



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.11.1997
COM(97) 614 final

97/0067 (SYN)

Amendment to the
Proposal for a
COUNCIL DIRECTIVE

establishing a framework for Community action
in the field of water policy
(COM(97) 49 final)

(presented by the Commission pursuant to Article 189a(2)
of the EC Treaty)

EXPLANATORY MEMORANDUM

1. INTRODUCTION

The Commission's Proposal for a Council Directive establishing a framework for Community action in the field of water policy (COM(97) 49 final) introduced in its Article 13 a combined approach towards pollution emissions to water. The combined approach is a tool by which a high level of environmental protection is achieved: its role is to ensure that emissions are controlled by Best Available Techniques in the first instance, and if that is not sufficient to achieve the goal of good water status set out in the Directive, the controls concerned are tightened as necessary.

Part of the necessary controls for the first arm of the combined approach is already in place. Large industry is already controlled according to BAT under the Council Directive on Integrated Pollution Prevention and Control (96/61/EC), and the Urban Waste Water Treatment Directive (91/271/EEC) and Nitrates Directive (91/676/EEC) introduce source-based controls on oxygen-depleting and eutrophying substances. The Commission's original Proposal for a Water Framework Directive indicated that the combined approach would be complemented by a separate initiative to cover pollution from small industries. However, on reflection, the Commission considers that the inclusion within the framework Directive of a simplified and updated version of the existing controls on small installations under Directive 76/464/EEC (on the discharge of certain dangerous substances into the aquatic environment) which are a broadly agreed form of control of pollution of small installations, is a quicker and simpler way to achieve the same objective. In this way, the combined approach for emissions to water can be completed without further delay, while the development of an integrated scheme of permissions for small installations can receive the extensive further consideration it requires. This consolidation is set out here.

2. PROPOSED AMENDMENTS

The required amendments can most appropriately be made in the context of Article 21 of COM(97) 49 final, which concerns Community strategies against pollution by certain pollutants. Many of the required elements were already present in Article 21, and a simple elaboration of these will suffice to take over the essential provisions of Directive 76/464/EEC.

The main advantage of that Article was the breadth of its approach: all sources of a particular pollution problem would be considered and not only process sources, and the most appropriate combination of controls would be chosen. This approach has been retained in this amendment. The aim of the changes to Article 21 can be summarized as follows:

- (i) to introduce a method of prioritizing among dangerous substances for action;
- (ii) to provide a framework for action on the prioritized substances comprising:
 - (a) identification of the significant sources of the emissions concerned, both process and product;
 - (b) analysis to identify the proportionate level of control, and cost-effective combination of controls on those sources, with the process sources being controlled according to BAT, in accordance with the combined approach and the existing provisions of Directive 76/464/EEC.

2.1 Prioritization of substances

One of the problems of Directive 76/464/EEC was the lack of any means of identifying priority substances for action among the substances listed in its Annex I. It is essential for the success and credibility of any programme on dangerous substances that the substances be tackled in manageable tranches, that the criteria for prioritization be open and transparent, and that the substances selected according to those criteria be endorsed by the Community as a whole, according to the procedures established in the Treaty. The intention here is to provide a framework for this action, with the substances of concern to be identified, pursuant to that framework, in subsequent proposals. The Commission shall therefore come forward with a separate Proposal for a first priority list, probably comprising around 30 dangerous substances, which will be adopted according to Treaty procedures, and will produce that list by 31 December 1998.

The prioritization mechanism must identify those substances for which the combination of intrinsic hazard and environmental exposure is greatest. This combination is technically known as risk, and paragraph 2 provides for three alternatives for identifying risk.

The first is risk assessment according to the methodology established by Council Regulation (EEC) No 793/93 (Article 21(2)(a)). A programme of risk assessment under this Regulation is already in place, and its outcome will be of the first importance. However, in determining risk from discharges to water, which is the concern here, the full apparatus of Regulation (EEC) No 793/93 may not be necessary, as only aquatic routes to human toxicity, and aquatic ecotoxicity, are relevant. Therefore a second option focussing only on these elements is proposed in Article 21(2)(b). This targeted assessment, although more limited in scope, would take place according to the methodology established under Regulation (EEC) No 793/93.

In the case where the data required by the Regulation (EEC) No 793/93 methodology cannot reasonably be obtained in the given time, the Commission is determined that this will not be permitted to delay prioritization. However, prioritization must continue to be on the basis of clear transparent methodology. Where that case arises, the Commission shall use a simplified risk assessment procedure, making its methodology public, and taking into account all available information relating to hazard and exposure, as set out in Article 21(2)(c).

