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Committee on Industry, Research and Energy

2003/0210(COD)

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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 directive of the European Parliament and of the Council
on the protection of groundwater against pollution
(COM(2003)0550 – C5-0447/2003 – 2003/0210(COD))

Draftsman: Reino Paasilinna

SHORT JUSTIFICATION

In the Water Framework Directive¹, which was adopted in 2000, some aspects of groundwater quality assessment were left out. This "daughter directive" aims at filling these gaps. The objective of the directive is to harmonise the monitoring of groundwater quality, in order to strengthen the prevention and control of groundwater pollution. The directive requires Member States to establish threshold values for pollutants, to assess and monitor the chemical status of groundwater and to take measures to reverse upward trends in pollution.

This directive can be welcomed. Groundwater is an important natural resource, which is used for drinking water, and by industry and agriculture, and should be protected for present and future use. However, some amendments are proposed in order to take into account the background levels of naturally occurring substances/pollutants and their variations due to natural conditions: In order to specifically target the pollution caused by human activity, Member States should take the natural background levels of substances/pollutants and their natural variations into consideration.

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:

Text proposed by the Commission²

Amendments by Parliament

Amendment 1

Recital 5

(5) Quality standards, threshold values, and assessment methods ***should be developed*** in order to provide criteria for the assessment of the chemical status of bodies of groundwater.

(5) ***The Member States should develop*** quality standards, threshold values, and assessment methods ***in the light of national and regional conditions*** in order to provide criteria for the assessment of the chemical status of bodies of groundwater.

Justification

In the spirit of the Water Framework Directive, the objective should be agreed at European level. The specific method for achieving it is better left to the Member States under the subsidiarity principle.

¹ OJ L 327, 22.12.2000, page 1

² OJ C ... / Not yet published in OJ.

Amendment 2

Recital 7 a (new)

(7a) Where possible, the Member States will make use of existing statistical procedures, so long as these are in accordance with international standards and contribute to long-term comparability among Member States of the results of monitoring.

Justification

Attention and energy should be concentrated on the achievement of the objectives. Unnecessary bureaucracy, such as the duplication of statistical procedures, should be avoided.

Amendment 3

Article 1, subparagraph 2

This Directive also establishes a requirement to prevent or limit indirect discharges of pollutants into groundwater.

(c) a programme of measures to be taken by Member States in order to prevent or limit indirect discharges of pollutants into groundwater.

Amendment 4

Article 1, Paragraph 2 a (new)

This Directive, which is a further development of Directive 2000/60/EC, presupposes that the Member States and authorities responsible for the sustainable management of water resources will take all necessary measures to characterise and review the state of underground water bodies. These measures, set out in Annexes II (Point 2), IV and V of Directive 2000/60/EC, include identifying the location and boundaries of the groundwater bodies, their geological and hydrological characteristics, capacity for recharge and recuperation, catchment areas, abstraction points and risks of overexploitation and pollution.

Justification

Since this proposal is a further development of Directive 2000/60/EC, it should be made clear that some of the instruments of the Framework Directive are necessary for adequate protection of groundwater.

Amendment 5 Article 2, paragraph 1

1. 'threshold value' means a concentration limit for a pollutant in groundwater, exceedance of which would cause a body of groundwater or groundwater bodies to be characterised as having poor chemical status.

1. 'threshold value' means a concentration limit for a pollutant in groundwater, exceedance of which would cause a body of groundwater or groundwater bodies to be characterised as having poor chemical status, ***taking into account the natural background level of that pollutant.***

Justification

In assessing threshold values for bodies of ground water, Member States should take into consideration the (local) background level for naturally occurring substances/pollutants.

Amendment 6 Article 2, paragraph 2

2. 'significant and sustained upward trend' means any statistically significant increase of concentration of a pollutant as compared to concentrations measured at the start of the monitoring programme referred to in Article 8 of Directive 2000/60/EC, taking into consideration quality standards and threshold values.

2. 'significant and sustained upward trend' means any statistically significant increase of concentration of a pollutant as compared to concentrations measured at the start of the monitoring programme referred to in Article 8 of Directive 2000/60/EC, taking into consideration quality standards, threshold values ***and variations resulting from natural conditions.***

Justification

An upward trend, which is merely the result of natural discharges related to geological conditions, should not be regarded as a trend that would require specific action.

