

Basic information	
2003/0210(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Protection of groundwater: prevention and control of pollution Subject 3.70.04 Water control and management, pollution of waterways, water pollution	

Key players			
European Parliament	Committee responsible		Rapporteur
	CODE EP Delegation to Conciliation Committee		KLASS Christa (PPE-DE) 13/06/2006
	Former committee responsible		Former rapporteur
	ENVI Environment, Public Health and Food Safety		KLASS Christa (PPE-DE) 27/07/2004
	ENVI Environment, Public Health and Food Safety		KLASS Christa (PPE-DE) 27/07/2004
	ENVI Environment, Public Health, Consumer Policy		SCHLEICHER Ursula (PPE-DE) 04/11/2003
	Former committee for opinion		Former rapporteur for opinion
	ITRE Industry, Research and Energy		PAASILINNA Reino (PSE) 21/09/2004
	AGRI Agriculture and Rural Development		MULDER Jan (ALDE) 02/09/2004
	ITRE Industry, External Trade, Research, Energy		MATIKAINEN-KALLSTRÖM Marjo (PPE-DE) 20/10/2003
	AGRI Agriculture and Rural Development		MULDER Jan (ELDR) 07/10/2003
Council of the European Union	Council configuration		Meetings
	Economic and Financial Affairs ECOFIN		2753 2006-10-10

	Transport, Telecommunications and Energy	2772	2006-12-11
	Agriculture and Fisheries	2703	2006-01-23
	Environment	2670	2005-06-24
European Commission	Commission DG	Commissioner	
	Environment	DIMAS Stavros	

Key events			
Date	Event	Reference	Summary
19/09/2003	Legislative proposal published	COM(2003)0550 	Summary
08/10/2003	Committee referral announced in Parliament, 1st reading		
16/09/2004	Committee referral announced in Parliament, 1st reading		
16/03/2005	Vote in committee, 1st reading		Summary
21/03/2005	Committee report tabled for plenary, 1st reading	A6-0061/2005	
28/04/2005	Decision by Parliament, 1st reading	T6-0145/2005	Summary
28/04/2005	Results of vote in Parliament		
28/04/2005	Debate in Parliament		
22/06/2005	Modified legislative proposal published	COM(2005)0282 	Summary
23/01/2006	Council position published	12062/1/2005	Summary
16/02/2006	Committee referral announced in Parliament, 2nd reading		
25/04/2006	Vote in committee, 2nd reading		Summary
27/04/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0146/2006	
12/06/2006	Debate in Parliament		
13/06/2006	Decision by Parliament, 2nd reading	T6-0251/2006	Summary
13/06/2006	Results of vote in Parliament		
10/10/2006	Parliament's amendments rejected by Council		Summary
17/10/2006	Formal meeting of Conciliation Committee		Summary
28/11/2006	Final decision by Conciliation Committee		
28/11/2006	Joint text approved by Conciliation Committee co-chairs	03658/2006	
01/12/2006	Report tabled for plenary, 3rd reading	A6-0446/2006	
11/12/2006	Decision by Council, 3rd reading		
12/12/2006	Decision by Parliament, 3rd reading	T6-0543/2006	Summary

12/12/2006	Results of vote in Parliament		
12/12/2006	Debate in Parliament		
12/12/2006	Final act signed		
12/12/2006	End of procedure in Parliament		
27/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2003/0210(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/38117

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	ITRE	PE349.870	26/01/2005	
Committee opinion	AGRI	PE347.222	02/02/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0061/2005	21/03/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0145/2005 OJ C 045 23.02.2006, p. 0015-0074 E	28/04/2005	Summary
Committee draft report		PE367.996	03/02/2006	
Amendments tabled in committee		PE370.253	10/03/2006	
Committee recommendation tabled for plenary, 2nd reading		A6-0146/2006	27/04/2006	
Text adopted by Parliament, 2nd reading		T6-0251/2006	13/06/2006	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A6-0446/2006	01/12/2006	
Text adopted by Parliament, 3rd reading		T6-0543/2006	12/12/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15149/2005	05/12/2005	