Article 21(3) states that the Commission shall take account of any recommendations or other relevant information received in drafting its Proposal. This specifically includes recommendations from the Scientific Committee for toxicity and ecotoxicity of chemical compounds, and from international organizations concerned with the marine environment. The latter is important to ensure that marine sensitivity, as well as freshwater sensitivity, is taken into account in identifying priorities. Article 21(4) is simply a 'housekeeping' measure. It is likely that the priority substances will already figure under one of the groups of substances listed in Annex VIII to the Water Framework Proposal, and in Annex III of the IPPC Directive, but where they do not, paragraph 4 provides for them to be added there.

2.2 Scope and nature of controls

Once the substances of concern have been identified, the Commission will come forward with proposals for controls according to the principles established in paragraph 5 of the revised Article 21. The first step will be to identify all significant sources of the emissions concerned.

The second is to identify controls. For installations not controlled under Directive 96/61/EC, the controls will be emission limit values or equivalent controls based on Best Available Techniques, in accordance with the combined approach. For installations within IPPC, the authorization mechanism there provides for control according to BAT in any case. However, that Directive also provides, in its Article 18, for Community-level measures on IPPC industries where needed, and the need for such action should be assessed in the context of the combined approach as well as the exchange of information provided for in Article 16 of the IPPC Directive.

For products, action will take place in the context of existing Community mechanisms, where these are provided, or by proposals for other appropriate measures.

An overarching approach to all sources, and rigorous analysis of the control options, is an essential component of the Proposal. In all cases, the combination of measures to achieve the goal of progressive elimination will be decided on the basis of cost-effectiveness and proportionality. This will require the consideration of compliance costs for the operator, administrative costs for the operator, and administrative costs for the public authority responsible for the implementation and enforcement of the controls envisaged.

In practice, all the measures identified, whether process techniques or technologies, product controls, or other control options, would be ranked, as far as is practicable, according to their cost of achieving additional reductions in a substance - taking into account the practicalities of implementation and enforcement. The decision on how far to proceed towards the overall aim of elimination of a particular substance would then be based on an assessment of whether the costs of achieving additional reductions in the substance are proportionate to the reduction achieved.

The measures required of process sources shall be the most advanced techniques and technologies for pollution reduction which are justified in terms of the proportionality between their cost and the reduction achieved. This is consistent with the Commission's obligation under the Treaty to consider the potential benefits and costs of action or lack of action, with all existing practice in process regulation, and with the inclusion of cost considerations in the definition of "Best Available Techniques" in the IPPC Directive.

Determining the point at which the costs of additional reductions are disproportionate is inevitably a matter of judgment. The concern here is to make sure that the basis for the Commission's judgment in any particular case is set out with the maximum of transparency, in order to facilitate comment from all interested parties and an informed debate on the issue between the Community institutions.

In accordance with the combined approach, quality standards for the priority substances identified should be applied in addition to the emission controls, to ensure the highest level of environmental protection. This is ensured by paragraph 6 of Article 21. Paragraph 7 allows for the situation where a particular pollution problem not identified at the time of the priority list later becomes apparent, for which Community action is urgently required.

2.3 Other elements

The remainder of the amendments proposed are designed to take over other provisions of the existing Directive 76/464/EEC structure and to ensure compatibility with existing legislation.

The preamble is amended to reflect the changes to the text of the proposed Directive.

A group of amendments to Articles 1, 2(1), 3(1), 13(1), 23, new definitions 2(5b) and 2(5c), and new paragraphs 4(1)(e) and 13(3)(i), are introduced to extend the geographical scope of the Framework Directive to match that of Directive 76/464/EEC. These amendments also provide for the integration of the

requirements of other Community legislation regarding marine waters into the Framework Directive structure, and for the establishment of the objective in relation to marine waters to which Member States have committed themselves in the context of the United Nations Convention on the Law of the Sea. Article 23 requires the Commission to review the obligations on the marine environment in the light of developments in scientific knowledge, with a view to ensuring full integration of marine management within the framework when the requisite scientific basis is in place.

