Protection of public health: radioactive substances in water intended for human consumption

2012/0074(NLE) - 28/03/2012 - Legislative proposal

PURPOSE : to lay down requirements on radioactive substances in water intended for human consumption.

PROPOSED ACT : Council Directive.

BACKGROUND : drinking water contamination by radioactive substances may occur through accidental releases of radioactivity or through improper disposal practices. Water systems that are vulnerable to this type of contamination undergo extensive monitoring for radioactive contamination to ensure that the water is safe for drinking. There are many regions in Europe where the geological and hydrological features are such that the presence of naturally occurring radioactive substances is of concern.

In order to protect human health, the Council adopted Directive 98/83/EC on the quality of water intended for human consumption. The requirements for monitoring tritium and total indicative dose under Council Directive 98/83/EC have not been implemented, pending the adoption of amendments to Annexes II (monitoring) and III (specifications for the analysis of parameters).

However, indicator parameters set out in Annex I Part C relating to radioactivity and tritium and the related monitoring provisions in Annex II to Directive 98/83/EC actually fall within the scope of the basic standards as set out in Article 30 of the Euratom Treaty. As a result, the Commission proposes to incorporate the requirements for monitoring levels of radioactivity into specific legislation under the Euratom Treaty.

IMPACT ASSESSMENT : no impact assessment was undertaken.

LEGAL BASIS : Articles 31 and 32 of the Treaty establishing the European Atomic Energy Community.

CONTENT : the proposal lays down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption. It sets out parametric values, frequencies and methods for monitoring radioactive substances.

Scope: parametric values for radon and tritium and parametric values for total indicative dose, for other radioactive substances, in water intended for human consumption are set out in the proposal. The Commission notes that it adopted in June 2011 a draft proposal laying down requirements with regard to radioactive substances in water intended for human consumption based on Article 31 of the Euratom Treaty. On 27 October 2011 the EESC adopted an opinion on this draft Commission proposal, calling for the inclusion of radon gas within the scope of the Directive. It recalls that in 1998 radon gas had been excluded from the scope of the Directive in view of the fact that it constitutes a risk of inhalation rather than of ingestion as drinking water. The Commission agrees with the EESC recommendation and has now made provision for the inclusion of radon gas in the Directive.

In order to address the specific feature of radon gas, it is included as a separate indicator parameter, while the long-lived decay products of radon are included in the evaluation of total indicative dose as defined in Directive 98/83/EC.

The EESC also advocated mirroring to the largest possible extent the general provisions of Directive 98/83 /EC, so as to offer one coherent policy. This would require, amongst other, the inclusion of bottled waters. The Commission agrees with this recommendation but also needs to allow for the fact that after adoption of the 1998 Directive, specific legislation was adopted for the monitoring of bottled waters, in the overall context of food safety. Hence the new Commission proposal includes on the one hand bottled water within the scope of the Directive, on the other hand refers to the monitoring criteria laid down in Regulation (EC) No 852/2004.

The Commission will propose the deletion of tritium and total indicative dose from the list of indicator parameters in part C of Annex I to Directive 98/83/EC and the repeal of all references to these parametric values.

General obligations: Member States must take all measures necessary to establish an appropriate monitoring programme to ensure that water intended for human consumption complies with the parametric values established in accordance with the Directive.

Parametric values: parametric values applicable for the monitoring of radioactive substances in water intended for human consumption must be set in accordance with Annex I. For water put into bottles or containers intended for sale this shall be without prejudice to the principles of hazard analysis and critical control points (HACCP) as required by Regulation (EC) No 852/2004.

Monitoring: Member States shall ensure regular monitoring of water intended for human consumption in accordance with Annex II in order to check that the concentrations of radioactive substances do not exceed the parametric values laid down.

Sampling: sampling locations are specified in the proposal. Samples representative of the quality of the water consumed throughout the year shall be taken and analysed in accordance with the methods set out in Annex III.

Remedial action and notification of consumers: any failure to comply with the parametric values laid down must be immediately investigated in order to identify its cause. Member States must assess whether the failure poses a risk to human health, and take remedial action to restore the quality of the water. Where the risk to human health cannot be regarded as trivial, the Member State shall ensure that consumers are notified.

BUDGETARY IMPLICATIONS : the proposal has no implication for the Community budget.