



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the National Assembly of Bulgaria for its Opinion 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}.

The Assembly's support for the Commission's initiative to promote good surface water chemical status and obtain high quality monitoring data is welcome.

The Commission notes the doubts expressed by the National Assembly regarding the compliance of the proposal with the principle of proportionality, its concern regarding the evidence used to justify the proposal, and its concern that the proposal will increase the cost of modernising waste water treatment plants and create an additional burden for the industrial and agricultural sectors.

In the course of preparing its proposal, the Commission carried out a detailed impact assessment on the basis of information gathered over a period of nearly a year from Member States and stakeholders. The information we obtained, which is presented in individual substance reports and the impact assessment itself {SEC(2011) 1547 final}, did not lead to the identification of any disproportionate costs. However, as mentioned in the impact assessment, Member States have the possibility of applying exemptions on the grounds of disproportionate cost, technical unfeasibility or natural conditions, provided that the necessary conditions are fulfilled. The impact assessment also concluded that the preferred policy package did not appear to have significant unfair distributional impacts on particular industry sectors.

The Commission notes the National Assembly's concern that the criteria for selecting the priority substances, for reviewing the list and for setting the environmental quality standards may not be sufficiently clear.

The criteria for selecting substances are outlined in Article 16(2) of Directive 2000/60/EC (the Water Framework Directive). The selection method used this time was similar to that used previously, adjusted to take into account the opinion of the Scientific Committee on Health and Environmental Risks (SCHER) on the earlier method. The refined method is explained in the Commission Staff Working Paper SEC(2011) 1544. The environmental quality standards were derived using the methodology presented in the Common Implementation Strategy Guidance Document No 27 which was favourably reviewed by the SCHER. The Commission considers that the opportunity for Member

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States to choose whether to monitor in water, biota or sediment will ensure greater comparability of the results and better protection of the aquatic environment, providing that the environmental quality standards applied are as protective as those in the proposal and the analytical methods sufficiently sensitive.

The National Assembly comments on the monitoring costs associated with an increase in the number of priority substances and the establishment of a watch list, including the costs involved in developing and executing new analytical methods. However, the proposal allows a lower monitoring intensity to be used for many of the substances that are either no longer used or already heavily regulated, and some monitoring costs could therefore be diverted into monitoring the new priority substances and substances on the watch list. 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. In addition, as for existing priority substances, the Commission will support the development of appropriate analytical methods for the minority of substances for which methods are not already available.

The National Assembly recommends that the deadlines set by the proposal should not be tied to those for the river basin management plans in the Water Framework Directive. However, given the interrelationship between the two Directives, and the nature of the substances involved, the Commission considers that the proposed priority substances should be taken into account in the next river basin management plans.

The Commission hopes that these clarifications address the concerns raised by the National Assembly and looks forward to continuing our constructive political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*