A further group of amendments to Articles 2(20), 2(22), 2(23), 2(27), 2(30), 13(3)(d), 13(4) and 21(6) make clear how the obligation under Article 7 of Directive 76/464/EEC, to establish pollution reduction programmes for pollutants in List II of that Directive, is taken over under the Framework Directive. In essence, Article 13(3)(d) requires that where pollution is identified, environmental quality standards for the pollutants concerned should be set and the waters monitored, and the programme of measures should be designed to ensure the standards are achieved (Article 13(4)). However, as a general obligation over and above this, Article 21(6) requires Member States to establish standards for all substances in the priority list for which no standards have yet been established at EU level. This simply requires Member States to treat those substances which the Community is committed to treating in any case, in the same way the Community will treat them, to ensure that there is no regulatory gap in their control in the interim before EU standards are brought forward. The remaining amendments simply adjust the definitions to take account of the new standards.

The new paragraph 2.36 incorporates the definition of "emission limit values" used in the IPPC Directive. These values must be such as to ensure that the reduction required by the Directive is achieved, which, in accordance with the combined approach, is the reduction required by the relevant Community legislation based on BAT plus any additional reduction needed to achieve the quality standard. An equivalent control can also be used - this is simply one which achieves the same reduction by the same deadline.

The new paragraph 4(1)(d) follows from the combined approach, and adds to the aim of the Directive the elimination of water pollution by the pollutants identified under Article 21 and in the existing daughter directives of Directive 76/464/EEC. This elimination provision is taken over from Article 2 of Directive 76/464/EEC and is essential to show that the Community's policy towards dangerous substances remains the same.

The amendment to paragraph 13(1) takes over those environmental objectives of Directive 76/464/EEC not already incorporated. There are three: reduction of pollution by those chemical substances not scheduled for elimination of pollution; a standstill in water quality as of the date of adoption of Directive 76/464/EEC; and the duty to ensure that the Directive is implemented so as not to increase the pollution of marine water.

The amendment to paragraph 13(3)(f) of the Proposal takes over the authorization provisions of Directive 76/464/EEC, but allows also the option of registration based on general binding rules, which have been used in many Member States as an administratively more convenient mechanism of controlling pollution from small installations than full permits. Member States must ensure the control of all other activities affecting water status by authorization, registration or prior regulation.

The new paragraph 13(3)(h) places all the emission limit values established under the daughter Directives of 76/464/EEC into the basic measures of this Directive. This is logical, as the combined approach would require that they be observed as well as the quality standards from those Directives which are already applied by the current Annex X of the Water Framework Proposal. As with the quality standards, it is less than satisfactory to transfer these standards without reconsidering them, in this case in the light both of the amendments proposed here to the criteria for control setting, and of the developments in control techniques and technology since their adoption. However, the Commission remains committed to its intention, stated in the Explanatory Memorandum to COM(97) 49 final, that the substances covered by the daughter Directives shall be among the first to be reviewed in the context of Article 21. Such consideration shall of course include revision both of the quality standards and of the emission limit values.

Annex IX (on the principles by which the Commission will develop its strategies under Article 21) is superseded by the new draft of Article 21 itself, and Annex X, which becomes Annex IX, is simply amended to ensure that the terminology in Directive 76/464/EEC is read according to the definitions outlined in the present Proposal.

The amendments to Article 26 make arrangements for the repeal of Directive 76/464/EEC. The amendments to Article 21 of the Water Framework Directive take over the provisions of Article 6 of Directive 76/464/EEC concerned with establishing the basis for further Community level action on dangerous substances. This provision can therefore be repealed at the date of entry into force of the Framework Directive. The remainder of Directive 76/464/EEC's provisions concern the requirement to authorize discharges, definitions related to discharge control, and the establishment of programmes of measures for substances not regulated at EU level. These will be taken over by the Water Framework Directive by the date on which the programmes of measures under the Directive are made operational, i.e. by 31 December 2007. Therefore, the Directive can be repealed in its entirety on that date.

2.4 Legal basis

None of the amendments proposed affects the original choice of legal basis of Article 130s(1) of the Treaty. The measures proposed to control of dangerous substance emissions at source aim to achieve the goal set out in Article 130r of the Treaty of a high level of protection for the environment, and fall clearly within Article 130s(1).

3. BUSINESS IMPACT ASSESSMENT

These amendments take over into the Water Framework Proposal the framework for Community action on dangerous substances currently set out in Directive 76/464/EEC. No additional components have been added, and no costs are imposed by these provisions. The subsequent Proposals brought forward under this framework would, as explained above, be based on a full analysis of the proportionality of the measures concerned.

A particular concern in designing this framework for future action has been the need to ensure a structure in which no unnecessary burdens or compliance costs are placed on industry, and in particular on small and medium enterprises. Thus the analysis of the appropriate level and combination of controls shall take particular account of the effect of differences of scale in the costs of applying a measure. Clearly, where for installations below a particular size it is evident that no controls can be justified as proportionate with regard to the reduction achieved, thresholds would be introduced to exclude those installations from the scope of any action.