Council position	12062/1/2005 OJ C 126 30.05.2006, p. 0001-0015 E	23/01/2006	Summary
Draft final act	03658/4/2006	12/12/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0550 	19/09/2003	Summary
Document attached to the procedure	SEC(2003)1086 	06/10/2003	
Commission response to text adopted in plenary	SP(2005)2124	19/05/2005	
Modified legislative proposal	COM(2005)0282 	22/06/2005	Summary
Commission communication on Council's position	COM(2006)0050 	10/02/2006	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2006)0434 	01/08/2006	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0240/2003 OJ C 109 30.04.2004, p. 0029-0032	11/02/2004	
EESC	Economic and Social Committee: opinion, report	CES0050/2004 OJ C 112 30.04.2004, p. 0040-0043	31/03/2004	
EESC	Economic and Social Committee: opinion, report	CES0509/2004	31/03/2004	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03658/2006	28/11/2006	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2006/0118 OJ L 372 27.12.2006, p. 0019-0031	Summary
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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 eco-toxicological 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.

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 µg/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.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 12/12/2006 - Final act

PURPOSE: to protect groundwater from pollution and deterioration.

LEGISLATIVE ACT: Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration.

BACKGROUND: groundwater forms the largest body of freshwater in the European Union and is a major source of public drinking water. To that end the Community, in 2000, adopted Directive 2000/60/EC *on the **general provisions** for the protection and conservation of groundwater*. For a summary see COD/1997/0067. Article 17 of that Directive provides for the adoption of specific measures to prevent and control ground water pollution.

CONTENT: the purpose of this Directive, therefore, is to establish specific measures to prevent and control ground water pollution. It intends to do so by:

- setting the criteria for the assessment of good groundwater chemical status;
- setting the criteria for the identification and reversal of significant and sustained upward trend;
- defining a starting point for "trend reversals".

The Directive complements the provisions set out in Directive 2000/60/EC and seeks to prevent the deterioration of all groundwater. The technical specifications are set out in four Annexes attached to the Regulation, to which the Member States must refer when assessing the state of their groundwater reserves. The Annexes deal with:

Annex I: Groundwater quality standards.

Annex II: Threshold values for groundwater pollutants and indicators of pollution.

Annex III: Assessment of groundwater chemical status.

Annex IV: Identification and reversal of significant and sustained upward trends.

ENTRY INTO FORCE: 16 January 2007.

TRANSPOSITION: 16 January 2009.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 24/06/2005

The Council reached political agreement, by qualified majority, on the draft Directive on the protection of groundwater against pollution. After finalisation in the official languages the text will be adopted as a common position at a forthcoming Council meeting and will be forwarded to the European Parliament for a second reading.

It should be highlighted that Germany, Hungary, Italy and Sweden stated that they intended to vote against the adoption of this proposal.

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.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 23/01/2006

The Council adopted a common position, by a qualified majority, Germany, Hungary, Italy and Sweden voting against, on the draft Directive on the protection of groundwater against pollution. The draft Directive aims to prevent and control groundwater pollution by establishing criteria for the assessment of groundwater chemical status, for the identification and reversal of significant and sustained upward trends in pollutant concentrations in groundwater bodies, and for the definition of starting points for trend reversals. It also aims to prevent or limit inputs of pollutants and to prevent deterioration in the status of groundwater bodies.

In particular, the draft Directive will enable Member States to set threshold values for certain pollutants according to hydro-geological circumstances at national level. For other pollutants, quality standards will be set at Community level.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 10/10/2006

The Council decided not to accept the European Parliament's second reading amendments to a proposal for a directive on the protection of groundwater against pollution. It accordingly decided to convene the Parliament-Council conciliation committee with a view to negotiating a joint text.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 10/02/2006 - Commission communication on Council's position

In its amended proposal, the Commission accepted in full, in part or in principle 67 of the 89 amendments adopted by the European Parliament in its first reading. 54 amendments have now been incorporated, either verbatim or in spirit, in the common position.

The Commission accepted all the amendments which sought to clarify the scope of the proposal, in particular those regarding the compliance regime related to the groundwater good chemical status. The Commission did not accept amendments which repeated Water Framework Directive provisions and referred to groundwater ecosystems.

