

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 801 final

Brussels, 6 December 1982

Amended proposal for a

## COUNCIL DIRECTIVE

concerning limit values for discharges of cadmium into  
the aquatic environment and quality objectives for  
cadmium in the aquatic environment

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(submitted to the Council by the Commission in accordance with Article  
149, indent 2 of the EEC Treaty)

COM(82) 801 final

EXPLANATORY MEMORANDUM

On 18 and 19 November 1982, the European Parliament passed a resolution on the proposal for a Council directive concerning the limit values for discharges of cadmium into the aquatic environment and quality objectives for cadmium in the aquatic environment<sup>1</sup>, and approved a proposal amending the Directive.

The Commission has accepted 20 amendments put forward by Parliament and has undertaken to make the necessary changes to the proposal before the Council in accordance with Article 149(2) of the EEC Treaty. The proposed changes would align the wording of the proposal on the wording of the Directive on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry which was adopted by the Council on 22 March 1982<sup>2</sup>. Both texts are Directives implementing the Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community<sup>3</sup>, and it is important that the provisions laid down by each should tally.

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<sup>1</sup> OJ No C 118, 21.05.81

<sup>2</sup> OJ No L 81, 27.03.82

<sup>3</sup> OJ No L 129, 18.05.76

Amended proposal for a Council directive concerning limit values for discharges of cadmium into the aquatic environment and quality objectives for cadmium in the aquatic environment

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ORIGINAL TEXT

Recitals 1 to 4

Fifth recital

Whereas at the present time it is not practicable to establish limit values for discharges arising from the manufacture of phosphoric acid from phosphate rock;

other recitals

Article 1

Article 2 a), b) and c)

Article 2 d)

(d) 'industrial plant' means:

a plant at which cadmium or any substance containing cadmium is handled, with the exception of plant at which phosphoric acid is manufactured from phosphate rock;

Article 2 e), f) and g)

Article 3

Article 4

AMENDED TEXT

unchanged

Fifth recital

This recital to read as follows:

Whereas at the present time it is not practicable to establish limit values for discharges arising from the manufacture of phosphoric acid and fertilizers from phosphate rock;

unchanged

unchanged

unchanged

Article 2 d) to read as follows:

(d) 'industrial plant' means:

a plant at which cadmium or any substance containing cadmium is handled, with the exception of plant at which phosphoric acid and/or phosphate fertilizers are manufactured from phosphate rock;

unchanged

unchanged

unchanged

Article 5 (1) and (2)

unchanged

Article 5, paragraph 2 a (new)

Add the following new paragraph to

Article 5:

2 a. In the event of a change in scientific knowledge, relating principally to toxicity, persistence and accumulation of cadmium in living organisms and sediments, or in the event of an improvement in the best technical means available, the Council, acting on a proposal from the Commission shall adapt, if necessary, the limit values and the quality objectives with the aim of reinforcing them.

Articles 6 and 7

unchanged

ANNEX I (table)

ANNEX I (table)

First 6 points

unchanged

Point 7 (last)

Point 7 (last)

Other industries except the manufacture of phosphoric acid from phosphate rock.

The last entry in the first column to read as follows:

'Other industries except the manufacture of phosphoric acid and fertilizers from phosphate rock'.

Rest of Annex I

unchanged

Annex II Quality Objectives

Annex II, Quality objectives

After the title 'Quality objectives', insert the following text:

For those Member States which apply the exception provided for in Article 6(3) of Directive 76/464/EEC, the emitting standards which the Member States must establish and ensure are applied, pursuant to Article 5 of that Directive, shall be fixed so that the appropriate quality objective or objectives from among those listed below is or are complied with in the area affected by discharges of cadmium. The competent authority shall determine the area affected in each case and select from among the quality objectives listed below the objective or objectives that it deems appropriate having regard to the intended use of the area affected, taking account of the fact that the purpose of this Directive is to eliminate all pollution.

Before the heading 'Fresh water', insert a new paragraph 1:

'1. In order to eliminate pollution as defined in Directive 76/464/EEC and pursuant to Article 2 of that Directive, the following quality objectives are set, in which the cadmium content shall always be taken to mean the total cadmium content in the water (whether or not in solution).'