Amendment to the
Proposal for a
COUNCIL DIRECTIVE

establishing a framework for Community action
in the field of water policy
(COM(97) 49 final)

Preamble

1. The following recital is inserted:

“18a. Whereas the precautionary principle and the principle of prevention at source require that pollution through the discharge of various dangerous substances be eliminated; whereas the Council should, on a Proposal by the Commission, agree on the substances to be considered for action as a priority; whereas the Council should, on Proposals from the Commission, adopt measures for progressive elimination of pollution by those substances, taking into account all significant sources and the cost-effectiveness and proportionality of the available reduction options;”

2. The following recital is added:

“38. Whereas the provisions of this Directive take over the framework for control of pollution by dangerous substances established under Council Directive 76/464/EEC* on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community; whereas that Directive should therefore be repealed from the date on which the programmes of measures established pursuant to this Directive become operational;

* OJ L 129, 18.5.1976, p. 23; Directive as amended by Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48.)”

3. Article 1 is replaced by the following:

“Article 1

Purpose

The overall purpose of this Directive is to establish a framework for the protection of Community waters which:

- (a) for surface fresh water, estuaries, coastal waters and groundwater:

- (i) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems;
 - (ii) promotes sustainable water consumption based on a long-term protection of available water resources; and
- (b) for territorial and other marine water, incorporates the requirements for protection established in other Community legislation and under the United Nations Convention on the Law of the Sea;

and thereby contributes to the provision of a supply of water of the qualities and in the quantities needed for sustainable use of these resources.”

Article 2

1. Point 1 is replaced by the following:

“1. “Surface water” means surface fresh waters, estuaries, coastal waters, territorial waters and other marine waters. However, for the purposes of definitions 17-20, the term shall be taken as excluding both territorial and other marine water, and for the purposes of definitions 21, 22 and 23, the term shall be taken as excluding other marine water. For the purpose of definitions 13 and 14 and Article 4, the term shall be taken as excluding other marine water, and including territorial water only as regards chemical status.”

2. The following points 5a and 5b are inserted:

“5a. “Territorial waters” means all waters designated as such by Member States pursuant to the United Nations Convention on the Law of the Sea which do not fall under points 2 to 5.

5b. “Marine waters” means all waters designated by Member States as falling within their exclusive economic zone pursuant to the United Nations Convention on the Law of the Sea and which do not come under points 2 to 5b.”

3. In point 20, the first subparagraph is replaced by the following:

“20. “Good ecological status” means the ecological status achieved by a body of surface water which is demonstrated to be significantly influenced by human activity, but which nevertheless has a rich, balanced and sustainable ecosystem. The achievement of good ecological status shall entail achievement of any physico-chemical, physical and biological standards established to ensure that good ecological status is obtained, including the environmental quality standards established under point (d)(ii) of Article 13(3).”

4. Points 22 and 23 are replaced by the following:

“22. “High chemical status” means the chemical status achieved by a body of water in which no pollutants are present at levels in excess of natural background levels.

23. “Good chemical status” means the chemical status achieved by a body of water in which concentrations of pollutants do not exceed the environmental quality standards established in Annex IX and under Article 21(6), and under other relevant Community legislation setting environmental quality standards, and in which the trends in monitoring data do not suggest that such environmental quality standards will be exceeded in the future.”

5. Point 27 is replaced by the following:

“27. “Pollutant” means any substance liable to cause pollution, in particular those listed in Annex VIII.”

6. In point 30, the second subparagraph is replaced by the following:

“For the purposes of this Directive, environmental quality standards are established at a Community level in Annex IX and pursuant to Article 21(6). In addition, environmental quality standards shall be established by Member States under Article 8(2) in respect of waters used for the abstraction of drinking water, under Article 13(3)(d) in respect of waters failing to achieve good ecological status, and under Article 21(6) in respect of priority substances for which no Community standards have yet been set. All these environmental quality standards shall be regarded as environmental quality standards for the purposes of point 7 of Article 2 and Article 10 of Directive 96/61/EC.”

7. The following points 36 and 37 are added:

“36. “Emission limit values” means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during any one or more periods of time. Emission limit values may also be laid down for certain groups, families or categories of substances, in particular for those identified under Article 21.

