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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the delegation conferred on the Commission pursuant to Directive 2008/105/EC of the European Parliament and of the Council of 16 Decemer 2008 on environmental quality standards in the field of water policy

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1. INTRODUCTION

Directive 2008/105/EC[1] of the European Parliament and of the Council on environmental quality standards in the field of water policy, as amended by Directive 2013/39/EU[2], sets environmental quality standards for the priority substances identified under the Water Framework Directive[3] (2000/60/EC) as posing a significant EU-wide risk to or via aquatic ecosystems. Directive 2008/105/EC is a "daughter" directive of the Water Framework Directive, which seeks to protect, restore and enhance the status of aquatic ecosystems.

Directive 2008/105/EC (as amended) empowers the Commission to adopt delegated acts to adapt to scientific or technical developments the specifications in point 3 of Part B of Annex I to the Directive, i.e. specifications relating to the water fraction[4] to which the environmental quality standards in water apply, and to factors that may be considered when assessing compliance with the environmental quality standards for metals.

2. LEGAL BASIS

This report is required under Article 9a(2) of Directive 2008/105/EC as amended by Directive 2013/39/EU. Pursuant to this provision, the power to adopt delegated acts referred to in Article 3(8) is conferred on the Commission for a period of six years from 13 September 2013 and the Commission is required to prepare a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power is automatically extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension in accordance with Article 9a.

3. EXERCISE OF THE DELEGATION

On 17 December 2018, the Commission adopted a first report for the European Parliament and the Council[5] explaining that the empowerment had not been used.

The scientific and technical developments since then have not yet required any further adaptation of point 3 of Part B of Annex I, therefore the Commission has not exercised its delegated power during the current reporting period. However, it may be necessary to use the delegated power in future, in particular since the need to take account of relevant scientific or technical developments might not coincide with the timing of other possible future amendments to the Directive.

4. CONCLUSION

[1] OJ L 348, 24.12.2008, p. 84–97
[2] OJ L 226, 24.8.2013, p. 1–17
[3] OJ L 327, 22.12.2000, p. 1–73
[4] i.e. whole water or dissolved fraction.
[5] COM(2018) 847 final

The Commission has not exercised the delegated power conferred on it under Directive 2008/105/EC but may need to do so in the future. It invites the European Parliament and the Council to take note of this report.