



EUROPEAN COMMISSION

Brussels,  
C(2012) 7019 final

*Dear President,*

*The Commission would like to thank you for the Opinion of the Austrian Bundesrat on the Commission 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 {COM(2011) 876 final} and apologises for the delay in replying.*

*The Commission welcomes the Bundesrat's commitment to the continued improvement of European water quality and the necessary modernisation of the relevant legislative framework.*

*As regards the Opinion's reference to Article 5 of the Treaty of the European Union, the Commission considers that its proposal conforms with the principle of subsidiarity in the Treaty, for the reasons explained in the Impact Assessment SEC(2011) 1547 final. In particular, the proposal recognises the transboundary character of water pollution and the high proportion of shared river basins. The substances proposed for listing are widely used/produced across the EU. For these reasons it is appropriate to set harmonised environmental quality standards (EQS) for them at EU level. This ensures EU-wide protection and a more level playing field than when only a few Member States set an EQS or when the national EQS are very different.*

*The Commission also notes the comments made regarding substances that are no longer used, and the low EQS set for some of them. We emphasise that the prioritisation of substances for listing was based on a thorough scientific review of the evidence, both the evidence of intrinsic hazard and that of exposure. The EQS were also set according to the established technical guidance, and favourably reviewed by the Scientific Committee on Health and Environmental Risks. The fact that some of the substances are no longer used but can still be found at concentrations above the EQS is concerning and in most cases reflects their persistence and/or emission from existing products, during their use and/or following disposal. It is important that these substances be monitored to determine the success or otherwise of the measures taken to regulate their use and reduce their emissions.*

*Herrn Georg KEUSCHNIGG  
Präsident des Bundesrates  
Dr.-Karl-Renner-Ring 3  
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*Although the Austrian Bundesrat comments on costs associated with an increase in monitoring frequency, the provisions in the proposal for substances behaving as Persistent, Bioaccumulative and Toxic (PBT) substances will allow for a lower monitoring frequency for many of the substances that are either no longer used or already heavily regulated. The total additional monitoring costs for the 15 new substances would be small in comparison with the overall monitoring effort required by the Water Framework Directive (WFD).*

*As regards the identification of appropriate measures, the proposal recognises that Member States will be in the best position to determine whether local or national measures could be taken to meet the WFD objectives. As noted in the impact assessment, Member States can apply exemptions on the grounds of disproportionate cost, technical unfeasibility or natural conditions, provided that the necessary conditions are fulfilled. A wide range of legislation already exists at EU level applying to most of the substances proposed for listing; EU-wide monitoring and the findings of the Member States regarding measures would facilitate the determination of whether additional measures should be taken at EU level in the context of the relevant sectoral legislation.*

*I hope that these clarifications address the comments raised in the opinion submitted by the Austrian Bundesrat and I look forward to continuing our constructive political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*