



Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
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Quality standards for water

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| Formal Reference | |
| 2008/105/EC (OJ L348 24.12.2008) | Directive 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 |
| Proposed 17.7.2006 COM(2006)397 | |
| Legal base | Article 192 TFEU (originally Article 175 TEC) |
| Binding Dates | |
| Notification date | 20 December 2008 |
| Formal compliance | 13 July 2010 |

Purpose of the Directive

Directive 2008/105/EC requires Member States to establish environmental quality standards for surface waters (or exceptionally sediments and/or biota) for 33 ‘priority substances’ and eight other pollutants in order to achieve the environmental objectives of the Water Framework Directive [2000/60/EC](#). Implementation of Directive 2008/105/EC is to be achieved through the assessment and planning processes established under Directive 2000/60/EC.

Summary of the Directive

Directive 2008/105/EC is a daughter Directive to the Water Framework Directive 2000/60/EC. The Water Framework Directive requires that all Member States' waters should achieve ‘good status’ by 2015 and, to assist this, Directive 2008/105/EC was adopted to focus on specific priority substances.

Directive 2008/105/EC sets harmonized environmental quality standards for surface waters regarding 33 ‘priority substances’ and eight other pollutants and includes a requirement to phase out discharges, emissions and losses of 13 ‘priority hazardous substances’ within 20 years. Priority hazardous substances are defined as ‘substances or groups of substances that are toxic, persistent and liable to bio-accumulate’. The 33 priority substances include existing chemicals, plant protection products, biocides, metals (such as mercury and cadmium) and other groups like polyaromatic hydrocarbons (mainly incineration by-products) and polybrominated biphenylethers (used as flame retardants).

Directive 2008/105/EC sets two types of environmental quality standard: annual average concentrations and maximum allowable concentrations. The former are for protection against long-term and chronic effects, the latter for short-term, direct and acute eco-toxic effects. Furthermore, the environmental quality standards are differentiated for inland surface waters (rivers and lakes) and other surface waters (transitional, coastal and territorial waters). Member States may, for specified substances, opt to apply environmental quality standards for sediments and/or biota instead of water standards.

By 2009, Member States are required to set up an inventory of emissions, discharges and losses of pollutants for river basins on their territory. These inventories are to be published in their River Basin Management Plans developed under Directive 2000/60/EC. The Commission is to report on progress towards compliance with the reduction or cessation objectives in 2018.

Directive 2008/105/EC allows for the fact that it may not be possible to meet environmental quality standards close to discharge points and, therefore, the concept of mixing zones is introduced. Member States may designate such mixing zones in which concentrations of the priority substances may exceed the relevant environmental quality standard if they do not affect the compliance of the rest of the surface water with the environmental quality standard. Member States need to include in their River Basin Management Plans, developed under Directive 2000/60/EC, a description of the approaches and methodologies applied to derive mixing zones and the measures taken with the aim to reduce the extent of the mixing zones in the future.

Where transboundary pollution causes a breach of the environmental quality standards, Member States shall not be in breach of the obligations of Directive 2008/105/EC provided the Member State cannot address the pollution problems and providing the transboundary coordination mechanisms required under Directive 2000/60/EC are established.

The adoption of quality standards for these substances represents the completion of the replacement of the Dangerous Substances Directive [2006/11/EC](#) and its daughter Directives that began with the adoption of Directive 2000/60/EC. Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC shall, therefore, be repealed with effect from 22 December 2012. It is interesting to note that this older Directive allowed for Member States to take either an emission limit value or quality standard approach to tackling dangerous substances in water (each approach being variously set out in the Directive). However, Directive 2008/105/EC has only harmonized water quality standards. Many emission limits are to be established for individual installations under the Integrated Pollution Prevention and Control Directive [2008/1/EC](#).

Many of the elements of the Directive are to be undertaken in an integrated way with Directive 2000/60/EC. These include the following:

- The definitions in Directive 2000/60/EC apply.
- The application of environmental quality standards is designed to meet Article 4 (environmental objectives) of Directive 2000/60/EC.
- Identification and description of mixing zones is to be done within River Basin Management Plans.
- The Inventory of emissions is to be set out in River Basin Management Plans.
- Coordination on transboundary pollution is to be done through mechanisms under Directive 2000/60/EC.
- The regulatory committee used is that of Directive 2000/60/EC.

