EUROPEAN PARLIAMENT 2009 - 2014

Committee on Industry, Research and Energy

2012/0074(NLE)

21.6.2012

DRAFT 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

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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

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.

Or. en

Amendment 2

Recital 6

Text proposed by the Commission	*Amendment*
(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.	(6) In the event of non-compliance with a parameter that has an indicator function ***and/or with the standards imposed by this Directive***, the Member State concerned should ***investigate the cause,*** assess whether that non-compliance poses any risk to human health and, where necessary, take remedial action ***as soon as possible*** to restore the quality of the water. ***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.***

Or. en

Amendment 3

Recital 7

Text proposed by the Commission	*Amendment*
(7) Consumers should be adequately and appropriately informed of the quality of water intended for human consumption.	(7) Consumers should be adequately and appropriately informed of the quality of water intended for human consumption ***and of any remedial actions taken by the competent authorities 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***.

Or. en

Amendment 4

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.

Or. en

Amendment 5

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.***

Or. en

Amendment 6

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 Groundwater directive and the Drinking Water Directive. Furthermore, the European 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[1] and 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[2] will take place a reference to this Directive should be made to fully protect all types of water against contamination of radioactive substances.

[1] OJ L 327, 22.12.2000, p. 1.

[2] OJ L 372, 27.12.2006, p. 19.

Or. en

Amendment 7

Article 2

Text proposed by the Commission	*Amendment*
For the purposes of this Directive, definitions laid down in Article 2 of	***1.*** For the purposes of this Directive, definitions laid down in Article 2 of

Council Directive 98/83/EC shall apply.	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.***

Or. en

Amendment 8

Article 3

Text proposed by the Commission	*Amendment*
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.	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) ***and 3(3)*** of that Directive.

Or. en

Amendment 9

Article 4

Text proposed by the Commission	*Amendment*
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.	***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.***

Or. en

Amendment 10

Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	2. Where a failure to comply with the parametric values laid down in ***this Directive*** occurs, the Member State shall assess ***as soon as possible*** 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. ***Priority shall be given to their enforcement action, 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. Whether or not any failure to meet the parametric values has occurred, Member States shall 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.***

Or. en

Amendment 11

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, and their triennial report on nuclear safety, as set out in article 9 of Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations[1].

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.

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[1] ***OJ L 172, 2.7.2009, p. 18.***

Or. en

Amendment 12

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.

Or. en

Amendment 13

Annex 2 – point 3 – paragraph 3

Text proposed by the Commission	*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, including the relevant results of these monitoring programmes or investigations.	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. ***This should not be solely based on information from stakeholders.***

Or. en