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**A7-0033/2013**

5.2.2013

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## **REPORT**

on the proposal for a Council directive laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption  
(COM(2012)0147 – C7-0105/2012 – 2012/0074(NLE))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Michèle Rivasi

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in bold italics. Highlighting in normal italics is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in bold. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council directive laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption**

**(COM(2012)0147 – C7-0105/2012 – 2012/0074(NLE))**

**(Consultation)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2012)0147),
  - having regard to Articles 31 and 32 of the Treaty establishing the European Atomic Energy Community, pursuant to which the Council consulted Parliament (C7-0105/2012),
  - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
  - having regard to Rules 55 and 37 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Industry, Research and Energy (A7-0033/2013),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) of the Treaty on the Functioning of the European Union and Article 106a of the Euratom Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and the Commission.

### **Amendment 1**

#### **Proposal for a directive**

#### **Title**

*Text proposed by the Commission*

**COUNCIL DIRECTIVE** laying down requirements for the protection of the

*Amendment*

**DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE**

health of the general public with regard to radioactive substances in water intended for human consumption

**COUNCIL** laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption **and amending Council Directive 98/83/EC**

## Amendment 2

### Proposal for a directive

#### Legal basis

*Text proposed by the Commission*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty *establishing the European Atomic Energy Community, and in particular Articles 31 and 32 thereof*,

Having regard to the proposal from the Commission *drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts in the Member States, in accordance with Article 31 of the Treaty*,

Having regard to the opinion of the European Economic and Social Committee,

*After consulting the European Parliament,*

*Amendment*

**THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,**

Having regard to the Treaty *on the Functioning of the European Union, and in particular Article 192(1) thereof*,

Having regard to the proposal from the *European* Commission,

*After transmission of the draft legislative act to the national parliaments,*

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

*Having regard to the opinion of the Committee of the Regions*<sup>2</sup>,

*Acting in accordance with the ordinary legislative procedure,*

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<sup>1</sup> OJ C ..., p. .

<sup>2</sup> OJ C ..., p. .

### *Justification*

*The present Directive concerns water intended for human consumption. Radionuclides in water intended for human consumption are currently dealt with under the Directive 98/83/EC (Drinking water directive) which sets parametric values for tritium and the total indicative dose. The Commission should normally have adopted measures on monitoring frequencies and methods in accordance with the regulatory procedure with scrutiny (due in 2000). It is therefore appropriate to use the same legal base as in Dir 98/83/EC. If radionuclides were dealt with under Euratom, while all other carcinogenic contaminants such as chemicals were dealt with under the Treaty, the cumulative effects of adverse effects could not be taken into account. In consistency with European Parliament's vote on P7\_TA(2011)0055 (Belet report) from 15/2/2011, radioprotection rules should therefore be dealt with under the Treaty.*

### **Amendment 3**

#### **Proposal for a directive Recital -1 (new)**

*Text proposed by the Commission*

*Amendment*

***(-1) In accordance with Article 191 of the Treaty on the Functioning of the European Union, Union policy on the environment should be based on the principles of precaution and preventive action and help to achieve objectives such as preserving, protecting and improving the quality of the environment and protecting human health.***

### *Justification*

*See justification to Amendment 2 on the change of legal basis.*

### **Amendment 4**

#### **Proposal for a directive Recital 1**

*Text proposed by the Commission*

*Amendment*

(1) The ingestion of water is one of the pathways of incorporation of **radioactive** substances into the human body. In accordance with Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the

(1) The ingestion of water is one of the pathways of incorporation of **harmful** substances into the human body. ***Ingestion of radioactive isotopes or radionuclides can lead to a number of health problems.*** In accordance with Council Directive

protection of the health of workers and the general public against the dangers arising from ionizing radiation, the contribution to the exposure of the population as a whole from practices which involve a risk from ionizing radiation must be kept as low as *reasonably achievable*

96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation, the contribution to the exposure of the population as a whole, *taking into account long-term cumulative exposure*, from practices which involve a risk from ionizing radiation must be kept as low as *possible*.

## Amendment 5

### Proposal for a directive Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(1a) Filtering out radioactive isotopes from water leads to filters becoming radioactive waste that must then be disposed of with caution and in accordance with the procedures in force.*

## Amendment 6

### Proposal for a directive Recital 1 b (new)

*Text proposed by the Commission*

*Amendment*

*(1b) The process of removal of radioactive isotopes from water depends on national laboratories, regular update of measurements and research.*

## Amendment 7

### Proposal for a directive Recital 1 c (new)

*Text proposed by the Commission*

*Amendment*

*(1c) The information provided by the Member States in the triennial report on*

*the Drinking Water Directive is incomplete or missing with regard to levels of radioactivity in drinking water.*

## **Amendment 8**

### **Proposal for a directive Recital 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***(1d) In order to reduce the costs of treating drinking water, preventive measures are necessary.***

## **Amendment 9**

### **Proposal for a directive Recital 2**

*Text proposed by the Commission*

*Amendment*

***(2) In view of the importance for human health of the quality of water intended for human consumption***, it is necessary to lay down ***at Community level*** quality standards ***which have*** an indicator function and provide for the monitoring of ***the*** compliance with those standards.

***(2) In order to ensure a high level of public health protection***, it is necessary to lay down ***common*** quality standards ***for water intended for human consumption serving*** an indicator function and ***to*** provide for the monitoring of compliance with those standards.

*Justification*

*See justification to Amendment 2 on the change of legal basis.*

## **Amendment 10**

### **Proposal for a directive Recital 3**

*Text proposed by the Commission*

*Amendment*

(3) Indicator parameters have already been set out in Annex I, Part C relating to radioactive substances, as well as the related monitoring provisions in Annex II

(3) Indicator parameters have already been set out in Annex I, Part C relating to radioactive substances, as well as the related monitoring provisions in Annex II

to Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption.

***However, those parameters fall within the scope of the basic standards defined in Article 30 of the Euratom Treaty.***

to Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption.

#### *Justification*

*See justification to Amendment 2 on the change of legal basis.*

#### **Amendment 11 Proposal for a directive Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The parametric values are based on the scientific knowledge available, taking into account the precautionary principle. Those values have been selected to ensure that water intended for human consumption can be consumed safely on a life-long basis, taking as reference the most vulnerable citizens, and thus represent a high level of health protection.***

#### **Amendment 12**

#### **Proposal for a directive Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) The requirements for monitoring levels of radioactivity in water intended for human consumption should therefore be ***adopted in specific legislation that ensures the*** uniformity, coherence and completeness of ***radiation*** protection legislation under the ***Euratom Treaty***.

(4) The requirements for monitoring levels of radioactivity in water intended for human consumption should therefore be ***correlated with the requirements laid down in existing legislation for other chemical substances found in water, which have a detrimental effect on the environment and on human health. This measure would ensure the*** uniformity, coherence and completeness of ***human health and environmental*** protection legislation under the ***Treaty on the***

## Amendment 13

### Proposal for a directive

#### Recital 5

*Text proposed by the Commission*

5) The provisions of this Directive adopted under the *Euratom* Treaty ***should supersede those of the*** Directive 98/83/EC ***as regards the contamination of*** drinking water ***by radioactive substances.***

*Amendment*

(5) ***This*** Directive adopted under the Treaty ***on the Functioning of the European Union updates the indicator parameters set out in Part C of Annex I to*** Directive 98/83/EC, ***and lays down rules on the monitoring of the presence of radioactive substances in*** drinking water.

## Amendment 14

### Proposal for a directive

#### Recital 6

*Text proposed by the Commission*

(6) In the event of non-compliance with a parameter that has an indicator function, the Member State concerned should ***assess whether that non-compliance poses any*** risk to human health and, ***where necessary,*** take ***remedial*** action ***to restore*** the quality ***of the water.***

*Amendment*

(6) In the event of non-compliance with a parameter that has an indicator function, the Member State concerned should ***be bound to determine the cause thereof, to assess the level of the*** risk to human health ***including in the long-term and the possibilities for intervention and, on the basis of these findings,*** take action ***to ensure the water supply complies with the quality criteria laid down in this directive as soon as possible. This necessary remedial action may go as far as shutting down the facility concerned if the quality of water requires such action. Priority should be given to action which rectifies the problem at source. Consumers should be informed immediately of the risks, the measures already taken by the authorities and the time necessary for the remedial action to take effect.***

## Amendment 15

### Proposal for a directive Recital 7

*Text proposed by the Commission*

(7) Consumers *should* be *adequately* and appropriately informed of the quality of water intended for human consumption.

*Amendment*

(7) Consumers *shall* be *fully* and appropriately informed of the quality of water intended for human consumption *via easily accessible publications. Updated information regarding areas at risk from potential sources of radioactive contamination, as well as regional water quality, shall be made available to consumers at all times by local administrations.*

## Amendment 16

### Proposal for a directive Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

*(7a) It is necessary to include in this Directive water used in the food industry.*

## Amendment 17

### Proposal for a directive Recital 8

*Text proposed by the Commission*

*Amendment*

(8) 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 of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal

(8) 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 of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal

products for human use. The monitoring of waters put into bottles or containers intended for sale, other than natural mineral waters, for the purpose of checking that the levels of radioactive substances comply with the parametric values laid down in this Directive should be done in accordance with the principles of hazard analysis and critical control points (HACCP) as required by Regulation (EC) No 852/2004.

products for human use. ***However the Commission should, at the latest two years after entry into force of this directive, present a proposal to revise Directive 2009/54/EC, in order to align the control requirements for natural mineral waters to the requirements provided for in this Directive and in Directive 98/83/EC.*** The monitoring of waters put into bottles or containers intended for sale, other than natural mineral waters, for the purpose of checking that the levels of radioactive substances comply with the parametric values laid down in this Directive should be done in accordance with the principles of hazard analysis and critical control points (HACCP) as required by Regulation (EC) No 852/2004.