The Council has incorporated key Parliamentary amendments related to good groundwater chemical status compliance, identification and reversal of pollution trends as well as exemptions linked to provisions to prevent or limit pollutant inputs.

The Commission considers that the common position adopted by qualified majority does not in general alter the approach or aims of the Proposal and can thus generally support it as it stands.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 12/12/2006 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text negotiated by the Conciliation Committee. (Please refer to the summary dated 17/10/2006 for details of the joint text.) The rapporteur was Christa **KLASS** (EPP-ED, Germany.)

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 23/01/2006 - Council position

According to the Council, the common position adopted, by qualified majority, represents a balanced package of measures that would contribute to the pursuit of the objectives of Community environmental policy and would advance the protection of groundwater against pollution, while ensuring compliance with the groundwater-related requirements contained in Directive 2000/60/EC and allowing for effective implementation by the Member States, taking due account of specific hydro-geological circumstances at national level.

The common position incorporates 54 out of the 89 amendments adopted by the European Parliament at first reading, either verbatim, in part or in spirit. These improve or clarify the text of the proposed Directive. In addition, the Council has incorporated key Parliamentary amendments related to good groundwater chemical status compliance, identification and reversal of pollution trends as well as

exemptions linked to provisions to prevent or limit pollutant inputs.

However, other amendments are not reflected in the common position because the Council agreed that they were unnecessary or unacceptable or, in several cases, because provisions from the original Commission proposal were deleted or thoroughly redrafted. This applies in particular to the annexes, which the Council aimed to simplify and clarify as much as possible so as to ensure effective implementation.

The Council partly accepted a Parliamentary amendment which was actually rejected by the Commission. This amendment made a reference to 'environmentally' significant increases of concentrations of pollutants in groundwater. The Council changed the formulation which is now clearer.

Parliamentary amendments rejected by the Commission and the Council concerned repeating WFD provisions, e.g. concerning groundwater used as drinking water, groundwater quantitative issues, references to human or eco-toxicological criteria, or they added new provisions on the management of historically contaminated sites. Prevention measures and a provision on 'polluter pays principle' were not retained, nor were specific provisions on spas and medicinal water sources. Another amendment, which referred to INSPIRE, was also not incorporated. Finally, research recommendations were considered to be misplaced in the directive.

The Council rejected the following Parliamentary amendments accepted in full, in part or in principle by the Commission : some of these amendments concerned editorial changes such as the addition of the term 'chemical' to pollution throughout the text and 'resulting from the impact of human activity' in Article 5. Others were more substantial, e.g. incorporation of a new recital on farming/forestry practices, new definitions on 'background concentration' and 'baseline concentration' or reference to natural geogenically determined levels of pollutants, which would be useful and in line with the Common Position. The possible proposal for a directive amending Annex I of the proposal was also not retained. A new article on measurement methods was not incorporated. Finally, a reference to measures and groundwater monitoring has not been included in the common position.

Furthermore, the Council has made additional changes to the common position:

- a paragraph has been extended to include a reference to the 'prevent or limit' provision of the WFD, and incorporated as a separate paragraph;

- a new definition of 'groundwater quality standard' has been included, the 'threshold value' now being linked to this definition. Former definitions have been slightly modified by including a cross-reference to 'environmental risk' and changing 'indirect discharges' to 'input' (which covers both direct and indirect introduction of pollutant into groundwater);