Amendment 7 Article 4, paragraph 1

1. On the basis of the characterisation process to be carried out under Article 5 of

1. On the basis of the characterisation process to be carried out under Article 5 of

Directive 2000/60/EC and under sections 2.1 and 2.2 of Annex II thereto, in accordance with the procedure described in Annex II to this Directive, and taking account of the economic and social costs, Member States shall, by 22 December 2005, establish threshold values for each of the pollutants, which within their territory have been identified as contributing to the characterisation of bodies or group of bodies of groundwater as being at risk. Member States shall as a minimum establish threshold values for the pollutants referred to in parts A.1 and A.2 of Annex III to this Directive. These threshold values shall inter alia be used for the purposes of carrying out the review of groundwater status as provided for in Article 5.2 of Directive 2000/60/EC.

Those threshold values can be established at the national level, at the level of the river basin district or at the level of body or group of bodies of groundwater.

Directive 2000/60/EC and under sections 2.1 and 2.2 of Annex II thereto, in accordance with the procedure described in Annex II to this Directive, and taking account of the economic and social costs **and the latest scientific evidence**, Member States shall, by 22 December 2005, establish threshold values for each of the pollutants, which within their territory have been identified as contributing to the characterisation of bodies or group of bodies of groundwater as being at risk. Member States shall as a minimum establish threshold values for the pollutants referred to in parts A.1 and A.2 of Annex III to this Directive. These threshold values shall inter alia be used for the purposes of carrying out the review of groundwater status as provided for in Article 5.2 of Directive 2000/60/EC.

Those threshold values can be established at the national level, at the level of the river basin district or at the level of body or group of bodies of groundwater **identified as being at risk**.

Justification

It is essential that Member States, when fixing the threshold values, consider the latest scientific findings from areas such as medicine, toxicology, ecology, etc.

Further clarification that the threshold value only apply to bodies of groundwater characterised as being at risk.

Amendment 8

Article 4, paragraph 1 a (new)

1a. For bodies of groundwater situated within an international river basin district, the Member States concerned shall work out jointly - in the light of their specific national and regional conditions - quality standards, threshold levels and evaluation methods with a view to providing criteria for the evaluation of the chemical status of bodies of groundwater.

Should the Member States be unable to

reach agreement, they may submit the problem, pursuant to Article 12 of Directive 2000/60/EC, to the Commission, which shall have six months to reply.

Justification

Disagreement between Member States must not lead to inaction.

Amendment 9

Article 5

1. In order to identify trends and define starting points for reversing such trends, the Member States must have monitoring programmes, as laid down in Article 8 of Directive 2000/60/EC, to monitor all extraction points of water for human and agricultural consumption, in particular extraction points for more than 50 people, make an inventory of them and list them in a transparent and accessible register.

Member States shall identify any significant and sustained upward trend of concentrations of pollutants found in bodies of groundwater, or groups of bodies, and define the starting point for reversing that trend, in accordance with Annex IV to this Directive.

2. Member States shall identify any significant and sustained upward trend of concentrations of pollutants found in bodies of groundwater, or groups of bodies, ***resulting from the impact of human activity*** and define the starting point for reversing that trend, in accordance with Annex IV to this Directive.

Member States shall identify any significant and sustained upward trend of concentrations of pollutants found in bodies of groundwater, or groups of bodies, and define the starting point for reversing that trend, in accordance with Annex IV to this Directive.

3. Member States shall identify any significant and sustained upward trend of concentrations of pollutants found in bodies of groundwater, or groups of bodies, and define the starting point for reversing that trend, in accordance with Annex IV to this Directive.

4. In line with the principle of integrated management of surface water and groundwater, the competent authorities must monitor any possible overexploitation of aquifers and the effects of lowering of the water table on concentrations of pollutants in groundwater, on wetlands and protected areas, and if necessary propose artificial recharging of the relevant body of

groundwater.

Justification

The Member States must implement the Water Framework Directive if they are to meet the requirements of the new proposal. They can identify trends only if they have adequate, rigorous and transparent systems for monitoring groundwater.

The request to identify and reverse significant and sustained upward trends of pollutants cannot be realised in all cases, for example where the trends is a result of natural discharges related to geological conditions.

Amendment 10

Article 6, Paragraph 1

6. In addition to the basic measures set out in Article 11(3) of Directive 2000/60/EC, Member States shall ensure that the programme of measures for each river basin district includes the prevention of indirect discharges to groundwater of any of the pollutants referred to in points 1 to 6 of Annex VIII to that Directive.

6. In addition to the basic measures set out in Article 11(3) of Directive 2000/60/EC, Member States shall ensure that the programme of measures for each river basin district includes the prevention of indirect discharges to groundwater of any of the pollutants referred to in points 1 to 6 of Annex VIII to that Directive. ***The Member States shall encourage those initiating and responsible for development of human activity and expansion of inhabited areas to participate in the process of public information and consultation set out in Article 14 of Directive 2000/60/EC, as they must be aware of the future impact of their economic activities on the consumption and use of groundwater. The Member States shall ensure that this information is made available to the public in order to obtain their comments and ensure their awareness of concessions for exploitation and the state of the aquifers.***

Justification

A minimum guarantee of sustainability of the aquifers, which in many cases are a resource which is difficult to renew, requires that before they are used, the needs of the economic initiatives that will use the water must be identified, so that their viability and impact can be calculated. Similarly, management to date shows that it is important that all users are aware of concessions, permits and the state of the aquifers, in line with the requirements of the transparent and participative management that the Water Directive envisages.