#### *Justification*

*Consumers expect the quality requirements for mineral waters to be at least as stringent as for tap water. It is therefore appropriate to ask the Commission to adapt Directive 2009/54/EC to that effect.*

### **Amendment 18**

#### **Proposal for a directive Recital 9**

##### *Text proposed by the Commission*

(9) Each Member State should establish monitoring programmes to check that water intended for human consumption meets the requirements of this Directive.

##### *Amendment*

(9) Each Member State should establish ***robust*** monitoring programmes to check ***on a regular basis***, that water intended for human consumption meets the requirements of this Directive.

### **Amendment 19**

#### **Proposal for a directive Recital 10**

##### *Text proposed by the Commission*

(10) The methods used to analyse the quality of water intended for human

##### *Amendment*

(10) The methods used to analyse the quality of water intended for human

consumption should be such as to ensure that the results obtained are reliable and comparable.

consumption should be such as to ensure that the results obtained are reliable and comparable. ***Such monitoring programmes should be appropriate to local needs and should meet the minimum monitoring requirements laid down in this Directive.***

## **Amendment 20**

### **Proposal for a directive Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) There is a need for natural radiation levels and contamination from human activities to be managed in a differentiated manner, on the basis of distinct dosimetric criteria. Member States must ensure that nuclear activities do not lead to a contamination of drinking water.***

*Justification*

*Unlike natural radiation, radiation from human activities is a problem that cannot be addressed easily. If tests show that parametric values have been exceeded, it is clear that an error has been committed that must be addressed in order to prevent serious problems arising in the future.*

## **Amendment 21**

### **Proposal for a directive Recital 11 a (new)**

***(11a) In order to ensure the coherence of European Water policy, the parametric values, frequencies and methods for monitoring radioactive substances in this Directive need to be compatible with the Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration<sup>1</sup> and the Council Directive 98/83/EC. Furthermore, the Commission should ensure that when a review of Directive 2000/60/EC of the European Parliament and of the council of 23 October 2000 establishing a framework for Community action in the field of water policy<sup>3</sup> and Directive 2006/118/EC will take place, reference to this Directive should be made to fully protect all types of water against contamination of radioactive substances.***

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<sup>1</sup> OJ L 372, 27.12.2006, p. 19.

<sup>2</sup> OJ L 327, 22.12.2000, p. 1.

## Amendment 22

### Proposal for a directive Article 1

This 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.

This Directive ***concerns harmonised*** requirements ***in respect of the quality of water intended for human consumption, with the aim of safeguarding*** the health of the general public ***against the adverse effects of the contamination of such water by*** radioactive substances.

## *Justification*

*See justification to Amendment 2 on the change of the legal basis.*

### **Amendment 23**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In addition to the definitions referred to in paragraph 1, the following definitions shall apply:***

***(a) 'radioactive substance' means any substance that contains one or more radionuclides the activity or concentration of which cannot be disregarded as far as radiation protection is concerned;***

***(b) 'total indicative dose' means the committed effective dose for one year of ingestion resulting from all the radionuclides whose presence in water supply has been detected, either of natural or of artificial origin, excluding potassium-40, radon and short-lived radon decay products;***

***(c) 'parametric value' means the value with which water intended for human consumption shall comply. If a parametric value is exceeded, Member States shall assess the level of risk associated with the presence of radioactive substances and, based on the results of this assessment shall take immediate remedial action to ensure compliance with the requirements laid down in this Directive.***

## Amendment 24

### Proposal for a directive Article 3

#### *Text proposed by the Commission*

This Directive shall apply to water intended for human consumption with the exemptions set out in Article 3(1) of Directive 98/83/EC and laid down in accordance with Article 3(2) of that Directive.

#### *Amendment*

This Directive shall apply to water intended for human consumption **as defined in Article 2 of Directive 98/83/EC**, with the exemptions set out in Article 3(1) of Directive 98/83/EC and laid down in accordance with Article 3(2) of that Directive.

#### *Justification*

*A definition of 'water intended for human consumption' is given in Directive 98/83/EC.*

## Amendment 25

### Proposal for a directive Article 4 - paragraph 1

#### *Text proposed by the Commission*

***Without prejudice to the provisions laid down in Article 6(3)a of Directive 96/29/Euratom***, 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 this Directive.

#### *Amendment*

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 this Directive. ***A guide of best practices shall be provided by the Commission to the Member States.***

***Member States shall ensure that the measures taken to implement this Directive do not, under any circumstances, have the effect of allowing, either directly or indirectly, any deterioration in the present quality of water intended for human consumption or any increase in the pollution of waters used for the production of drinking water.***

## **Amendment 26**

### **Proposal for a directive**

#### **Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***New technologies shall be developed which would minimise the time needed to isolate nuclear waste from the environment following a natural disaster.***

## **Amendment 27**

### **Proposal for a directive**

#### **Article 4 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall take all measures necessary to ensure that radioactive waste from filtered drinking water is disposed of according to the provisions in force; for this purpose the Commission shall provide guidelines for this process to the Member States.***

## **Amendment 28**

### **Proposal for a directive**

#### **Article 4 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall carry out risk assessments of radioactive waste deposits that could have an impact on ground water or other sources of drinking water that could be endangered by natural disasters.***

## **Amendment 29**

### **Proposal for a directive**

#### **Article 4 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall carry out a study on the cocktail effects of other chemical substances combined with radioactive substances in water intended for human consumption; based on the results the Commission shall update the respective legislation.***

### **Amendment 30**

#### **Proposal for a directive**

#### **Article 4 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall carry out an evaluation of the implementation of the current Water Framework Directive in the Member States.***

### **Amendment 31**

#### **Proposal for a directive**

#### **Article 6 - paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States 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 accordance with Article 5.

Member States shall ensure regular ***and accurate*** 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 accordance with Article 5. ***Monitoring shall take account of the long-term cumulative exposure of the population and shall be conducted as part of the checks referred to in Article 7 of Directive 98/83/EC on the quality of drinking water intended for human consumption. It shall include reference analyses aimed at establishing the radioactive content of the water and optimising the analysis strategy***

*and periodic analyses in accordance with the methods set out in Annex III. The monitoring frequency for periodic analyses may be adapted through a risk-based approach, based on the results of reference analyses which shall be mandatory in all cases. In such cases, Member States shall communicate both the grounds for their decision and the results of the reference analyses concerned to the Commission and make them available to the public.*

## Amendment 32

### Proposal for a directive Article 8 – paragraph 2

#### *Text proposed by the Commission*

2. 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.

#### *Amendment*

2. 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 ***random*** checks, ***at least once per year***, by an independent controller approved by the competent authority for that purpose.

## Amendment 33

### Proposal for a directive Article 8 – paragraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***2a. The financing of the monitoring measures shall be effected in accordance with Chapter IV of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>1</sup>. In the case of pollution arising from human activities, these costs***

*shall be borne by the polluter.*

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<sup>1</sup> *OJ L 165, 30.4.2004, p. 1*

*Justification*

*In line with the 'polluter pays' principle, if monitoring shows contamination to come from an artificial source, it should be the person responsible who meets the costs, rather than the water operator or the public.*

**Amendment 34**

**Proposal for a directive  
Article 9 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Information on the risk assessment of nuclear plants and the surrounding areas, as regards radioactive substances in the water shall be made available to the public.***

**Amendment 35**

**Proposal for a directive  
Article 9 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States shall ensure that information regarding the presence of radioactive substances in water intended for human consumption is included in the triennial report on the quality of water, as required by Article 13(2) of Directive 98/83/EC.***

**Amendment 36**

**Proposal for a directive**  
**Article 9 - paragraph 2**

*Text proposed by the Commission*

2. Where a failure to comply with the parametric values ***laid down in accordance with Article 5 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***.

*Amendment*

2. Where ***there is*** a failure to comply with the parametric values ***defined for radon and for the total indicative dose (TID) from natural sources***, the Member State concerned shall ***immediately*** assess ***the level of the risk to human health and the possibilities for intervention, taking into account the local conditions. On the basis of these findings***, that Member State shall take action ***to ensure the water supply complies with the quality criteria laid down in this directive***.

***2a. Where there is a failure to comply with the parametric values defined for tritium and for the TID originating from human activities, the Member State concerned shall ensure that the investigation which is to be launched immediately establishes the nature, scale and dosimetric impact of the pollution. That investigation shall take into account all the environments liable to be affected and all exposure pathways. The Member State concerned shall ensure that the necessary corrective action is taken to ensure that the water again meets the parametric values. Solutions should be centred on tackling the pollution at source. The necessary remedial action may go as far as shutting down the facility concerned if the water quality requires such action. The Member State concerned shall ensure that the costs of remedial action are borne by the polluter.***

**Amendment 37**

**Proposal for a directive**  
**Article 9 - paragraph 3**

*Text proposed by the Commission*

3. Where the risk to human health cannot be regarded as trivial, the Member State shall ensure that consumers are **notified**.