Development of the Directive

As a first step of the strategy for dealing with chemical pollution of water set out in the Water Framework Directive 2000/60/EC, the Council and the European Parliament adopted in November 2001 a list of 33 substances of priority concern at the EU level (Decision [2455/2001/EC](#)). Of these 33 priority substances, 11 substances were identified as ‘priority hazardous substances’ to be phased-out of use in less than 20 years. The Commission classified another 14 substances as being ‘subject to a review for identification as possible priority hazardous substance’.

In July 2006 the Commission put forward a proposal ([COM\(2006\)397](#)) to set environmental quality standards for surface water bodies of 41 chemical substances, including 31 priority substances and eight other pollutants, thereby upgrading two substances from ‘priority’ to ‘priority hazardous’ (atrazine and endosulphan) and bringing the total number of priority hazardous substances to 13 out of 33 priority substances.

The European Parliament pushed for a significant expansion of the list. It voted (at first reading) to extend the number of priority substances from 33 to 61 and to classify 45 of these as priority hazardous substances. However, this was not agreed by the Council, although Directive 2008/105/EC does allow the list to be expanded following a Commission review in 2013, or two years after the law enters into force in 2011. Directive 2008/105/EC, therefore, retains the original list of 33 substances with 13 ‘priority hazardous substances’ that need to be entirely phased out within 20 years.

Although Article 16 of Directive 2000/60/EC states that the Council and Parliament shall also adopt specific measures against pollution of water as well as environmental quality standards for priority substances, Directive 2008/105/EC only lays down harmonized standards. The European Parliament made some efforts to include such specific control measures in the Directive, but its amendments were rejected by the Council and the Commission. The Commission had already stated in 2006 that existing control measures and planned new legislation on chemicals, pesticides and industrial pollution control made separate proposals superfluous.

Implementation of the Directive

Member States had until July 2010 to transpose Directive 2008/105/EC into national legislation. Therefore, it is too early to examine levels of practical implementation. Information on national transposition of Directive 2000/60/EC can be found in the national [execution measures](#) communicated by the Member States.

To support implementation, a Working Group developed [Guidance on Mixing Zones](#). This contains working definitions, a tiered approach to identifying mixing zones, scientific and regulatory background on mixing zones and strategies for reducing mixing zones. Also, under the Common Implementation Strategy, guidance on [Chemical Monitoring of Sediment and Biota](#) has been published, which covers the requirements for compliance checking and temporal trend monitoring for biota and sediment.

Further developments

A Commission Working Group is carrying out an assessment of new substances to be restricted under the Directive. This is then expected to result in a proposal from the Commission to amend Directive 2008/105/EC.

On 31 January 2012 the Commission published a proposal to amend the Directive ([COM\(2011\)876](#)). This would add a further 15 priority substances (six of which as priority hazardous substances) and designate two existing priority substances as priority hazardous substances. It would provide stricter EQS for four existing priority substances, slightly revised EQS for three others and introduce biota standards for several substances. It also contains provisions to improve the efficiency of monitoring and reporting with regard to certain substances behaving as ubiquitous persistent, bioaccumulative and toxic (PBT) substances. Finally, it contains a provision for a “watch-list mechanism” designed to allow targeted EU-wide monitoring of substances of possible concern to support the prioritisation process in future reviews of the priority substances list. The proposal was accompanied by a report ([COM\(2011\)875](#)) on the outcome of the review of Annex X of the Water Framework Directive.

Related Legislation

There are a number of other EU Directives that have a strong interaction with Directive 2008/105/EC:

- The Dangerous Substances Directive ([1976/464/EEC](#)).
- The Integrated Pollution Prevention and Control Directive ([2008/1/EC](#)).
- The Industrial Emissions Directive ([2010/75/EU](#)).
- The REACH Regulation (EC) No [1907/2006](#).
- The Water Framework Directive ([2000/60/EC](#)).