSAL

## AMENDED PROPOSAL

*Article 2*

Unchanged

The list of priority substances established by this decision replaces the list of substances in the Communication from the Commission to the Council of 22 June 1982 on dangerous substances which might be included in List I of Council Directive 76/464/EEC.

*Article 3*

The list of priority substances in the field of water policy shall, on its adoption by the European Parliament and the Council, become Annex X to European Parliament and of the Council Directive 2000/EC establishing a framework for Community action in the field of water policy.

The list of priority substances in the field of water policy shall, on its adoption by the European Parliament and the Council, become Annex X to European Parliament and of the Council Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

*Article 4*

Unchanged

This Decision shall enter into force on the day after its publication in the *Official Journal of the European Communities*.

*Article 5*

This Decision is addressed to the Member States.

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## ANNEX

## INITIAL PROPOSAL

List of priority substances in the field of water policy <sup>(1)</sup>

	CAS number	EU number	Name
(1)	15972-60-8	240-110-8	Alachlor
(2)	120-12-7	204-371-1	Anthracene
(3)	1912-24-9	217-617-8	Atrazine
(4)	71-43-2	200-753-7	Benzene
(5)	n.a.	n.a.	Brominated diphenylether <sup>(1)</sup>
(6)	7440-43-9	231-152-8	Cadmium and its compounds
(7)	85535-84-8	287-476-5	C <sub>10-13</sub> -chloroalkanes
(8)	470-90-6	207-432-0	Chlorfenvinphos
(9)	2921-88-2	220-864-4	Chlorpyrifos
(10)	75-09-2	200-838-9	Dichloromethane
(11)	107-06-2	203-458-1	1,2-Dichloroethane
(12)	117-81-7	204-211-0	Di(2-ethylhexyl)phthalate (DEHP)
(13)	330-54-1	206-354-4	Diuron
(14)	115-29-7	204-079-4	Endosulfan
	959-98-8	n.a.	(alpha-endosulfan)
(15)	118-74-1	204-273-9	Hexachlorobenzene
(16)	87-68-3	201-765-5	Hexachlorobutadiene
(17)	608-73-1	210-158-9	Hexachlorocyclohexane
	58-89-9	200-401-2	(gamma-isomer, Lindane)
(18)	34123-59-6	251-835-4	Isoproturon
(19)	7439-92-1	231-100-4	Lead and its compounds
(20)	7439-97-6	231-106-7	Mercury and its compounds
(21)	91-20-3	202-049-5	Naphthalene
(22)	7440-02-0	231-111-4	Nickel and its compounds
(23)	25154-52-3	246-672-0	Nonylphenols
	104-40-5	203-199-4	(4-(para)-nonylphenol)
(24)	1806-26-4	217-302-5	Octylphenols
	140-66-9	n.a.	(para-tert-octylphenol)
(25)	n.a.	n.a.	Polyaromatic hydrocarbons
	50-32-8	200-028-5	(Benzo(a)pyrene
	205-99-2	205-911-9	Benzo(b)fluoroanthene
	191-24-2	205-883-8	Benzo(g,h,i)perylene
	207-08-9	205-916-6	Benzo(k)fluoroanthene
	206-44-0	205-912-4	Fluoroanthene
	193-39-5	205-893-2	Indeno(1,2,3-cd)pyrene)
(26)	608-93-5	210-172-5	Pentachlorobenzene
(27)	122-34-9	204-535-2	Simazine
(28)	87-86-5	201-778-6	Pentachlorophenol
(29)	688-73-3	211-704-4	Tributyltin compounds
	36643-28-4	n.a.	(Tributyltin-cation)
(30)	12002-48-1	234-413-4	Trichlorobenzenes
	120-82-1	204-428-0	(1,2,4-Trichlorobenzene)
(31)	67-66-3	200-663-8	Trichloromethane (Chloroform)
(32)	1582-09-8	216-428-8	Trifluralin

<sup>(1)</sup> These groups of substances normally include a considerable number of individual compounds. Presently, appropriate indicative parameters cannot be given.

