

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 01/08/2006 - Commission opinion on Parliament's position at 2nd reading

Of the 41 amendments adopted by Parliament, the Commission accepts 8 amendments in full, 6 in part and a further 12 in principle. Fifteen of the 41 amendments have been deemed unacceptable by the Commission. In summary, the Commission's position is as follows:

Amendments accepted in full

- an amendment improving the consistency of the text with the Water Framework Directive;
- the introduction of a new recital requesting an analysis of the impact of groundwater standards in the Member States and its effect on environmental protection as well as the internal market;
- the deletion of references to the Nitrates Directive
- amendments which detail the types of pesticides covered (which is in line with Directive 98/83/EC on relevant metabolites, degradation and reaction products);
- the introduction of a new provision concerning the impact of pollutants on groundwater *per se*.

Amendments accepted in part

- an amendment modifying a recital by adding a reference to “deterioration” and specifying that protection should relate to “chemical” pollution. The Commission has decided to accept the addition of “chemical” but not to mention “deterioration”. This takes account of a new definition in Article 2(4) and its redundancy vis-à-vis the Water Framework Directive;
- an amendment indicating that groundwater is the “primary sources” of drinking water. This has not been accepted since it is not an accurate assessment;
- an amendment introducing complementary compliance criteria related to groundwater quality standards. This later part has been accepted. However, the proposed elimination of unfavourable monitoring results by “expert verification” has not been accepted;
- an amendment introducing a reference to the “baseline concentration” has been accepted though the addition of “prevent deterioration” has not been;
- an amendment seeking to strengthen obligations to prevent the input of hazardous substances. The Commission does point out, however, that there are limitations to prevention measures. Further, the second part has been deemed unacceptable given that the Water Framework Directive already provides for a clear definition of hazardous substances.

Amendments accepted in principle

- the Commission accepts that there is a need to mention, in a new recital, possible changes in farming and forestry practices as a result of groundwater protection measures through the implementation of rural development programmes under the CAP;

- the introduction of a new recital on criteria and justifications regarding exemptions;
- a new recital on research; this being in line with Article 20 of the Water Framework Directive on scientific progress;
- a new recital on groundwater storage and practice. This has been deemed acceptable subject to some redrafting for the sake of consistency with the Water Framework Directive;
- a new definition on “background concentration” and “baseline concentration” subject to “concentration” being changed to “levels”;
- a future revision of groundwater quality standards and threshold values provided that the revised timetable is consistent with that of the timetables regulating the Directive’s implementation;
- proposals on research dissemination have been accepted provided that they be consolidated into a single recital;
- that, in principle, more stringent standards will apply for pesticides in relation to drinking water.

Amendments not accepted

- an amendment on the need to protect groundwater so that good quality drinking water can be achieved by simple purification;
- an amendment stipulating that groundwater quality standards must be based on human ecotoxicological criteria since this is not consistent with the Water Framework Directive;
- the new definition of “deterioration”;
- an amendment dealing with natural levels of pollutants compared to threshold values since it contradicts the principle of non-deterioration;
- specific measures relating to spas or medicinal water sources;
- the creation of a catalogue of aquifers;
- an amendment requiring the Member States to set a time by when they should initiate actions to reverse adverse trends in pollution.