*Amendment*

**3. Member States shall ensure that the results of the analyses performed pursuant to Article 8 are published, made publicly available as soon as possible and included in the reports required under Article 13 of Directive 98/83/EC.** Where the risk to human health cannot be regarded as trivial, the Member State concerned, **together with the responsible actor(s)**, shall ensure that consumers are **alerted immediately and given complete information related to the risk to human health and on how to cope with the problems encountered, which shall be published and made available on the internet as soon as possible. They shall also ensure that alternative uncontaminated water supplies are provided without delay.**

**Amendment 38**

**Proposal for a directive**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

**Amendment of Directive 98/83/EC**

- 1. The ‘Radioactivity’ section of Part C of Annex I is deleted. .**
- 2. The last two sentences of paragraph 2, Table A of Annex II are deleted.**

*Justification*

*The Commission proposal, which is based on the Euratom Treaty, acknowledges that two directives are applicable simultaneously to tritium and the total indicative dose, which is inadmissible from a legal standpoint.*

## **Amendment 39**

### **Proposal for a directive Article 9 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 9b**

##### ***Review of the Annexes***

- 1. At least every five years, the Commission shall review the Annexes in the light of scientific and technical progress and, by means of delegated acts under Article 9c, may adopt amendments to reflect that progress.***
- 2. The Commission shall make public its reasons for deciding whether or not to modify the Annexes, making reference to the scientific reports considered.***

#### *Justification*

*New scientific knowledge in the fields of health and environmental protection, along with the development of new analysis methods and greater measuring precision (e.g. limits of detection) may make it necessary to amend the Annexes. The same provisions are contained in Article 11 of Directive 98/83/EC on the quality of water intended for human consumption.*

## **Amendment 40**

### **Proposal for a directive Article 9 c (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 9c**

##### ***Exercising of delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt the delegated acts referred to in Article 9 shall be conferred on the Commission for a period of five years from ....\* The Commission shall draw up a report on the delegated powers, not later than nine months before the end***

*of the five years period. The delegation of powers shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

*3. The delegation of powers referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*5. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.*

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*\* OJ: please insert the date of entry into force of this Directive.*

#### *Justification*

*Necessary change arising from the change in legal basis and insertion of Article 9b.*

**Amendment 41**  
**Proposal for a directive**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

***Information and reporting***

***1. Member States shall take the measures necessary to ensure that adequate and up-to-date information on the quality of water intended for human consumption is available to consumers and not only when a risk to human health cannot be regarded as trivial.***

***2. Each Member State with water systems located in areas that have potential sources of radioactive contamination - man-made or natural - shall include information on the concentrations of radioactive substances in water intended for human consumption in their triennial report on the quality of water intended for human consumption, as set out in article 13 of Directive 98/83/EC.***

***3. The Commission shall include in its report on the quality of water intended for human consumption in the Community, as set out in article 13 of Directive 98/83/EC, the findings of the Member States on radioactive substances in water intended for human consumption.***

**Amendment 42**

**Proposal for a directive**  
**Article 10 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [***one year*** after the date referred to in Article 11- specific date to be

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by...\* at the latest. They shall forthwith communicate to the Commission

inserted by the Publications Office] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

the text of those provisions.

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**\* OJ:** please insert the date of two years after the date referred to in Article 11.

## Amendment 43

### Proposal for a directive Annex I

<i>Text proposed by the Commission</i>			
Parameter	Parametric value	Unit	Notes
<b>Radon</b>	<b>100</b>	Bq/l	
Tritium	<b>100</b>	Bq/l	
Total indicative dose	0,10	mSv/year	(Note 1)
<i>Note 1: Excluding tritium, potassium-40, radon and short-lived radon decay products</i>			
<i>Amendment</i>			
Parameter	Parametric value	Unit	Notes
<b><sup>222</sup>Rn</b>	<b>20</b>	Bq/l	
Tritium	<b>20</b>	Bq/l	
Total indicative dose ( <i>from natural sources</i> )	0,10	mSv/year	(Note 1)
Total indicative dose ( <i>from human activity sources</i> )	<b>0,01</b>	mSv/year	
<i>Note 1: Excluding tritium, potassium-40, radon and short-lived radon decay products</i>			

*(If this compromise is adopted, the parametric values contained in this compromise shall be applied to all other adopted amendments concerned)*

## Amendment 44

### Proposal for a directive Annex II - paragraph 1

Text proposed by the Commission

#### 1. General principles and monitoring frequencies

A Member State is ***not*** required to monitor drinking water for tritium ***or radioactivity to establish*** total indicative dose ***where it is satisfied on the basis of other monitoring that the levels of both tritium and of the calculated total indicative dose are well below the parametric value. Monitoring drinking water for radon is not required where a Member State is satisfied on the basis of other monitoring that the levels of radon are well below the parametric value. In these cases, it shall communicate the grounds for its decision to the Commission, including the results of the other monitoring carried out.***

*Amendment*

#### 1. General principles and monitoring frequencies

A Member State is required to monitor drinking water for tritium ***and radon with a view to establishing the*** total indicative dose ***for natural radioactivity and radioactivity attributable to human activities.***

***Monitoring shall include reference analyses and periodic analyses.***

***The reference analyses must be conducted as part of the examination of the application for authorisation to distribute drinking water. In the case of already-operating distribution networks, Member States shall set the deadlines within which the analyses must be conducted, on the basis of the volumes of water distributed and the level of potential risk, both for natural radioactivity and the radiological impact of human activities. The reference analyses must enable all the relevant natural and artificial radionuclides to be investigated and quantified.***

***In the case of natural radiation, the activity of at least the following 9 radionuclides must be quantified: uranium 238, uranium 234, radium 226, radon 222, lead 210, polonium 210,***

*radium 228 (if necessary via its immediate descendant direct, actinium 228), actinium 227 (if necessary via its immediate descendant thorium 227).*

*In the case of the impact of human activities, potential sources of contamination must be investigated, and a list drawn up of the radionuclides to be checked on the basis of that research. Besides the specific checks arising from the investigations, all reference analyses must include measurement of tritium, carbon 14, strontium 90 and plutonium isotope levels, as well as a gamma spectrometry test to assess the activity levels of the main artificial radionuclides emitting gamma rays (including cobalt 60, iodine 131, caesium 134, caesium 137 and americium 241).*

*The result of the reference analyses should be used to establish the analysis strategy to be implemented during monitoring periods. Subject to the outcome of the reference analyses, as a result of which the system may be reinforced, the periodic checks shall be conducted at the audit frequency indicated in paragraph 4.*

#### *Justification*

*The Commission's proposal to limit checks to cases in which sources of radioactivity are present in the catchment area is inappropriate. Even in cases where no 'source' is present, unexpected contamination may arise – e.g. from hospitals, at disposal sites, etc. It is therefore essential to require that a general analysis be performed, covering all the major radionuclides, before any new catchment area is exploited, and for all drinking water sources already in use. Based on the findings of that general analysis, standard analyses can then be performed.*

## Amendment 45

### Proposal for a directive Annexe II - paragraphs 2 and 3

*Text proposed by the Commission*

*Amendment*

#### **2. Radon and Tritium**

*deleted*

*Monitoring of drinking water for radon or tritium shall be carried out where a source of radon or tritium is present within the catchment and it cannot be shown on the basis of other surveillance programmes or investigations that the level of radon or tritium is well below its parametric indicator value 100 Bq/l. Where monitoring for radon or tritium is required, it shall be carried out at the audit frequency.*

#### **3. Total Indicative Dose**

*Monitoring of drinking water for Total Indicative Dose (TID) shall be carried out where a source of artificial or enhanced natural radioactivity is present within the catchment and it cannot be shown on basis of other surveillance programmes or investigations that the level of TID is well below its parametric indicator value 0.1 mSv/year. Where monitoring for artificial radionuclide levels is required, it shall be carried out at the audit frequency indicated in the table. Where monitoring for natural radionuclide levels is required, Member States shall define the frequency of the monitoring having regard to all relevant information available on temporal variations of natural radionuclide levels in different types of waters. Depending on the expected variations, monitoring frequency may vary from a single check measurement to the audit frequency. Where only a single check for natural radioactivity is required, a re-check shall be required at least where any change occurs in relation to the supply likely to influence the concentrations of radionuclides in the*

*drinking water.*

*Where methods for removing radionuclides from drinking water have been applied in order to ensure that a parametric value is not exceeded, monitoring shall be carried out at the audit frequency.*

*Where results of other surveillance programmes or investigations than those required as provided in the first paragraph of this point are used to ensure compliance with this Directive, the Member State shall communicate the grounds for its decision to the Commission, including the relevant results of these monitoring programmes or investigations.*

*Justification*

*See amendment to Annex II - paragraph 1.*

#### **Amendment 46**

#### **Proposal for a directive Annexe II - paragraph 4 - table - note 2**

*Text proposed by the Commission*

Note 2: The volumes are calculated as averages taken over a calendar year. A Member State may use the number of inhabitants in a supply zone instead of the volume of water to determine the minimum frequency, assuming a water consumption of 200 l/day/capita.

*Amendment*

Note 2: The volumes are calculated as averages taken over a calendar year. A Member State may use the number of inhabitants in a supply zone instead of the volume of water to determine the minimum frequency, assuming a water consumption of 200 l/day/capita ***provided that the water in question is not sold or distributed outside the zone concerned.***

## Amendment 47

### Proposal for a directive

#### Annex III – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

**1. Screening for compliance with total indicative dose (TID)**

Member States may use screening methods **for gross alpha activity and gross beta activity to monitor for the parametric indicator value for TID, excluding tritium, potassium-40, radon and short-lived radon decay products.**

*Amendment*

#### **1. Natural radioactivity**

**1.1. Screening for compliance with total indicative dose (TID) *for natural radioactivity***

Member States may use screening methods **to identify water with a potentially excess TID that requires further analysis. Member States must demonstrate that the method selected does not produce false negatives (water considered to comply with the TID when its consumption results in dose levels higher than the parametric value of 0.1 mSv/year). The monitoring strategy shall take into account the outcome of the general radioactivity analyses of the water.**

## Amendment 48

### Proposal for a directive

#### Annex III – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

**If the gross alpha and the gross beta activity are less than 0.1 Bq/l and 1.0 Bq/l respectively, the Member State may assume that the TID is less than the parametric indicator value of 0.1 mSv/year and no radiological investigation is needed unless it is known from other sources of information that specific radionuclides are present in the water supply and are liable to cause a TID in excess of 0.1 mSv/year.**

*Amendment*

**Member States which wish to make use of screening techniques that are based on measuring total alpha and total beta activity need to pay attention to possible metrological limits (e.g. failure to take into account low energy beta rays), to select correctly the guideline value below which water is considered compliant, in particular for total beta activity, and take account of the cumulated impact of beta and alpha activity.**

