Basic information

2011/0170(NLE) NLE - Non-legislative enactments Directive	Procedure lapsed or withdrawn
Protection of public health: radioactive substances in water intended for human consumption **Subject** 3.60.04 Nuclear energy, industry and safety 3.70.04 Water control and management, pollution of waterways, water pollution 3.70.08 Radioactive pollution 4.20 Public health 4.60.04.04 Food safety	

Key players

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	General Affairs	3268	2013-10-22
European Commission	**Commission DG**	**Commissioner**	
	Energy	OETTINGER Günther	

Key events

Date	Event	Reference	Summary
27/06/2011	Legislative proposal published	COM(2011)0385	Summary
13/09/2011	Committee referral announced in Parliament		
22/10/2013	Act adopted by Council after consultation of Parliament		

Technical information

Procedure reference	2011/0170(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Directive
Legal basis	Euratom Treaty A 032 Euratom Treaty A 031
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ENVI/8/00076

Documentation gateway			
European Commission			
Document type	**Reference**	**Date**	**Summary**
Legislative proposal	COM(2011)0385	27/06/2011	Summary

National parliaments				
Document type	**Parliament /Chamber**	**Reference**	**Date**	**Summary**
Contribution	PT_PARLIAMENT	COM(2011)0385	20/04/2012	

Other institutions and bodies				
Institution/body	**Document type**	**Reference**	**Date**	**Summary**
EESC	Economic and Social Committee: opinion, report	CES1605/2011	27/10/2011	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Protection of public health: radioactive substances in water intended for human consumption

2011/0170(NLE) - 27/06/2011 - Legislative proposal

PURPOSE: to lay down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.

PROPOSED ACT: Council Directive.

BACKGROUND: water is one of the most comprehensively regulated areas of Community environmental legislation. Early European water policy began in the 1970s with the adoption of political programmes as well as legally binding legislation.

Since then scientific and technological knowledge has improved and the approach to Community legislation has evolved. This resulted in a second phase of water legislation.

The process leading to the revision started in 1993 when the Commission organised a European Drinking Water Conference in Brussels to consult all stakeholders in the supply of drinking water. This resulted, in 1998, in the adoption and entry into force of the current Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption. This new directive had to be transposed into national legislation by the end of the year 2000, and had to be complied with by the end of 2003 with some exceptions for critical parameters such as lead and disinfection by products.

Under Community legislation, technical requirements for the protection of the health of the general public with regard to **radioactive substances in water** intended for human consumption have been finalised for more than five years now, after a consultation process involving many experts. Indicator parameters set out in Annex I Part C relating to radioactivity and tritium and the related monitoring provisions in Annex II.

However, these parameters fall within the scope of the basic standards within the meaning of Article 30 of the EURATOM Treaty. As a result, it is justified to incorporate the requirements for monitoring levels of radioactivity in a specific legislation under the EURATOM Treaty in order to maintain the uniformity, coherence and completeness of radiation protection legislation at Community level.

The Commission considers it appropriate to present a proposal laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption based on Article 31 of the EURATOM Treaty.

In a second step, the Commission will propose the deletion of Tritium and Total Indicative Dose from the list of indicator parameters in part C of Annex I to Directive 98/83/EC and the repeal all references to these parametric values.

IMPACT ASSESSMENT: no impact assessment has been carried out.

LEGAL BASIS: Articles 31 and 32 of the Treaty establishing the European Atomic Energy Community.

CONTENT: the draft Directive lays down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption. It sets out:

- parametric values,
- frequencies
- and methods for monitoring radioactive substances.

Scope: the proposed Directive shall apply to water intended for human consumption with the exemptions set out in Article 3(1) of Directive 98/83/EC. It is necessary to exclude from the scope of this Directive natural mineral waters and waters which are medicinal products, since special rules for those types of water have been established in Directive 2009/54/EC on the exploitation and marketing of natural mineral waters and Directive 2001/83/EC on the Community code relating to medicinal products for human use.

General obligations: Member States shall take all measures necessary to establish an appropriate monitoring programme to ensure that water intended for human consumption complies with the parametric values established in accordance with the present Directive. They shall ensure regular monitoring of water intended for human consumption in accordance with Annex II in order to check that the concentrations of radioactive substances do not exceed the parametric values laid down in the proposed Directive.

Sampling and analysis: samples representative of the quality of the water consumed throughout the year shall be taken and analysed. Member States shall ensure that all laboratories analysing samples of water intended for human consumption have a system of analytical quality control. They shall ensure that that system is subject to occasional checks by an independent controller approved by the competent authority for that purpose.

Remedial action and notification of consumers: the proposed Directive provides that Member States shall ensure that any failure to comply with the parametric values is immediately investigated in order to identify its cause. Where a failure occurs, the Member State shall assess whether the failure poses a risk to human health. In the event that there is such a risk, the Member State shall take remedial action to restore the quality of the water. Where the risk to human health cannot be regarded as trivial, the Member State shall ensure that consumers are notified.

BUDGETARY IMPLICATIONS: this proposal has no implications for the EU budget.