- in the original proposal, Article 3 concerning compliance criteria for good groundwater chemical status has now been changed by consolidating criteria for assessing groundwater chemical status in Article 3, namely 'groundwater quality standards' and 'threshold values', and including requirements on the establishment of the latter with additional provisions on trans-boundary groundwater bodies. The date at which threshold values should be reported has also been changed to 2008 from 2006 as proposed by the Commission. Restructuring this Article had the logical consequence that all elements related to compliance are now incorporated in Article 4, including provisions that were originally included in Annex I, and providing flexibility to the 'one out all out principle' (one point exceeding the standard classifying the groundwater body as being in poor chemical status) with a risk-based approach;
- the spirit of Article 5 remains the same as in the original proposal, but it now includes provisions that were imported from the former Annex IV, thus making it more extensive. A new provision has been included concerning the reasons for the definition of starting points for trend reversal;
- Article 6 has also been substantially extended, covering provisions to 'prevent or limit' inputs of pollutants (instead of indirect discharges as in the original proposal). The pollutants whose input is to be prevented or limited and the related measures are clarified in Article 6(1). A new provision on diffuse sources is included in Article 6(2). Finally, a series of exemptions, either recalling WFD provisions, imported from the 80/68/EEC Directive, or highlighting allowable water management practices, have been incorporated in Article 6(3);
- Article 7 has been slightly modified in that it now refers to 'any new authorisation procedure' instead of 'prior investigation and authorisations';
- the core of the text of Article 9 is also unchanged, but the implementation date has been modified to 24 months instead of 18 months;
- the clarity of Annex I has been improved by changing the footnotes into separate paragraphs which clarify the scope and applicability of the groundwater quality standards. The comment in the right column of the table concerning nitrates has been extended to all activities falling within the scope of the Directive 91/676/EEC instead of only referring to nitrate-vulnerable zones. Finally, the value of 0.5 µg/l for 'total pesticides' has been included in the table;
- the sequence of Annexes II and III has been modified. Annex II, part A, now concerns guidelines for the establishment of threshold values (new text) Minimum lists of substances or ions related to threshold values are included in part B, splitting the tables (originally in Annex III) in three different categories, and specifying that threshold values linked to saline concentrations due to anthropogenic activities may be established either for sulphate or chloride or for electrical conductivity. Part C of the annex now includes the former Part B of Annex III with additional details which improve the text;
- Annex III now concerns the assessment of groundwater chemical status and extends the original text of the former Annex II with details and cross-references to Article 4;
- lastly, Annex IV has been simplified in order to provide general requirements rather than specifications, in particular time series, which might not be applicable to all groundwater situations in Europe. New requirements have been added regarding monitoring frequencies and locations.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 19/09/2003 - Legislative proposal

PURPOSE : to improve the quality of Europe's groundwater. PROPOSED ACT : Directive of the European parliament and of the Council. CONTENT : to recall, groundwater acts as a reservoir from which good quality water can be abstracted for drinking and for use in industry and agriculture. It is also important for maintaining wetlands and river flows, acting as a buffer through dry periods. In addition, groundwater provides base flow to surface water systems, feeding surface water systems all through the year. Thus groundwater quality has a direct impact on the quality of those surface waters as well as that of associated aquatic and terrestrial ecosystems. As groundwater moves slowly through the ground, the impact of human activities can last for a relatively long time. For these reasons, it is necessary to focus on preventing pollution in the first place. Existing EU groundwater policy, that is Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, has been aimed at protecting groundwater from direct and indirect discharges of a number of pollutants. But this Directive does not set any clear quality objectives nor does it require comprehensive monitoring. As a result, there is not much data available about the quality of groundwater in Europe. The proposed Directive will change this situation. In addition to the rules in Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, groundwater protection is also a feature of the Water Framework Directive 2000/60/EC (WFD), which is the basic legislation for the protection of Europe's aquatic environment. Article 17 of the WFD requires that on the basis of a proposal from the Commission, the European Parliament and the Council shall adopt specific measures to prevent and control groundwater pollution by defining common criteria on good chemical status and on quality trends. This proposal for a Groundwater Daughter Directive meets that requirement. The proposal is accompanied by an Extended Impact Assessment carried out in the first quarter of 2003. It should be noted that the total quality assessment costs, the costs of the monitoring and clean-up measures required by the river basin management plan, and the administrative costs are already covered under the WFD. The proposed Groundwater Daughter Directive provides clear additional specifications, which should result in a more harmonised approach to defining and monitoring groundwater status than the existing WFD specifications.

Protection of groundwater: prevention and control of pollution

2003/0210(COD) - 22/06/2005 - Modified legislative proposal

The Commission finds that a large number of the Parliament's amendments are acceptable in full, in principle or in part, as they clarify and improve upon the Commission proposal, particularly regarding the compliance regime related to the groundwater good chemical status.