## Amendment 49

**Proposal for a directive**  
**Annex III – paragraph 1 – subparagraph 4**

*Text proposed by the Commission*

***In replacement of gross alpha and gross beta activity screening discussed above, Member States may decide to use other reliable screening methods for radionuclides to indicate the presence of radioactivity in drinking water. If one of the activity concentrations exceeds 20% of its reference concentration or the tritium concentration exceeds its parametric value of 100 Bq/l, an analysis of additional radionuclides shall be required. The radionuclides to be measured shall be defined by Member States taking into account all relevant information about likely sources of radioactivity.***

*Amendment*

***1.1.1. Selection of the guideline value***

***With regard to total beta activity and residual total beta activity (following deduction of the potassium-40 component), the use of a guideline value of 1 Bq/l is not necessarily a guarantee of compliance with the parametric value of 0.1 mSv/year. Member States must verify the activity concentration of lead-210 and radium-228, which are two radionuclide beta emitters of high radio-toxicity. For an adult consumer, the TID of 0.1 mSv/year is reached when the activity concentration in water reaches 0.2 Bq/l (cumulative activity of radium-228 and lead-210) – i.e. one fifth of the guideline value of 1 Bq/l; for the critical group of infants aged less than 1 year old, assuming a consumption of 55 cl of water per day, TID is reached when radium-228 activity nears 0.02 Bq/l or lead-210 activity approaches 0.06 Bq/l.***

***With regard to total alpha activity, Member States must verify the polonium-210 component, as the use of a guideline value of 0.1 Bq/l is not necessarily a guarantee of compliance with the parametric value of 0.01***

*mSv/year. For the critical group of infants aged less than 1 year old, assuming a consumption of 55 cl of water per day, the TID is exceeded when activity concentration of polonium-210 reaches 0.02 Bq/l, i.e. one fifth of the guideline value of 0.1 Bq/l.*

## Amendment 50

### Proposal for a directive Annex III - paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***1.1.2. Factoring-in of cumulative alpha and beta components***

*The TID derives from the doses generated by all the radionuclides present in water, be these of the alpha or beta type. The overall results of the total alpha and total beta activity rate checks must therefore be taken into account when assessing whether the TID has been exceeded.*

*Member States shall ensure that the following formula is complied with:*

*Total alpha activity/total alpha guideline value + total beta activity/total beta guideline value < 1*

## Amendment 51

### Proposal for a directive Annex III, paragraph 2, subparagraph 1

*Text proposed by the Commission*

*Amendment*

#### **2. Calculation of the Total Indicative Dose (TID)**

The TID is the committed effective dose for one year of intake resulting from all the radionuclides whose presence in a water supply has been detected, ***both of natural and artificial origin***, excluding tritium,

#### ***1.2. Calculation of the Total Indicative Dose (TID)***

The TID is the committed effective dose for one year of intake resulting from all the ***natural*** radionuclides whose presence in a water supply has been detected, excluding tritium, potassium-40, radon and short-

potassium-40, radon and short-lived radon decay products. The TID shall be calculated from the radionuclide **concentrations** and the dose coefficients **for adults** laid down in Annex III, Table A of Directive 96/29/Euratom or more recent information recognised by the competent authorities in the Member State. Where the following formula is satisfied, Member States may assume that the TID is less than the parametric indicator value of 0.1 mSv/year and no further investigation shall be required:

lived radon decay products. The TID shall be calculated from the **volumetric radionuclide activity rates** and the dose coefficients laid down in Annex III, Table A of Directive 96/29/Euratom or more recent information recognised by the competent authorities in the Member State. **The calculation shall be performed for the population group most exposed to risk, on the basis of standard consumption rates established by the Commission. For natural radionuclides, the critical group shall be children under the age of one.** Where the following formula is satisfied, Member States may assume that the TID is less than the parametric indicator value of 0.1 mSv/year and no further investigation shall be required:

## Amendment 52

### Proposal for a directive Annex III, paragraph 2, subparagraph 3

#### *Text proposed by the Commission*

Where the formula is not satisfied, **the parametric value shall only be regarded as having been exceeded if the radionuclides are persistently present at similar activity concentrations for a full year.** Member States shall define the extent of resampling necessary to ensure **that the measured values are representative for an average activity concentration for a full year.**

#### *Amendment*

When this formula is not satisfied, **additional analyses must be conducted in order to ensure that the result obtained is a representative one. The checks must be conducted to deadlines that can be shortened to reflect the degree to which the parametric value has been exceeded.** Member States shall define the extent of resampling necessary, **and the deadlines to meet,** to ensure **that the parametric value defined for the TID really has been exceeded.**

## Amendment 53

### Proposal for a directive Annex III, paragraph 2, table

*Text proposed by the Commission*

Reference concentrations for radioactivity in drinking water<sup>1</sup>

<b>Origin</b>	<b>Nuclide</b>	<b>Reference concentration</b>	
<b>Natural</b>	U-238 <sup>2</sup>	<b>3,0 Bq/l</b>	
	U-234 <sup>2</sup>	<b>2,8 Bq/l</b>	
	Ra-226	<b>0,5 Bq/l</b>	
	Ra-228	<b>0,2 Bq/l</b>	
	Pb-210	<b>0,2 Bq/l</b>	
	Po-210	<b>0,1 Bq/l</b>	
<b>Artificial</b>	<b>C-14</b>	<b>240 Bq/l</b>	
	<b>Sr-90</b>	<b>4,9 Bq/l</b>	
	<b>Pu-239/Pu-240</b>	<b>0,6 Bq/l</b>	
	<b>Am-241</b>	<b>0,7 Bq/l</b>	
	<b>Co-60</b>	<b>40 Bq/l</b>	
	<b>Cs-134</b>	<b>7,2 Bq/l</b>	
	<b>Cs-137</b>	<b>11 Bq/l</b>	
	<b>I-131</b>	<b>6,2 Bq/l</b>	

<sup>1</sup> This table includes the most common natural **and artificial** radionuclides. Reference concentrations for other radionuclides can be calculated using the dose coefficients **for adults** laid down in Annex III, Table A of Directive 96/29/Euratom, or more recent information recognised by the competent authorities in the Member State, **and by assuming an intake of 730 litres per year.**

<sup>2</sup> One milligram (mg) of natural uranium contains 12.3 Bq of U-238 and 12.3 Bq of U-234. This table allows only for the radiological properties of uranium, not for its chemical toxicity.

## Amendment

Reference concentrations for radioactivity **of natural origin** in drinking water<sup>1</sup>

	<b>Nuclide</b>	<b>Reference concentration</b>	<b>Critical age</b>
	U-238 <sup>2</sup>	<b>1,47 Bq/l</b>	<b>&lt; 1 year</b>
	U-234 <sup>2</sup>	<b>1,35 Bq/l</b>	<b>&lt; 1 year</b>
	Ra-226	<b>0,11 Bq/l</b>	<b>&lt; 1 year</b>
	Ra-228	<b>0,02 Bq/l</b>	<b>&lt; 1 year</b>
	Pb-210	<b>0,06 Bq/l</b>	<b>&lt; 1 year</b>
	Po-210	<b>0,02 Bq/l</b>	<b>&lt; 1 year</b>

<sup>1</sup> This table includes the most common natural and artificial radionuclides. Reference concentrations for other radionuclides can be calculated using the dose coefficients laid down in Annex III, Table A of Directive 96/29/Euratom, or more recent information recognised by the competent authorities in the Member State. **The calculation must be performed for the age group most exposed to risk in order to ensure compliance with the total indicative dose of 0,1 mSv, regardless of the age of the consumer. The Commission shall define the**

*water consumption rates for the various age brackets.*

*2. One milligram (mg) of natural uranium contains 12.3 Bq of U-238 and 12.3 Bq of U-234. This table allows only for the radiological properties of uranium, not for its chemical toxicity.*

### *Justification*

*The reference concentrations proposed by the Commission have been calculated using the dose coefficients for adults. However, calculations show that for other age-groups (esp. infants and children), these reference concentrations would lead to exceeding the total indicative dose. e.g. for Radium-228: up to 12 times exceeded. For practical reasons, it does not make sense to have different reference calculations for different age groups. In order to be consistent within the proposal, and to assure a level of protection corresponding to 0.1 mSv TID for all age groups, the most vulnerable group of population must be taken as basis for the calculations. As no harmonised levels of consumption for the different age groups have been established on EU level, the values provided here have been calculated on the basis of the French CIBLEX recommendations. For the sake of transparency, the values have not been rounded off.*

## **Amendment 54**

### **Proposal for a directive**

#### **Annex III – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **2a. Radiological significance of human activity**

***The radionuclides to be measured shall be defined by Member States on the basis of all the information gathered about potential sources of anthropogenic radiation.***

##### **2a.1. Tritium monitoring**

***A specific analysis shall be conducted to quantify the level of tritium as part of the reference analysis, and when a periodic check on this parameter is required. An activity concentration in excess of 10 Bq/l is indicative of an anomaly whose origin must be investigated and which may indicate the presence of other artificial radionuclides. The threshold parametric value beyond which the source of the contamination must be investigated and the public informed is 20 Bq/l. The reference concentration corresponding to***

*the parametric value 0.01 mSv/year is 680 Bq/l (500 Bq/l if the foetus is taken into account).*

#### ***2a.2. Calculation of the TID for human activity sources***

*The TID is the committed effective dose for one year of intake resulting from all the anthropogenic radionuclides whose presence in a drinking-water supply has been detected, including tritium.*

*The TID shall be calculated from the radionuclide activity concentration and the dose coefficients laid down in Annex III, Table A of Directive 96/29/Euratom or more recent information recognised by the competent authorities in the Member State. The calculation shall be performed for the population group most exposed to risk, known as the critical group, on the basis of standard consumption rates established by the Commission.*

*Member States may use reference concentrations corresponding to the parametric value 0.01 mSv/year being attained. In this case, where the following formula is satisfied, Member States may assume that the parametric value has not been exceeded and that no further investigation is required:*

$$\sum_{i=1}^n \frac{C_i(\text{obs})}{C_i(\text{ref})} \leq 1$$

*where*

*C<sub>i</sub>(obs) = observed concentration of radionuclide i*

*C<sub>i</sub>(ref) = reference concentration of radionuclide i*

*n = number of radionuclides detected.*

*Where this formula is not satisfied, additional analyses must be conducted immediately in order to ensure that the result obtained is a valid one and to establish the source of the pollution.*