Amendment 11

Article 6 a (new)

6a. Pursuant to Article 9 of Directive 2000/60/EC, the Member States shall take measures to pass on the costs of ground water pollution to the polluters.

Where the production or use of products traded on the internal market is the source of the pollution, the Commission shall take initiatives with a view to setting an appropriate and fair charge on the source of such pollution.

Justification

The Water Framework Directive requires the Member States to pass on the cost of water use in accordance with the 'polluter pays' principle. Before 2010 the Member States must provide information on the manner in which this is being done. The use of chemical weedkillers by individuals and local authorities is a major source of water pollution. Even the allegedly environmentally friendly alternatives are still very harmful to the groundwater, though they are less damaging to soil life.

Amendment 12

Article 8, Paragraph 1 a (new)

In order to identify areas of future industrial and urban development and ensure the security and quality of trend reversals, it is important that the Member States establish a joint methodology to register aquifers with a view to the development of the Inspire programme. To this end, the Member States shall start to compile data as soon as this Directive comes into force.

Justification

There is a need to establish a methodology for collecting data with a view to introduction of the Inspire programme for digitising bodies of groundwater, which is currently being considered in Parliament. The Member States must therefore start to be involved in data collection methodology.

Amendment 13

Annex I, table, line 3, column 3 (new)

This should not apply to naturally occurring substances registered as active ingredients for biocidal products, and for which the natural background level is higher than the proposed quality standard

Justification

Some active ingredients authorised for use in biocidal products are naturally occurring substances (e.g. sodium chloride, iodine, silver, copper, etc.). Therefore, in the environments where such natural substances occur, their presence in the neighbouring groundwater is much higher than the proposed limit of 0.1 µg/l. This would just reflect the natural background. More so, sodium chloride (salt for cooking) and iodine are massively present in sea water. Therefore, it make no sense to impose a limit value for these naturally occurring substances, even if they are authorised for use in biocidal products.

Amendment 14

Annex III, part B, section 2.3

2.3) The manner in which economic and social costs were taken into account in establishing the threshold values.

2.3 The reasoning for the manner in which the economic and social costs are taken into account when assessing measures aimed at achieving good groundwater chemical status.

Justification

Economic and social costs should not be a consideration for establishing threshold values, but should be considered in assessing the measures which may be taken to achieve a good status.

PROCEDURE

Title	Proposal for a European Parliament and Council directive on the protection of groundwater against pollution
References	COM(2003)0550 – C5-0447/2003 – 2003/0210(COD)
Committee responsible	ENVI
Enhanced cooperation	[COOPNO]
Draftsman Date appointed	Reino Paasilinna 21.9.2005
Discussed in committee	30.11.2004 14.12.2004 18.1.2005 25.1.2005
Date amendments adopted	25.1.2005
Result of final vote	for: 45 against: 0 abstentions: 3
Members present for the final vote	Richard James Ashworth, Ivo Belet, Šarūnas Birutis, Renato Brunetta, Joan Calabuig Rull, Pilar del Castillo Vera, Giles Chichester, Lena Ek, Adam Gierek, Umberto Guidoni, András Gyürk, Fiona Hall, David Hammerstein Mintz, Rebecca Harms, Ján Hudacký, Romana Jordan Cizelj, Werner Langen, Anne Laperrouze, Pia Elda Locatelli, Eluned Morgan, Reino Paasilinna, Pier Antonio Panzeri, Vincent Peillon, Umberto Pirilli, Vladimír Remek, Herbert Reul, Paul Rübig, Andres Tarand, Patrizia Toia, Claude Turmes, Nikolaos Vakalis, Alejo Vidal-Quadras Roca, Dominique Vlasto
Substitutes present for the final vote	María del Pilar Ayuso González, Daniel Caspary, Jan Christian Ehler, Norbert Glante, Edit Herczog, Mieczysław Edmund Janowski, Peter Liese, Lambert van Nistelrooij, Francisca Pleguezuelos Aguilar, Vittorio Prodi, Bernhard Rapkay, Esko Seppänen, Peter Skinner, Hannes Swoboda, Marilisa Xenogiannakopoulou
Substitutes under Rule 178(2) present for the final vote	
Comments: also present for the final vote	John Purvis