



## Preliminary EEB Position on a new EU Groundwater Directive In view of Parliament's second reading

### ***Key demands to avoid an environmental roll-back***

Brussels, 24<sup>th</sup> Nov 2005

#### **Introduction**

The Common Position (CP) of Member States introduces several changes to the Commission proposal for a new Groundwater Directive. Several of these contradict the position adopted at the EP's first reading and undermine the key elements of the existing groundwater protection regime established by Groundwater Directive 1980/68 (GWD) and the Water Framework Directive 2000/60 (WFD). This at a time when results of the WFD Article 5 analysis underlines how pollution continues to threaten most of Europe's groundwater.

In light of this threat, reducing protection should not be an option. Therefore, the EEB makes 5 central recommendations in the framework of the second reading of the Parliament. These will prevent weakening of the existing groundwater protection regime and to avoid further deterioration of our most important drinking water source and vulnerable ecosystem.

With its support of Recital 13) and its amendment to it<sup>1</sup> the European Parliament has given a clear signal that a roll-back of protection of groundwater is no acceptable and that therefore relevant legal provision should be incorporated into this new Directive.

#### **1. Avoid weakening of the existing "prevent " approach to pollution**

We believe that neither Council nor EP have fulfilled all the requirements of Art. 17 WFD to propose specific measures to prevent the input of the most hazardous substances into groundwater while limiting all others.

A strict requirement to guarantee the identification and listing of *all* hazardous pollutants, including those listed in WFD Annex VIII is still missing, as is a provision to ensure verifiable measures to prevent the input of such hazardous substances and to limit all other pollutants.

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<sup>1</sup> Recital 13) By virtue of Article 22(2), third indent, of Directive 2000/60/EC, Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution by certain dangerous substances<sup>1</sup> will be repealed with effect from 22 December 2013. It is necessary to ensure the continuity of the protection regime set up by Directive 80/68/EEC with regard to both direct and indirect discharge of pollutants into groundwater by also establishing a link with relevant provisions of Directive 2000/60/EC **or by incorporating them into this Directive in order to maintain the legal position.**

*As a minimum to avoid roll-back from existing protection we recommend to:*

- **reject CP's wording 'aim to' prevent the input of pollutants – Art. 6.1 (a) [delete words 'aim to']**
- **reject CP's additional exemptions not provided for in GWD & WFD – delete Art. 6.2 & Art. 6.3 (e) – (f)**
- **accept CP's proposal to extend the list of prevent substances last part sentence of Art. 6.1 (a)**
- **reject last sentence of article 6.1 "For the purpose of establishing measures ... Member States may... identify the circumstances under which the pollutants ...are to be considered hazardous or non hazardous" as the classification of a substances as "hazardous" is independent from whatever circumstances according to existing EU classification rules**
- **accept all other points of CP on article 6**

## **2. Reject exemptions of applicability of the nitrate standard to agriculture**

CP's exemption of nitrates pollution from agriculture from the proposed 50 mg/l standard undermine the standards enforceable across the EU. The EP has adopted amendment 60 which clarifies that the standard of 50 mg/l has to be applied regardless of the origin of the inputs. Parliament has also refused to introduce any new exemptions for agriculture. Instead of new exemptions for agricultural inputs, the existing provisions laid down in the WFD article 4.4, 4.5, 4.6 should be followed thus creating a common approach for all sectors of industry and agriculture.

*We therefore recommend to:*

- **reject CP exemption of agricultural nitrates pollution from the Nitrate standard – Annex I – and maintain Amd 60 (from EP's 1st reading)**
- **reject CP's exemption of agricultural nitrates pollution from the starting point for trend reversal at 75% of relevant quality standard – Annex IV 2.1 last sentence and maintain EP's 1st reading position**

## **3. Maintain a strict obligation to reverse upward pollution trends**

To avoid further deterioration of groundwater it is necessary to reverse any significant upward trend in pollutant concentration.

*We therefore recommend to:*

- **reject CP's proposal that weakens the obligation to reverse pollution trends – Annex IV 2.1 b), c) and last sentence and support the relevant Commission's proposal for Annex IV 2.1. including EP Amds 81 and 82**

#### **4. Ensure sufficient, comparable threshold values/ quality standards and assessment of groundwater status**

Quality standards/threshold values contribute to defining the good status of groundwater. An EU-wide comparable level of protection can only be guaranteed through common procedures for establishing strict quality standards for all relevant pollutants, as well as provisions for interpreting individual monitoring results.

*We therefore recommend to:*

- **reject CP's Annex II Part. A and maintain EP's proposal for Annex II (amd 65, although we do not think that it is a robust solution) and Article 3 (Amd 27) requiring the establishment of threshold values/quality standards based on toxicological criteria (to be incorporated in Art. 3)**
- **maintain EP's new article 6 (Amd 36) to regularly revise quality standards**
- **support CP's proposal regarding Article 4.2b) and Annex III as the better option than Parliament's (Amd 28 & 29 to article 3)**

#### **5. Acknowledge the value of groundwater ecosystems**

Groundwater is a vulnerable ecosystem with essential functions, one which is to purify water and therefore to contribute to good quality of drinking water. This ecosystem should be mentioned in the Directive.

- **Reject CP's proposal regarding recital 1 and maintain EP's Amdments 2 and 95 to consider the protection of groundwater in its own right as well as the groundwater ecosystem**

#### **For further information please contact**

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