## Amendment 55

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Annex III – paragraph 2 b (new) – table

*Text proposed by the Commission*

*Amendment*

#### ***Reference concentrations for radioactivity of anthropogenic origin in drinking water<sup>1</sup>***

	<b><i>Nuclide</i></b>	<b><i>Reference: concentration</i></b>	<b><i>Critical age</i></b>
	<b><i>H3</i></b>	<b><i>680 Bq/l/500 Bq/l</i></b>	<b><i>2-7 years old/foetus</i></b>
	<b><i>C-14</i></b>	<b><i>21 Bq/l</i></b>	<b><i>2-7 years old</i></b>
	<b><i>Sr-90</i></b>	<b><i>0.22 Bq/l</i></b>	<b><i>&lt; 1 year old</i></b>
	<b><i>Pu-239/Pu-240</i></b>	<b><i>0.012 Bq/l</i></b>	<b><i>&lt; 1 year old</i></b>
	<b><i>Am-241</i></b>	<b><i>0.013 Bq/l</i></b>	<b><i>&lt; 1 year old</i></b>
	<b><i>Co-60</i></b>	<b><i>0.9 Bq/l</i></b>	<b><i>&lt; 1 year old</i></b>
	<b><i>Cs-134</i></b>	<b><i>0.7 Bq/l</i></b>	<b><i>Adult</i></b>
	<b><i>Cs-137</i></b>	<b><i>1.1 Bq/l</i></b>	<b><i>Adult</i></b>
	<b><i>I-131</i></b>	<b><i>0.19 Bq/l</i></b>	<b><i>1-2 years old</i></b>

<sup>1</sup> ***This table includes the most common artificial radionuclides. Reference concentrations for other radionuclides can be calculated using the dose coefficients laid down in Annex III, Table A of Directive 96/29/Euratom, or more recent information recognised by the competent authorities in the Member State concerned. The calculation must be performed for the age group most exposed to risk in order to ensure compliance with the total indicative dose of 0.01 mSv, regardless of the age of the persons consuming the water. The Commission shall define the water consumption rates for the various age brackets.***

#### *Justification*

*There is a need to distinguish between radioactivity from natural sources and radioactivity from the normal operation of nuclear facilities (artificial radiation and/or radiation from human activities). The distinction between natural impact and the impact of human activities is, moreover, in line with the distinctions drawn by the ICRP and contained in Directive 96/29.*

## Amendment 56

### Proposal for a directive Annex III, point 3, table

*Text proposed by the Commission*

<b>Parameters</b>	<b>Limit of detection (Note 1)</b>	<b>Notes</b>	
Radon	10 Bq/l	Note 2, 3	
Tritium	10 Bq/l	Note 2, 3	
<b>Gross alpha</b>	0,04 Bq/l	Note 2, 4	
<b>Gross beta</b>	0,4 Bq/l	Note 2, 4	
U-238	0,02 Bq/l	Note 2, <b>6</b>	
U-234	0,02 Bq/l	Note 2, <b>6</b>	
Ra-226	0,04 Bq/l	Note 2	
Ra-228	<b>0,08</b> Bq/l	Note 2, <b>5</b>	
Pb-210	0,02 Bq/l	Note 2	
Po-210	0,01 Bq/l	Note 2	
C-14	20 Bq/l	Note 2	
Sr-90	<b>0,4</b> Bq/l	Note 2	
Pu-239/Pu-240	<b>0,04</b> Bq/l	Note 2	
Am-241	<b>0,06</b> Bq/l	Note 2	
Co-60	<b>0,5</b> Bq/l	Note 2	
Cs-134	<b>0,5</b> Bq/l	Note 2	
Cs-137	<b>0,5</b> Bq/l	Note 2	
I-131	<b>0,5</b> Bq/l	Note 2	

*Note 1: the limit of detection shall be calculated according to ISO 11929-7, Determination of the detection limit and decision thresholds for ionizing radiation measurements-Part 7: Fundamentals and general applications, with probabilities of errors of 1st and 2nd kind of 0.05 each*

*Note 2: measurement uncertainties shall be calculated and reported as complete standard uncertainties, or as expanded standard uncertainties with an expansion factor of 1.96, according to the ISO Guide for the Expression of Uncertainty in Measurement (ISO, Geneva 1993, corrected reprint Geneva, 1995)*

*Note 3: the limit of detection for radon and for tritium is **10%** of its parametric value of **100 Bq/l***

*Note 4: the limit of detection for **gross alpha** and **gross beta activities** are 40% of the screening values of 0.1 and 1.0 Bq/l respectively*

***Note 5: This Limit of Detection applies only to routine screening; for a new water source for which it is plausible that Ra-228 exceeds 20% of the reference concentration, the limit of detection for the first check shall be 0.02 Bq/l for Ra-228 nuclide specific measurements. This shall also apply where a subsequent re-check is required.***

*Note 6: The low value of the specified detection limit for U is due to taking into account the chemotoxicity of uranium.*

#### *Amendment*

<b>Nuclide</b>	<b>Limit of detection (Note 1)</b>	<b>Notes</b>	
Radon	10 Bq/l	Note 2,3	
Tritium	10 Bq/l	Note 2,3	
<b>Total alpha</b>	0,04 Bq/l	Note 2,4	
<b>Total beta</b>	0,4 Bq/l	Note 2,4	

U-238	0,02 Bq/l	Note 2,5	
U-234	0,02 Bq/l	Note 2,5	
Ra-226	0,04 Bq/l	Note 2	
Ra-228	<b>0,01</b> Bq/l	Note 2	
Pb-210	0,02 Bq/l	Note 2	
Po-210	0,01 Bq/l	Note 2	
C-14	20 Bq/l	Note 2	
Sr-90	<b>0,1</b> Bq/l	Note 2	
Pu-239/Pu-240	<b>0,01</b> Bq/l	Note 2	
Am-241	<b>0,01</b> Bq/l	Note 2	
Co-60	<b>0,1</b> Bq/l	Note 2	
Cs-134	<b>0,1</b> Bq/l	Note 2	
Cs-137	<b>0,1</b> Bq/l	Note 2	
I-131	<b>0,1</b> Bq/l	Note 2	

Note 1: the limit of detection shall be calculated according to ISO 11929-7, Determination of the detection limit and decision thresholds for ionizing radiation measurements-Part 7: Fundamentals and general applications, with probabilities of errors of 1st and 2nd kind of 0.05 each

Note 2: measurement uncertainties shall be calculated and reported as complete standard uncertainties, or as expanded standard uncertainties with an expansion factor of 1.96, according to the ISO Guide for the Expression of Uncertainty in Measurement (ISO, Geneva 1993, corrected reprint Geneva, 1995)

Note 3: the limit of detection for radon and for tritium is **50%** of its parametric value of **20 Bq/l**

Note 4: the limit of detection for **total** alpha activity and **total** beta **activity** are 40% of the screening values of 0.1 and 1.0 Bq/l respectively **These values can only be used after having established there is no significant contribution from very high toxicity radionuclides (lead 210, radium 228 or polonium 210).**

Note 5: The low value of the specified detection limit for U is due to taking into account the chemotoxicity of uranium.

### *Justification*

*Change consonant with the adjustment of the reference concentrations. The limits of detection proposed are quite realistic.*

## EXPLANATORY STATEMENT

Safe drinking water for European citizens is a core concern of policies in the fields of human health and environmental protection. The quality of drinking water is currently regulated by the Council Directive 98/83/EC (DWD), including the regulation of contaminants such as toxic chemicals as well as radionuclides. However, the implementation of the requirements for monitoring tritium and the total indicative dose is still missing, notwithstanding that the DWD has to be complied with by Member States by the end of the year 2003. With the present proposal, the Commission aims to incorporate the respective requirements instead of into the DWD into a new specific legislation on the basis of the Euratom treaty.

Although the proposal addresses the lack of implementation of the DWD, the approach taken by the Commission is unsatisfying and needs modification in two key aspects:

1. First of all, it is important for the legal certainty and consistency of the Union legislation on the quality of drinking water to treat radionuclides on the same footing as all other carcinogenic contaminants in order to be able to take into account cumulative effects of adverse effects of different contaminants. In consistency with European Parliament's vote on P7\_TA(2011)0055 (Belet report) from 15 February 2011, radioprotection rules should therefore be dealt with under the Treaty.

Your rapporteur thus recommends a change of the legal basis to the appropriate provisions relating to the protection of the environment, that is Article 192(1) of the Lisbon Treaty. Concomitantly, all Annexes for parametric values, monitoring radioactive substances and sampling and analysis methods should be periodically reviewed by the Commission in the light of scientific and technical progress and, where appropriate, amended using delegated acts.

2. Secondly, important distinctions established by the International Commission on Radiological Protection (ICRP/CIPR) as regards natural and artificial sources of radioactivity as well as regards different exposure groups, in particular considering age, should be properly included in the proposal.

Your rapporteur therefore proposes amendments taking into account the following considerations:

(a) To protect the health of the general public in Europe, there is a need to distinguish between radioactivity from natural sources and radioactivity from the normal operation of nuclear facilities (artificial radiation and/or radiation from human activities). That distinction between natural impact and the impact of human activities is also in line with the distinctions drawn in the recommendations on the system of radiation protection made by the International Commission on Radiation Protection (including the most recent recommendation: Publication 103<sup>1</sup>) and which are also to be found in Directive 96/29 Euratom laying down

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<sup>1</sup> ICRP, 2007. The 2007 Recommendations of the International Commission on Radiological Protection. [ICRP Publication 103](#). Ann. ICRP 37 (2-4).

basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation.