The emission limit values for substances shall normally apply at the point where the emissions leave the installation, dilution being disregarded when determining them. With regard to indirect releases into water, the effect of a waste water treatment plant may be taken into account when determining the emission limit values of the installations involved, provided that an equivalent level is guaranteed for protection of the environment as a whole and provided that this does not lead to higher levels of pollution in the environment.

37. An "equivalent control to an emission limit value" means another control which ensures that the reduction required by this Directive is achieved by the deadline set by this Directive."

Article 3

Paragraph A is replaced by the following:

- "1. Member States shall identify the individual river basins lying within their national territory and, for the purposes of this Directive, shall assign them to individual River Basin Districts. Small river basins may be combined with larger river basins or joined with neighbouring small basins to form individual River Basin Districts where appropriate. Where groundwaters do not fully follow a particular river basin, they shall be assigned to the nearest or most appropriate River Basin District. Coastal, territorial and other marine waters shall be assigned to the nearest or most appropriate River Basin District. However, without prejudice to point (e) of Article 4(1), obligations in respect of River Basin Districts shall only apply to territorial and other marine waters in so far as those obligations are already set out in other Community legislation."

Article 4

In paragraph 1, points (d) and (e) are added:

- "(d) eliminate pollution of the waters by certain pollutants in accordance with point (h) of Article 13(3).
- (e) comply with all requirements in other Community legislation for territorial and other marine waters, and take all measures consistent with international law necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities."

Article 13

1. Paragraph 1 is replaced by the following:

- "1. Member States shall ensure the establishment within each River Basin District of a programme of measures designed to achieve the environmental objectives established under Article 4. A programme of measures shall be part of each River Basin Management Plan in accordance with Article 16. In drawing up and carrying out these programmes, Member States shall adhere to the environmental results required pursuant to Directive 76/464/EEC."

2. In paragraph 3, point (a), the second subparagraph is replaced by the following:

“For basic measures covering elimination of pollutants, a combined approach shall be applied, using control of pollution at source through the setting of emission limit values or equivalent controls and the setting of environmental quality standards for the pollutants concerned.”

3. In paragraph 3, point (d) is replaced by the following:

“(d) the following measures shall apply to all bodies of water having a status “below good”:

- (i) more intensive monitoring of the extent and nature of the pollution within the body of water;
- (ii) establishment of environmental quality standards for the pollutants thus identified, designed to ensure that the objective set under Article 4 in respect of ecological status is achieved by 31 December 2010. These standards must be at least as stringent as the standards established in Annex IX or under Article 21(6) or in other relevant Community legislation;
- (iii) investigation of the source of pollution; and
- (iv) immediate review of all relevant authorizations and discharge permits followed by action on the basis of the level of risk involved;”

4. In paragraph 3, point (f) is replaced by the following:

“(f) a requirement for prior authorization, or registration based on general binding rules, of all process discharges liable to contain significant quantities of any pollutant, in particular those listed in Annex VIII, and for prior authorization, prior regulation or registration based on general binding rules of all other activities or groups of activities having a potentially significant adverse impact upon the status of water, where such prior authorization, regulation or registration is not otherwise provided for under other Community legislation. The provisions of the authorization, regulation or general binding rules shall be such as to ensure that the obligations of this Directive are satisfied. The authorization, regulation or general binding rules shall be periodically reconsidered and, where necessary, updated. For process discharges, the authorization or the general binding rules shall lay down emission limit values or equivalent controls for the pollutants concerned.”

5. In paragraph 3, the following points (h) and (i) are added:

- “(h) the emission limit values or equivalent controls and the quality standards set out in the Directives listed in Annex IX and the measures adopted pursuant to Article 21. Unless otherwise required by the Directives themselves, the emission limit values set out in the Directives listed in Annex IX must be complied with by the date on which the programme of measures is made operational, namely by 31 December 2007.
- (i) such measures as are required to fulfil the obligations for territorial and other marine waters in point (e) of Article 4(1).”

6. Paragraph 4 is replaced by the following:

- “4. “Supplementary measures” are those measures designed and implemented in addition to the basic measures in order to achieve the objectives set out under Article 4. The programme of measures shall include whichever supplementary measures are considered necessary in order to achieve those objectives, including those considered necessary to achieve the environmental quality standards established under point (d)(ii) of paragraph 3, notably in relation to sustainable water consumption. Part B of Annex VI contains a non-exclusive list of supplementary measures.”

