

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 13/06/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Christa KLASS (EPP-ED, DE) and reintroduced a number of amendments adopted by Parliament at first reading which had not been taken up by the Council. Parliament's amendments sought to improve sampling methodologies, tightening up the wording of the legislation and closing loopholes to prevent the Directive being undermined.

The principal amendments are as follows:

- the title of the proposal and articles therein should make it clear that the aim is to prevent the "deterioration" as well as the pollution of groundwater;
- a new recital states that the protection of groundwater may in some areas require a change in farming or forestry practices, which could entail a loss of income. This issue should be addressed when the rural development plans under the reformed common agricultural policy are drawn up;
- a new Article states that the Directive shall not prevent individual Member States from maintaining or introducing stricter protection measures;
- certain terms are defined, given that they are fundamental to the interpretation of the legislative text, i. e. 'deterioration', 'background concentration', and 'the baseline concentration'; "deterioration" is defined as "any slight, anthropogenically induced and persistent increase in concentrations of pollutants in relation to the status quo in the groundwater";
- a new Article states that the groundwater quality standards and threshold values applicable to good chemical status shall be based on the human and ecotoxicological criteria underpinning the definition of pollution in Article 2(33) of Directive 2000/60/EC;
- as natural levels of pollutants, which differ widely in Europe, cannot be taken into account when quality standards are laid down, it must be made clear what should happen if the natural levels ('background concentrations') already exceed the quality standards. In such cases, the higher natural levels should be regarded as the quality standard/threshold value;
- given that classification of the body of groundwater as having good or poor status on the basis of measurements is a key feature of the directive, the provisions governing classification must be absolutely clear. Measurements at individual measurement points which do not comply with the standard should be used to determine classification only where experts have assessed that the measurement point is representative of the body of groundwater, or at least a part of it;
- chloride and sulphate are re-classified as indicators which may occur both naturally and as a result of human activities;
- a revision clause is introduced to ensure that the list of groundwater quality standards and the list of threshold values is reviewed five years after the entry into force of the Directive and thereafter every six years, and Parliament must be involved in the legislation through codecision;

- Substances which have been authorised under an EU authorisation procedure on the basis of a risk assessment for groundwater or compliance with a precautionary value for preserving the purity of groundwater or which are currently undergoing such an authorisation procedure shall not be classified as hazardous for the purposes of this Directive ;

- Parliament has inserted a new Article on measurement methods, giving the Commission the authority to approve national methods to ensure that they are fully comparable and see whether differences between methods may lead to distortions likely to cause faulty or unequal application of the Directive in the Community. Local climate conditions and soil types shall be the decisive factors;

- a new Article on research and dissemination states that the Commission, in agreement with the Member States, must encourage the dissemination of known methods of measuring parameters for the description and monitoring of aquifers and promote new research to improve the technologies available for the monitoring and management of groundwater bodies and their quality, including with regard to groundwater ecosystems;

- 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;

- the Council shall establish a common methodology for cataloguing aquifers in preparation for the implementation of the INSPIRE programme. (Please see COD/2004/0175). In this connection the Member States shall begin to collect data as soon as this Directive comes into force;

- the threshold value set in Directive 98/83/EC for the sum of pesticides and related substances (less than 0,5 g/l) should be included in this directive as well in order to ensure proper protection of groundwater;

- the Commission's progress report must include an evaluation of the functioning of this Directive in relation to other relevant environmental directives, as well as in terms of possible overlapping with other relevant environmental directives.

Lastly, MEPs called for the directive to be the subject of an overall efficiency assessment by 2015.