(b) For natural radiation, the reference indicative dose of 0,1 millisieverts/year should be maintained but the calculations reviewed to take into account critical ages (infants, pregnant women and breast-feeding mothers, etc.), with the calculations for an adult consumer not being conservative.

With regard to the radiological impact of normal levels of human activity, the maximum reference dose should be lowered to 0,01 mSv/year, corresponding to 10% of the acceptable natural dose.

(c) The maximum dose limit for the cumulative impact of all human (nuclear) activity is 1 mSv/year (for the group of individuals most exposed), whereas for any individual nuclear activity, the dose constraint should be less than 0,3 mSv/year, or even under 0,01 mSv/year (see ICRP 103). Given the fact that operating a facility (waste, etc.) gives rise to several types of exposure (external, internal via inhalation, internal contamination following ingestion of food products, etc.) water should constitute just a fraction of the dose constraint. This justifies the choice of 0,01 mSv/year.

It should also be remembered that in Directive 96/29 Euratom this same dose level of 10  $\mu$ Sv/year is used to establish whether the radiation risk arising from a nuclear activity can continue to be viewed as negligible for human health and whether radiation protection measures should be considered.

3. In addition, your rapporteur recommends following the polluter-pays principle as regards the cost of sampling and monitoring in the case of artificial contamination and strengthening the arrangements for monitoring contaminants, in line with the DWD, as well as the requirements on transparency and provision of information to the public.

## OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mr Matthias Groote  
Chair  
Committee on the Environment, Public Health and Food Safety  
BRUSSELS

Subject: Opinion on the legal basis for the proposal for a Council Directive laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (COM(2012)0147 – C7-0105/2012 – 2012/0074(NLE))

Dear Mr Chair,

By letter of 2 October 2012, you asked the Committee on Legal Affairs, pursuant to Rule 37 of the Rules of Procedure, to give its opinion on the appropriateness of changing the legal basis of the proposal by replacing Articles 31 and 32 of the Euratom Treaty by Article 192(1) of the TFEU on the ground that an amendment to this effect is contained in the ENVI draft report.

The proposal for a Council directive laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (COM(2012)0147) was presented by the Commission on the basis of Articles 31 and 32 of the Treaty establishing the European Atomic Community and was accordingly submitted to Parliament for consultation.

Parliament's Legal Service has stated in a note dated 9 October 2012 that, "although Articles 31 and 32 Euratom are, at first glance, the appropriate legal bases for the proposal, it cannot be excluded, at the outset, that the proposal could instead be based on Article 192 TFEU."

### ***Background***

#### **1. The proposal**

The proposed 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, by setting out parametric values, frequencies and methods for monitoring radioactive substances (radon, tritium and other radioactive substances).

Directive 98/83/EC of 3 November 1998 regulates in general the quality of water intended for

human consumption<sup>1</sup>; it also contains indicator parameters in Annex I Part C relating to radioactivity and tritium and related monitoring provisions in Annex II. These requirements for monitoring radioactive substances, however, have not been implemented so far, pending the adoption of amendments to Annexes II (monitoring) and III (specifications for the analysis of parameters). The Commission thus submitted the present proposal with the intention of incorporating the requirements for monitoring levels of radioactivity into specific legislation under the Euratom Treaty. It intends, in a second step, to propose the deletion of the relevant provisions from Directive 98/83/EC.

## **2. The legal bases in question**

### a) Legal basis of the proposal

The Commission proposal is based on Articles 31 and 32 of the Euratom Treaty (Title II Chapter 3: Health and Safety), which read as follows:

#### "Article 31

The basic standards shall be worked out by the Commission after it has obtained the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts, and in particular public health experts, in the Member States. The Commission shall obtain the opinion of the Economic and Social Committee on these basic standards.

After consulting the European Parliament the Council shall, on a proposal from the Commission, which shall forward to it the opinions obtained from these Committees, establish the basic standards; the Council shall act by a qualified majority.

#### Article 32

At the request of the Commission or of a Member State, the basic standards may be revised or supplemented in accordance with the procedure laid down in Article 31.

The Commission shall examine any request made by a Member State."

Basic standards referred to in Article 31 are defined in Article 30 of the Euratom Treaty which reads as follows:

#### "Article 30

Basic standards shall be laid down within the Community for the protection of the health of workers and the general public against the dangers arising from ionizing radiations.

The expression 'basic standards' means:

- (a) maximum permissible doses compatible with adequate safety;
- (b) maximum permissible levels of exposure and contamination;
- (c) the fundamental principles governing the health surveillance of workers."

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<sup>1</sup> Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).

## b) Proposed change of the legal basis

ENVI has requested the opinion of the Legal Affairs Committee on the appropriateness of replacing Articles 31 and 32 of the Euratom Treaty by Article 192(1) TFEU as legal basis, on the ground that the rapporteur, Michèle Rivasi, has tabled an amendment to that effect.

Article 192(1) TFEU reads as follows:

"1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191.  
[...]"

The objectives are defined in Article 191(1) TFEU:

"1. Union policy on the environment shall contribute to pursuit of the following objectives:  
– preserving, protecting and improving the quality of the environment,  
– protecting human health,  
– prudent and rational utilisation of natural resources,  
– promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change."

The ENVI rapporteur justifies her amendment introducing Article 192(1) TFEU as follows: "The present Directive concerns water intended for human consumption. Radionuclides in water intended for human consumption are currently dealt with under the Directive 98/83/EC (Drinking water directive) which sets parametric values for tritium and the total indicative dose. The Commission should normally have adopted measures on monitoring frequencies and methods in accordance with the regulatory procedure with scrutiny (due in 2000). It is therefore appropriate to use the same legal base as in Dir 98/83/EC. If radionuclides were dealt with under Euratom, while all other carcinogenic contaminants such as chemicals were dealt with under the Treaty, the cumulative effects of adverse effects could not be taken into account. In consistency with European Parliament's vote on P7\_TA(2011)0055 (Belet report) from 15/2/2011, radioprotection rules should therefore be dealt with under the Treaty."

## **III. Analysis**

### 1. Principles established by the Court

Certain principles emerge from the case law of the Court as regards the choice of legal basis. First, in view of the consequences of the legal basis in terms of substantive competence and procedure, the choice of the correct legal basis is of constitutional importance<sup>1</sup>. Secondly, under Article 13(2) TEU, each institution is to act within the limits of the powers conferred upon it by the Treaty<sup>2</sup>. Thirdly, according to the case-law of the Court of Justice, "the choice

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<sup>1</sup> Opinion 2/00 *Carthage Protocol* [2001] E.C.R. I-9713, para. 5; Case C-370/07 *Commission v. Council* [2009] E.C.R. I-8917, paras 46-49; Opinion 1/08, *General Agreement on Trade in Services* [2009] ECR I-11129, para. 110.

<sup>2</sup> Case C-403/05 *Parliament v. Commission* [2007] E.C.R. I-9045, para. 49, and the case-law cited therein.

of legal basis for a Community measure must rest on objective factors amenable to judicial review, including in particular the aim and the content of the measure"<sup>1</sup>.

## 2. Commission choice of legal basis

The Commission explains its choice of legal basis as follows: "The provisions of this Directive are related to the basic standards for the protection of the health of workers and the general public. Consequently, the legal base chosen is the Treaty establishing the European Atomic Energy Community, and in particular Articles 31 and 32 thereof."<sup>2</sup>.

## 3. Objective and content of the proposed directive

The proposed Council 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. The aim is to adopt these requirements "in specific legislation that ensures the uniformity, coherence and completeness of radiation protection legislation" (recital 4), setting out parametric values, frequencies and methods for monitoring radioactive substances, i.e. radon, tritium and other radioactive substances.

Article 4 of the proposed directive lays down a general obligation for Member States to take measures necessary to establish an appropriate monitoring programme, Article 5 requires Member States to set parametric values for monitoring radioactive substances and Articles 6 to 8 concern methods of monitoring, sampling and analysis to be applied by Member States. Annex I sets out the parametric values in detail, whereas Annex II lays down the modalities of monitoring to be observed by Member States, in particular monitoring frequencies.

The Euratom Treaty allows the Community to regulate the use of nuclear energy by the Member States, in particular as regards nuclear safeguards and health protection. Pursuant to Article 2(b) of the Euratom Treaty, the Community shall, as provided in that Treaty, "establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied". Chapter 3 of Title II of the Treaty, concerning health protection, contains provisions concerning basic standards with regard to protection against ionising radiation. These basic standards, pursuant to Article 30, are aimed at "the protection of the health of workers and the general public against the dangers arising from ionizing radiations", they concern, for instance, " maximum permissible doses compatible with adequate safety", and "maximum permissible levels of exposure and contamination". Thus the measures proposed in the present directive could qualify as basic standards under Article 31 and 32 of the Euratom Treaty.

## 4. Article 192 TFEU as legal basis

On the other hand, given the fact that Article 192 TFEU deals with protection of health and environment, Article 192 TFEU could in fact be the appropriate legal basis for the adoption of the measure in question (as the ENVI rapporteur argues in her draft report). It should be noted that recourse to this legal basis would imply switching from the consultation procedure to the

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<sup>1</sup> See most recently Case C-411/06 *Commission v Parliament and Council* [2009] E.C.R. I-7585.

<sup>2</sup> COM(2011)0608, Explanatory memorandum, p.3.

ordinary legislative procedure, with the full participation of the Parliament.

Article 192 TFEU provides a legal basis for action in order to achieve the objectives referred to in Article 191 TFEU, inter alia preservation, protection and improvement of the quality of the environment (1st indent) and protection of human health (2nd indent).

The Directive 98/93/EC, i.e. the general drinking water directive – as the ENVI rapporteur mentions in her reasoning for changing the legal basis – is based on Article 130s(1) of the Treaty establishing the European Community, the former legal basis for environment policy. The proposal sets itself clearly within the wider context of Directive 98/93/EC.