Article 21 is replaced by the following:

Article 21

Strategies against pollution of water

1. The Council shall adopt specific control measures against pollution of water by individual pollutants or groups of pollutants presenting an unacceptable risk to the environment;
2. The Commission shall submit a Proposal setting out a first priority list of substances by 31 December 1998. Substances shall be prioritized for action on the basis of risk to or via the aquatic environment, identified by
 - (a) risk assessment carried out under Council Regulation (EEC) No 793/93*, or
 - (b) targeted risk assessment (following the methodology of Regulation (EEC) No 793/93) focusing solely on aquatic ecotoxicity and on human toxicity via the aquatic environment;

or, where this proves impracticable within the timescale

- (c) a simplified risk assessment procedure taking particular account of:
- (i) evidence regarding the intrinsic hazard of the substance concerned, and in particular its aquatic ecotoxicity and human toxicity via aquatic exposure routes; and
 - (ii) evidence from monitoring of widespread environmental contamination; and
 - (iii) other proven factors which may indicate the possibility of widespread environmental contamination, such as production or use volume of the substance concerned, and use patterns.

The Commission shall review the priority list by 31 December 2004, and every six years thereafter, and come forward with proposals as appropriate.

3. In preparing its Proposal, the Commission shall take account of recommendations from the Scientific Committee for toxicity and ecotoxicity of chemical compounds, Member States, the European Parliament, the European Environment Agency, Community research programmes, international organizations to which the Community is a party, European business organizations including those representing SMEs, European environmental organizations, and of other relevant information which comes to its attention.
4. Where the substances on the priority list are not included in Annex VIII to this Directive or in Annex III to Directive 96/61/EC, they shall be added thereto.
5. For the substances on the priority list, the Commission shall submit Proposals for controls on the principal sources of the emissions concerned. In doing so it shall take account of both product sources and process sources and shall identify the cost-effective and proportionate combination of controls. Where appropriate, action at Community level for process controls may be established on a sector-by-sector basis.

For process sources not controlled under Directive 96/61/EC, process controls shall be emission limit values or equivalent controls based on the Best Available Techniques. For installations controlled under Directive 96/61/EC, the Commission shall consider the need for further controls, including action under Article 18 of that Directive.

Product controls may include:

- (a) a review of the relevant authorizations issued under Council Directive 91/414/EEC** and European Parliament and Council Directive [Biocides]***
- (b) the adoption of measures under Council Directive 76/769/EEC**** or Council Regulation (EEC) No 2455/92*****

(c) the adoption of measures under Council Regulation (EEC) No 880/92*****

(d) the adoption of other appropriate measures.

Each proposal for controls shall specify arrangements for their review and updating.

6. The Commission shall submit Proposals for quality standards applicable to the concentrations of the priority substances in water, sediments or biota. In the absence of such standards established at Community level, Member States shall establish in the river basin management plan environmental quality standards for these substances for all waters affected by discharges of those substances.
7. The Commission may prepare strategies against pollution of water by any other pollutants or groups of pollutants, including any pollution which occurs as a result of accidents.

* OJ L 84, 5.4.1993, p. 1.

** OJ L 230, 19.8.1991, p. 1.

*** Common Position (EC) No 10/97 (OJ C 69, 5.3.1997, p. 13).

**** OJ L 262, 22.9.1976, p. 201.

***** OJ L 251, 29.8.1992, p. 13.

***** OJ L 99, 11.4.1992, p. 1.”

Article 23

The following paragraph 3 is added:

- “3. The Commission shall review the obligations of this Directive with regard to territorial and other marine waters by 31 December 2001 and at least every six years thereafter, in the light of scientific developments, with a view to the further integration within the scope of this Directive of the management of those waters. The Commission shall submit a report on its review to Council and to the European Parliament accompanied by any amendments to this Directive that it considers necessary.”

Article 26

The following indent is added:

- “- Directive 76/464/EEC, with the exception of Article 6, which shall be deleted with effect from the entry into force of this Directive.”

ANNEX IX

is deleted.

ANNEX X

becomes ANNEX IX.

The title and introductory wording are replaced by the following:

"Emission limit values and environmental quality standards

The "limit values" and "quality objectives" established under the daughter Directives of the Dangerous Substances Directive (76/464/EEC) shall be considered emission limit values and environmental quality standards, respectively, for the purposes of this Directive. They are established in the following Directives:"

Done at Brussels,

For the Council
The President

ISSN 0254-1475

COM(97) 614 final

DOCUMENTS

EN

14 15 05

Catalogue number : CB-CO-97-634-EN-C

ISBN 92-78-27750-9

Office for Official Publications of the European Communities

L-2985 Luxembourg