Protection of groundwater: prevention and control of pollution

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The Conciliation Committee reached agreement on a joint text for a directive on the protection of groundwater against pollution and deterioration. The main points of the compromise can be summarised as follows:

- **protection of groundwater against deterioration**: as Parliament had urged, this phrase would be included in the title of the directive and among its objectives, thereby extending the scope of the directive, and corresponding references would be included in the relevant articles. However, as part of the overall agreement, Parliament withdrew its amendment introducing a definition of 'deterioration';
- **nitrates**: the EP delegation secured agreement that the measures to achieve quality standards in respect of nitrates should be consistent with the Water Framework Directive, taken in conjunction with the new Groundwater Directive, rather than the Nitrates Directive. In return, it accepted a compromise on the part of the proposal which links trend-reversal measures to the conditions laid down in the WFD and the Nitrates Directive;
- **revision clause:** at Parliament's insistence, it was agreed that the Commission should periodically review the Groundwater Directive, albeit every 6 years (rather than every 5 years as Parliament had demanded);
- **comitology and codecision**: the EP delegation secured a broader role for Parliament in future decision-making, e.g. if, as a result of the review, the Commission considers it necessary to revise certain aspects of the Groundwater Directive, that revision must be carried out under the new comitology procedure (regulatory committee with scrutiny), which confers more powers on Parliament. Specifically, the list of pollutants included in the act may be extended (addition of new substances) by comitology, but reduced (possible elimination of some substances) only by codecision;
- **inputs of hazardous substances**: as Parliament had demanded, it would now be a requirement, and not merely an objective, that Member States should take all necessary measures to prevent or restrict inputs of hazardous substances into groundwater;
- **compensation for farmers**: as Parliament had suggested, losses of income suffered by farmers as a result of restrictions on farming practices designed to protect groundwater could now be offset under the regulation on rural development (EC No 1698/2005);
- **more stringent national measures**: a reference to the Water Framework Directive was included in the recitals, allowing Member States to establish safeguard zones concerning water intended for human consumption. At Parliament's insistence, such protected areas may cover the entire territory of a Member State.