It should also be noted that the ENVI rapporteur, in her reasoning, refers to the European Parliament legislative resolution of 15 February 2011 on the proposal for a Council regulation on laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (recast)<sup>1</sup> in which Parliament adopted an amendment to the proposed legal basis of Articles 31 of the Euratom Treaty to Article 168(4)(b) TFEU. The Legal Affairs Committee, in its opinion on the legal basis<sup>2</sup>, had concluded "that the proposal could be considered as being a measure in the phytosanitary and/or veterinary field which has as its direct objective the protection of public health", the main reasoning being that the Court judgment cited above (which confirmed Article 30 et seq Euratom as legal basis for the regulation being recast) did not rule out recourse to Article 168(4)(b) TFEU – which did not exist at the time of the judgment – as the legal basis.<sup>3</sup>

To conclude, the proposal under examination presents itself as a specific measure regarding monitoring levels of radioactivity in water intended for human consumption. However, this does not invalidate the view that the proposal is still a measure to achieve the objective of protection of public health as set out in Article 192(1) in conjunction with Article 191 TFEU, given in particular that in 1998 the legislator in adopting Directive 98/83/EC had the intention to regulate in general the adverse effects of "any contamination of water intended for human consumption".

### ***Legal Affairs Committee recommendation***

The Legal Affairs Committee considered the above question at its meeting of 6 November 2012. At this meeting, it accordingly decided, by 22 votes in favour, one against and no abstentions<sup>4</sup>, to recommend that the appropriate legal basis for the proposal for a directive of

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<sup>1</sup> COM(2010)0184 - C7-0137/2010 - 2010/0098(CNS), P7\_TA(2011)0055.

<sup>2</sup> PE452.905v01-00.

<sup>3</sup> It should be noted that the Commission announced on 4 October 2012 its intention to withdraw the recast proposal and "to bring this Regulation in line with the new Comitology Regulation which entered into force in March 2011" (Commission communication on the comprehensive risk and safety assessments ("stress tests") of nuclear power plants in the European Union and related activities (COM (2012)0571), p. 13.

<sup>4</sup> The following were present for the final vote: Luigi Berlinguer, Françoise Castex (Vice-Chair), Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Eva Lichtenberger, Antonio López-Istúriz White, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Francesco Enrico Speroni, Evelyn Regner (Vice-Chair), József Szájer, Rebecca Taylor, Alexandra

the European Parliament and of the Council laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption should be Article 192(1) TFEU.

Yours sincerely,

Klaus-Heiner Lehne

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Thein, Axel Voss, Rainer Wieland, Cecilia Wikström, Zbigniew Ziobro, Tadeusz Zwiefka, Sylvie Guillaume (pursuant to Rule 187(2)).

20.12.2012

## **OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY**

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a Council directive laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption

(COM(2012)0147 – C7-0105/2012 – 2012/0074(NLE))

Rapporteur: Judith A. Merkies

### **SHORT JUSTIFICATION**

The Commission's proposal aims at incorporating the requirements for monitoring radioactive substances into specific legislation under the Euratom Treaty in order to maintain the uniformity, coherence and completeness of radiation protection legislation at Community level. In a second step, the Commission is planning to delete these requirements from Directive 98/83/EC (Drinking Water Directive).

The Rapporteur regrets that, as this directive falls under the scope of the Euratom Treaty, the European Parliament only has a limited role in the decision-making process. She therefore asks the Commission to pay due attention to the opinion of the European Parliament in establishing and reviewing this directive. She is also concerned about the implementation of the Directive, as the requirements for radioactive substances under the Drinking Water Directive still have not been implemented.

The Rapporteur believes this proposal could endanger the uniformity of the European Water and Drinking Water legislation, currently falling under the Treaty of the European Union. Therefore the European Commission should ensure conformity of the measures of this directive with the ones included in Directive 98/83/EC and other Water legislation such as 2000/60/EC and 2006/118/EC and the protection of other waters, such as groundwater, against radioactive contamination.

Concerning the scope of the directive, it is important to include water used in the food industry. However, it is positive that the European Commission included radon as a parametric value and bottle water as a source of water in the reviewed version of the proposal.

Furthermore, it is important for citizens to be informed about the quality of water intended for consumption. Therefore Member States have to include information on radioactive substances

in these types of water in both the Member States' triennial reports on quality of water intended for human consumption and nuclear safety.

In case of a failure to comply with this directive, Member states have to take immediate action to restore the water quality and reduce the potential danger for public health.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a directive

##### Recital 1

###### *Text proposed by the Commission*

(1) The ingestion of water is one of the pathways of incorporation of radioactive substances into the human body. In accordance with Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation, the contribution to the exposure of the population as a whole from practices which involve a risk from ionizing radiation must be kept as low as ***reasonably achievable***.

###### *Amendment*

(1) The ingestion of water is one of the pathways of incorporation of radioactive substances into the human body. In accordance with Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation, the contribution to the exposure of the population as a whole, ***taking into account long-term cumulative exposure***, from practices which involve a risk from ionizing radiation must be kept as low as ***possible***.

### Amendment 2

#### Proposal for a directive

##### Recital 3 a (new)

###### *Text proposed by the Commission*

###### *Amendment*

***(3a) The parametric values are based on the scientific knowledge available, taking into account the precautionary principle. Those values have been selected to ensure that water intended for human consumption can be consumed safely on a***

*life-long basis -taking as reference the most vulnerable citizens-, and thus represent a high level of health protection.*

**Amendment 3**  
**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) In the event of non-compliance with a parameter that has an indicator function, the Member State concerned ***should*** assess whether that non-compliance poses any risk to human health ***and, where necessary,*** take remedial action to restore the quality of the water.

*Amendment*

(6) In the event of non-compliance with a parameter that has an indicator function, the Member State concerned ***must investigate and establish the cause,*** assess whether that non-compliance poses any risk to human health, ***including in the long-term, and*** take remedial action to restore the quality of the water ***according to the quality criteria set out in this Directive as soon as possible. This necessary remedial action may go as far as shutting down the facility concerned if the quality of water requires such action. In case should such remedial action be necessary to restore the quality of water intended for human consumption, priority should first be given to action which rectifies the problem at source.***

**Amendment 4**  
**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) Consumers should be ***adequately*** and appropriately informed of the quality of water intended for human consumption.

*Amendment*

(7) Consumers should be ***fully*** and appropriately informed ***in a transparent and impartial manner*** of the quality of water intended for human consumption ***and be notified at the earliest opportunity of any remedial actions taken by the competent authorities to remedy any deterioration in the quality of that water. Whereas, furthermore, consideration should be given both to the technical and***

*statistical needs of the Commission, and to the rights of the individual to obtain adequate information concerning the quality of water intended for human consumption.*

**Amendment 5**  
**Proposal for a directive**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7a) It is necessary to include in this Directive water used in the food industry.*

**Amendment 6**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) Each Member State should establish monitoring programmes to check that water intended for human consumption meets the requirements of this Directive.

(9) Each Member State should establish **robust** monitoring programmes to check that water intended for human consumption meets the requirements of this Directive.

**Amendment 7**  
**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) The methods used to analyse the quality of water intended for human consumption should be such as to ensure that the results obtained are reliable and comparable.

(10) The methods used to analyse the quality of water intended for human consumption should be such as to ensure that the results obtained are reliable and comparable. **Such monitoring programmes should be appropriate to local needs and should meet the minimum monitoring requirements laid down in this Directive.**

**Amendment 8**  
**Proposal for a directive**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) In order to ensure the coherence of European Water policy the parametric values, frequencies and methods for monitoring radioactive substances in this Directive needs be compatible with the Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration <sup>1</sup> and the Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption***

***<sup>2</sup>. Furthermore, the Commission should ensure that when a review of Directive 2000/60/EC of the European Parliament and of the council of 23 October 2000 establishing a framework for Community action in the field of water policy<sup>3</sup> and Directive 2006/118/EC <sup>4</sup> will take place, reference to this Directive should be made to fully protect all types of water against contamination of radioactive substances.***

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<sup>1</sup> OJ L 372, 27.12.2006, p. 19.

<sup>2</sup> OJ L 330, 5.12.1998, p. 32.

<sup>3</sup> OJ L 327, 22.12.2000, p. 1.

<sup>4</sup> OJ L 372, 27.12.2006, p. 19.

**Amendment 9**  
**Proposal for a directive**  
**Article 2**

*Text proposed by the Commission*

For the purposes of this Directive, definitions laid down in Article 2 of Council Directive 98/83/EC shall apply.

*Amendment*

***1.*** For the purposes of this Directive, definitions laid down in Article 2 of Council Directive 98/83/EC shall apply.

**2. In addition to the definitions referred to in paragraph 1, the following definitions shall apply:**

**(a) 'radioactive substance' means any substance that contains one or more radio nuclides the activity or concentration of which cannot be disregarded as far as radiation protection is concerned;**

**(b) 'total indicative Dose' means the committed effective dose for one year of ingestion resulting from all the radionuclides whose presence in a water supply has been detected, both of natural and artificial origin, excluding tritium, potassium-40, radon and short-lived radon decay products;**

**(c) 'parametric value' means the value which Member States shall assess whether the presence of radioactive substances in water intended for human consumption poses any risk to human health and, where necessary, shall take remedial action to improve the quality of water to a level which complies with the requirements for the protection of human health from a radiation protection point of view.**

**Amendment 10**  
**Proposal for a directive**  
**Article 3**

*Text proposed by the Commission*

This Directive shall apply to water intended for human consumption with the exemptions set out in Article 3(1) of Directive 98/83/EC and laid down in accordance with Article 3(2) of that Directive.

*Amendment*

This Directive shall apply to water intended for human consumption - **drinking water and water used in the food industry**, with the exemptions set out in Article 3(1) of Directive 98/83/EC and laid down in accordance with Article 3(2) of that Directive.

**Amendment 11**  
**Proposal for a directive**  
**Article 4**

*Text proposed by the Commission*

Without prejudice to the provisions laid down in Article 6(3)a of Directive 96/29/Euratom, 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 this Directive.