Replace '1. Fresh water' by:

'1.1 Fresh water

This article refers to inland surface water as mentioned in Article 1(1) of Directive 76/464/EEC'

Paragraph 1.1. to become paragraph 1.1.1.

text

unchanged

'2. Salt water' to become

1.2 Salt water

This article relates to the estuary, internal coastal, and territorial waters referred to in Article 1.1. of Directive 76/464/EEC.

Former paragraph 2.1. to become paragraph 1.2.1.

ANNEX II

QUALITY OBJECTIVES

Paragraphs 1.2. and 2.2. to become 1.3. and to read as follows: 1.3. The cadmium content of sediments or molluscs and shellfish must not increase with time.

Paragraphs 1.3. and 2.3. (identical) to become paragraph 1.4.

Paragraph 3 to become paragraph 2 and to read as follows:

3. It shall be deemed that the quality objectives specified in paragraph 1.1 and 2.1 have been satisfied if during the course of any period of one year, at least 95% of the relevant samples comply with the appropriate quality objective.

2. It shall be deemed that the quality objectives specified in paragraph 1.1.1. and 1.2.1. have been satisfied if during the course of any period of one year, at least ninety five percent of the relevant samples comply with the appropriate quality objective.

Paragraph 4 to become paragraph 3 and to read as follows:

4. Higher cadmium concentration than those referred in paragraphs 1.1. and 2.1. shall not be taken into account when they arise as a result of floods, natural disasters or exceptional meteorological conditions.

3. Higher cadmium concentrations than those referred to in paragraphs 1.1.1. and 1.2.1. shall not be taken into account when they arise as a result of floods, natural disasters or exceptional meteorological conditions'.

Paragraph 5 to become paragraph 4 and to read as follows:

5. The quality objectives given in paragraphs 1.1 and 2.1 apply from 1 January 1986. Less severe quality objectives apply from 1 January 1983 but in no case may these exceed twice the relevant value specified in 1.1 and 2.1.

4. The numerical values of the quality objectives specified in 1.1.1. and 1.2.1. may by way of exception, and where this is necessary for technical reasons, be multiplied by 1.5 until 1 January 1986 provided that the Commission has been notified beforehand.

The quality objectives specified in 1.2, 1.3, 2.2 and 2.3 apply from 1 January 1983.

## Annex II, Quality Objectives

Paragraph 6 to become paragraph 5 and to read as follows:

6. When as a result of changes in the pattern of industry areas of water are affected by discharges from new plant, the quality of objectives in paragraphs 1.2 and 2.2 shall apply two years after the start of the new discharge.

'5. When as a result of changes in the pattern of industry, areas of water are affected by discharges from new plant, the quality of objectives in paragraph 1.3 shall apply two years after the start of the new discharge.'

Paragraph 7 to become paragraph 6 and to be replaced by the following text:

7. Where a stretch of water has more than one use which is to be protected, the quality objective must be stringent enough to protect all these uses.

'6. If a stretch of water in a given area is subject to several quality objectives, its quality must meet each of these objectives.'

Add the following new paragraph at the end of Annex II:

'7. The quality of the water must be such as to comply with the requirements of any other Council Directive applicable to such waters as regards the presence of cadmium.'

## ANNEX III

### MONITORING PROCEDURE FOR QUALITY OBJECTIVES

Paragraphs 1. and 2. unchanged.

3. Samples must be properly representative of the quality of the aquatic environment for the area affected by the discharge, and the frequency of sampling must be sufficiently high to show changes in the state of the aquatic environment.

3. Samples must be properly representative of the quality of the aquatic environment in the area affected by the discharges, and the frequency of sampling must be sufficient to show any changes in the aquatic environment, taking into account in particular natural variations in the hydrological regime. The salt-water fish analysis must be carried out on a sufficiently representative number of samples and species.

ANNEX IV  
METHODS OF MEASUREMENT

1. The reference method of analysis to determine cadmium in water, molluscs and sediments is atomic absorption spectrophotometry after appropriate treatment of the sample. In the case of samples taken in connection with the quality objectives defined in paragraphs 1(1), 2(1) and 2(2) of Annex II this pretreatment may include filtering the sample through a 0.45 micron filter.

Article 1 to read as follows:

'1. The reference method of analysis to determine cadmium in water, in sediments and in molluscs and shellfish is atomic absorption spectrophotometry.  
(delete the rest of the article)