

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 28/04/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Christa KLASS (EPP-ED,DE) thereby following the approach favoured by the European Commission and the environment committee. (Please see the summary of 16/03/2005.) The rapporteur's draft was adopted largely unchanged and established that it will be for Member States to establish lists of potential pollutants and fix acceptable thresholds. There are already specific directives on certain sources of potential pollution - nitrates, pesticides and bio-pesticides - which fix common rules for the whole of the Union (50mg / l pour nitrates, 0, 1 g / l pour ingredients containing pesticides). The new text includes these two common rules but leaves it to Member States to decide on the list of other potential pollutants and fix the corresponding thresholds. The reason given for this decentralised approach lies in the fact that the chemical composition of groundwater can vary from one region to another. In addition, the available data and scientific knowledge in this area are not sufficient to establish absolute rules, valid in the whole of the Union.

The text adopted by Parliament stated that Member States should establish groundwater quality standards rather than threshold values, and notify these lists to the Commission by June 22, 2006. The Commission will review the whole list of groundwater quality standards after three years, and then every six years, submit proposals deemed necessary for a directive amending the list. The Commission will nevertheless have the option of approving or rejecting the measurement methods proposed by the

Member States. Each Member State must submit to the Commission a complete description of measurement methods for each of the substances for which a Community-wide or national groundwater quality standard has been set. The Commission will determine whether the measurement methods are fully comparable and whether differences between methods may lead to distortions likely to cause faulty or unequal application of the Directive. Local climate conditions and soil types will be the decisive factors. If the Commission rejects the measurement methods submitted by a Member State, that Member State will submit revised measurement methods for approval by the Commission.

The following should be noted:

- an additional purpose of the directive is to establish new criteria for the assessment of the effects which any significant reduction in aquifers' water reserves will have on the environment and on sustainable development, pursuant to Directive 2000/60/EC;
- a new paragraph states that the Directive, which is a further development of Directive 2000/60/EC, presupposes that the Member States and authorities responsible for the sustainable management of water resources will take all necessary measures to characterise and review the state of underground water bodies. These measures, set out in Annexes II (2), IV and V of Directive 2000/60/EC, include identifying the location and boundaries of the groundwater bodies, and their geological and hydrological characteristics, capacity for recharge and recuperation, catchment areas, abstraction points and risks of overexploitation and pollution;
- the definition of 'groundwater quality standards' is amended to mean concentration values for a particular pollutant, a group of pollutants or an indicator in groundwater which should not be exceeded;
- there is a new definition of 'indirect discharges to groundwater';

- new terms are defined, including 'input of pollutants to groundwater', 'deterioration' and 'background concentration', 'historical contaminated sites' and 'baseline concentration' of a substance in a groundwater body;
- where the natural geogenically determined levels of pollutants in a body of groundwater or a group of groundwater bodies is above the value of the groundwater quality standard laid down in Annex I or an additional national groundwater quality standard derived from Annex II, the natural contents plus the prescribed groundwater quality standards will define the point of transition from good to poor status;
- the groundwater quality standards applicable to good chemical status shall be based on the human and eco-toxicological criteria underpinning the definition of pollution in Article 2(33) of Directive 2000/60/EC;
- compliance with the standards must be based on a comparison with the arithmetic means of the monitoring values at each of the monitoring points in the body or group of bodies of groundwater characterised as being at risk pursuant to the analysis to be carried out under Article 5 of Directive 2000/60/EC. Measurements at individual monitoring points which are not compliant with the standard will determine the classification only where the monitoring point is, according to expert verification pursuant to Annex I, representative of the pollution of the body of groundwater or a part of it;
- in the case of sites suffering long-standing pollution, the assessment of groundwater pollution will be carried out by the competent authority after evaluating the risks to health and the environment. The water pollution assessment will not be taken into account for the evaluation of groundwater status. The criteria for the assessment and rehabilitation of the site must be included in the river basin management plan provided for in Directive 2000/60/EC;
- Member States will classify a body of groundwater as being of good chemical status when groundwater quality standards are not exceeded at any monitoring points established in accordance with Article 8 and Annex V of Directive 2000/60/EC for the purpose of groundwater chemical status assessment. If a groundwater quality standard is exceeded at a monitoring point, Member States shall investigate whether the exceedance indicates certain prescribed conditions, such as unsuitable drinking water. A groundwater body is considered to be in poor chemical status only when the investigation concludes that one or more of the conditions apply;
- prevention measures are laid down and the Polluter pays principle is stated;
- the Commission and the Member States will establish a common methodology for defining protection areas for aquifers which supply spas and medicinal water sources, with the aim of ensuring that these areas are respected when industrial and urban activities are planned.