*Amendment*

**1.** Without prejudice to the provisions laid down in Article 6(3)a of Directive 96/29/Euratom, 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 this Directive. ***Water intended for human consumption shall be in line with this Directive if it:***

***(a) is free from any radioactive substances which, in numbers or concentrations, constitute a potential danger to human health, and***

***(b) meets the minimum requirements set out in Annex I and Annex III; and if, in accordance with the relevant provisions of Article 9 and in accordance with the Treaty, Member States take all other measures necessary to ensure that water intended for human consumption complies with the requirements of this Directive.***

**2. Member States shall ensure that the measures taken to implement this Directive in no circumstances have the effect of allowing, directly or indirectly, either any deterioration of the present quality of water intended for human consumption so far as that is relevant for the protection of human health or any increase in the pollution of waters used for the production of drinking water.**

**Amendment 12**  
**Proposal for a directive**  
**Article 6**

*Text proposed by the Commission*

Member States 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 accordance with Article 5.

*Amendment*

Member States 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 accordance with Article 5. ***Such monitoring shall take account of long-term cumulative exposure of the population and shall be conducted as part of the checks referred to in Article 7 of Directive 98/83/EC. It shall include reference analyses aimed at establishing the radioactive content of the water and optimising the analysis strategy and periodic analyses in accordance with the methods set out in Annex III.***

**Amendment 13**

**Proposal for a directive  
Article 8 – paragraph 2**

*Text proposed by the Commission*

2. 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.

*Amendment*

2. 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 ***periodic*** checks by an independent controller approved by the competent authority for that purpose.

**Amendment 14**

**Proposal for a directive  
Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The financing of the control measures shall be effected in accordance with Chapter IV of Regulation (EC)***

*No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. In the case of pollution arising from human activities, these costs shall be met by the polluter.*

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<sup>1</sup> *OJ L 165, 30.4.2004, p. 1.*

#### *Justification*

*In line with the 'polluter pays' principle.*

#### **Amendment 15** **Proposal for a directive** **Article 9 – paragraph 2**

##### *Text proposed by the Commission*

2. Where a failure to comply with the parametric values laid down ***in accordance with Article 5*** 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.

##### *Amendment*

2. Where a failure to comply with the parametric values laid down, ***for radon and Total Indicative Dose (TID) from natural sources*** occurs, the Member State shall assess ***immediately*** whether the failure poses a risk to human health. In the event that there is such a risk, the Member State ***concerned*** shall ***ensure that the necessary*** remedial action ***is taken as soon as possible*** to restore the quality of the water ***taking into account the local conditions. Priority shall be given to their enforcement action and to solutions centred on tackling the pollution at source, having regard inter alia to the extent to which the relevant parametric value has been exceeded and to the potential danger to human health. This necessary remedial action may go as far as shutting down of the facility concerned if the quality of water requires such action. The Member State shall also implement 'polluter pays' measures.***

*Should the parametric values defined for tritium and TID originating from human activities not be respected, Member States shall ensure that an investigation is launched immediately in order to identify the source of the pollution and its nature, scale and dosimetric impact. That investigation shall take into account all the environments liable to be affected and all types of exposure. The Member State concerned shall ensure that the necessary corrective action is taken to ensure that the water again meets the parametric values.*

*Member States shall also ensure that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited or its use restricted or such other action is taken as is necessary to protect human health. In such cases consumers shall be informed promptly thereof and given the necessary advice.*

**Amendment 16**  
**Proposal for a directive**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. Where the risk to human health cannot be regarded as trivial, the Member State shall ensure that consumers are *notified*.

*Amendment*

**3. *The Member State shall ensure that the results of the analyses are published and made openly available on the internet.***

Where the risk to human health cannot be regarded as trivial, the Member State shall ensure that consumers are ***warned as soon as possible and that alternative uncontaminated water supplies are provided without delay.***

**Amendment 17**  
**Proposal for a directive**  
**Article 9 a (new)**

**Article 9a**

***Information and reporting***

***1. Member States shall take the measures necessary to ensure that adequate and up-to-date information on the quality of water intended for human consumption is available to consumers and not only when a risk to human health cannot be regarded as trivial.***

***2. Each Member State with water systems located in areas that have potential sources of radioactive contamination - man-made or natural - shall include information on the concentrations of radioactive substances in water intended for human consumption in their triennial report on the quality of water intended for human consumption, as set out in article 13 of Directive 98/83/EC.***

***3. The Commission shall include in its report on the quality of water intended for human consumption in the Community, as set out in article 13 of Directive 98/83/EC, the findings of the Member States on radioactive substances in water intended for human consumption.***

**Amendment 18**

**Proposal for a directive**

**Article 10 – paragraph 1 – subparagraph 1**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after the date referred to in Article 11- specific date to be inserted by the Publications Office] at the latest. They shall forthwith communicate to the Commission the text of those

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after the date referred to in Article 11- specific date to be inserted by the Publications Office] at the latest. They shall forthwith communicate to the Commission ***and the European***

provisions.

***Parliament*** the text of those provisions.

## **Amendment 19**

### **Proposal for a directive Article 10 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

*Amendment*

2. Member States shall communicate to the Commission ***and the European Parliament*** the text of the main provisions of national law which they adopt in the field covered by this Directive.

## **Amendment 20**

### **Proposal for a directive Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 10a***

##### ***Review***

***At least every five years, the Commission shall review the Annexes in the light of scientific and technical progress and shall make proposals for amendments where necessary.***

## **Amendment 21**

### **Proposal for a directive Article 12**

*Text proposed by the Commission*

This Directive is addressed to the Member States.

*Amendment*

This Directive is addressed to the ***Commission, the European Parliament and the*** Member States.

## **Amendment 22**

**Proposal for a directive**  
**Annex II – point 1**

*Text proposed by the Commission*

A Member State is not required to monitor drinking water for tritium or radioactivity to establish total indicative dose where it is satisfied on the basis of other monitoring that the levels of both tritium and of the calculated total indicative dose are well below the parametric value. Monitoring drinking water for radon is not required where a Member State is satisfied on the basis of other monitoring that the levels of radon are well below the parametric value. In these cases, it shall communicate the grounds for its decision to the Commission, including the results of the other monitoring carried out.

*Amendment*

A Member State is not required to monitor drinking water for tritium or radioactivity to establish total indicative dose where it is satisfied on the basis of other monitoring that the levels of both tritium and of the calculated total indicative dose are well below the parametric value. Monitoring drinking water for radon is not required where a Member State is satisfied on the basis of other monitoring that the levels of radon are well below the parametric value. In these cases, it shall communicate the grounds for its decision to the Commission **and the European Parliament**, including the results of the other monitoring carried out.

**Amendment 23**

**Proposal for a directive**  
**Annex II – point 3 – subparagraph 3**

*Text proposed by the Commission*

Where results of other surveillance programmes or investigations than those required as provided in the first paragraph of this point are used to ensure compliance with this Directive, the Member State shall communicate the grounds for its decision to the Commission, including the relevant results of these monitoring programmes or investigations.

*Amendment*

Where results of other surveillance programmes or investigations than those required as provided in the first paragraph of this point are used to ensure compliance with this Directive, the Member State shall communicate the grounds for its decision to the Commission **and the European Parliament**, including the relevant results of these monitoring programmes or investigations. ***This should not be solely based on information from stakeholders.***

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	18.12.2012
<b>Result of final vote</b>	+: 40 -: 1 0: 4
<b>Members present for the final vote</b>	Gabriele Albertini, Amelia Andersdotter, Josefa Andrés Barea, Jean-Pierre Audy, Ivo Belet, Bendt Bendtsen, Maria Da Graça Carvalho, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Dimitrios Droutsas, Christian Ehler, Vicky Ford, Adam Gierek, Norbert Glante, András Gyürk, Fiona Hall, Jacky Hénin, Kent Johansson, Romana Jordan, Krišjānis Kariņš, Bogdan Kazimierz Marcinkiewicz, Angelika Niebler, Jaroslav Paška, Miloslav Ransdorf, Herbert Reul, Michèle Rivasi, Jens Rohde, Paul Rübig, Amalia Sartori, Salvador Sedó i Alabart, Francisco Sosa Wagner, Konrad Szymański, Britta Thomsen, Evžen Tošenovský, Claude Turmes, Marita Ulvskog, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras
<b>Substitute(s) present for the final vote</b>	António Fernando Correia de Campos, Andrzej Grzyb, Roger Helmer, Vladimír Remek, Peter Skinner

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	23.1.2013
<b>Result of final vote</b>	+: 61 -: 0 0: 1
<b>Members present for the final vote</b>	Martina Anderson, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sandrine Bélier, Lajos Bokros, Milan Cabrnoch, Martin Callanan, Nessa Childers, Yves Cochet, Esther de Lange, Anne Delvaux, Bas Eickhout, Jill Evans, Karl-Heinz Florenz, Elisabetta Gardini, Gerben-Jan Gerbrandy, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Jolanta Emilia Hibner, Karin Kadenbach, Christa Klauß, Eija-Riitta Korhola, Holger Krahmer, Peter Liese, Kartika Tamara Liotard, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Miroslav Ouzký, Gilles Pargneaux, Antonyia Parvanova, Pavel Poc, Frédérique Ries, Dagmar Roth-Behrendt, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Theodoros Skylakakis, Claudiu Ciprian Tănăsescu, Salvatore Tatarella, Thomas Ulmer, Åsa Westlund, Glenis Willmott, Marina Yannakoudakis
<b>Substitute(s) present for the final vote</b>	Margrete Auken, Minodora Cliveti, José Manuel Fernandes, Vicky Ford, Linda McAvan, Judith A. Merkies, Miroslav Mikolášik, Vittorio Prodi, Kārlis Šadurskis, Christel Schaldemose, Carl Schlyter, Birgit Schnieper-Jastram, Renate Sommer, Alda Sousa, Rebecca Taylor, Vladimir Urutchev, Kathleen Van Brempt, Andrea Zannoni
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Olle Ludvigsson