CAS: Chemical Abstract Services

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

n.a.: not applicable.

<sup>(1)</sup> Where groups of substances have been selected, typical individual representatives are listed in brackets as indicative parameters. The establishment of controls will be targeted to these individual substances, without prejudicing the inclusion of other individual representatives where appropriate.

## AMENDED PROPOSAL

## List of priority substances in the field of water policy (\*)

	CAS number (1)	EU number (2)	Name of priority substance	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	(X) (***)
(4)	71-43-2	200-753-7	Benzene	
(5)	n.a.	n.a.	Brominated diphenylethers (**)	X (****)
(6)	7440-43-9	231-152-8	Cadmium and its compounds	X
(7)	85535-84-8	287-476-5	C <sub>10-13</sub> -chloroalkanes (**)	X
(8)	470-90-6	207-432-0	Chlorfenvinphos	
(9)	2921-88-2	220-864-4	Chlorpyrifos	(X) (***)
(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) (***)
	959-98-8	n.a.	(alpha-endosulfan)	
(15)	118-74-1	204-273-9	Hexachlorobenzene	X
(16)	87-68-3	201-765-5	Hexachlorobutadiene	X
(17)	608-73-1	210-158-9	Hexachlorocyclohexane	X
	58-89-9	200-401-2	(gamma-isomer, Lindane)	
(18)	34123-59-6	251-835-4	Isoproturon	
(19)	7439-92-1	231-100-4	Lead and its compounds	(X) (***)
(20)	7439-97-6	231-106-7	Mercury and its compounds	X
(21)	91-20-3	202-049-5	Naphthalene	(X) (***)
(22)	7440-02-0	231-111-4	Nickel and its compounds	
(23)	25154-52-3	246-672-0	Nonylphenols	X
	104-40-5	203-199-4	(4-(para)-nonylphenol)	
(24)	1806-26-4	217-302-5	Octylphenols	(X) (***)
	140-66-9	n.a.	(para-tert-octylphenol)	
(25)	608-93-5	210-172-5	Pentachlorobenzene	X
(26)	87-86-5	201-778-6	Pentachlorophenol	(X) (***)
(27)	n.a.	n.a.	Polyaromatic hydrocarbons	X
	50-32-8	200-028-5	(Benzo(a)pyrene)	
	205-99-2	205-911-9	(Benzo(b)fluoranthene)	
	191-24-2	205-883-8	(Benzo(g,h,i)perylene)	
	207-08-9	205-916-6	(Benzo(k)fluoranthene)	
	206-44-0	205-912-4	(Fluoranthene)	
	193-39-5	205-893-2	(Indeno(1,2,3-cd)pyrene)	
(28)	122-34-9	204-535-2	Simazine	
(29)	688-73-3	211-704-4	Tributyltin compounds	X
	36643-28-4	n.a.	(Tributyltin-cation)	
(30)	12002-48-1	234-413-4	Trichlorobenzenes	(X) (***)
	120-82-1	204-428-0	(1,2,4-Trichlorobenzene)	
(31)	67-66-3	200-663-8	Trichloromethane (Chloroform)	
(32)	1582-09-8	216-428-8	Trifluralin	(X) (***)

(\*) Where groups of substances have been selected, typical individual representatives are listed as indicative parameters (in brackets and without number). The establishment of controls will be targeted to these individual substances, without prejudicing the inclusion of other individual representatives, where appropriate.

(\*\*) These groups of substances normally include a considerable number of individual compounds. Presently, appropriate indicative parameters cannot be given.

(\*\*\*) These priority substances are subject to a review for identification as possible 'priority hazardous substances' by 31 December 2003. A final decision will be taken in the review of the list of priority substances as foreseen under Article 16(4) of Directive 2000/60/EC.

(\*\*\*\*) Only Pentabromobiphenylether (CAS number 32534-81-9).

(1) CAS: Chemical Abstract Services.

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

n.a.: not applicable.