



Directive of the European Parliament and the Council on the protection of groundwater against pollution

Austrian presidency views



Background

- The **Commission** adopted its proposal for a Directive on 28 October 2003.
- The **European Parliament** adopted its first-reading opinion on 28 April 2005.
- The **Commission** transmitted the amended proposal on 22 June 2005
- The **Council** adopted its common position on 23 January 2006 (after reaching political agreement in June 2005).
- Communication from the **Commission** to the European Parliament on 10 February 2006



Groundwater protection - objectives

- Groundwater is an **important natural resource** which provides water for
 - human consumption (drinking water),
 - Agriculture
 - and industry.
- Groundwater plays a key role, especially in periods of drought, in **preserving aquatic and terrestrial ecosystems**.
- **Particular emphasis on prevention** as groundwater quality is generally long and difficult to restore, even once the source of pollution has been removed.



Current regulations

The protection of groundwater against pollution is currently regulated under:

- **Directive 80/68/EEC**, to be repealed in 2013,
- **Directive 2000/60/EC**: the Water Framework Directive (WFD).



Purpose of the new directive

- The Directive establishes specific measures as provided for in **Article 17 WFD-Directive** in order to prevent and control groundwater pollution:
 - (a) criteria for the assessment of **good chemical status**; and
 - (b) criteria for the identification and reversal of significant and sustained **upward trends** and for the definition of starting points for trend reversals.
- The Directive complements the **provisions preventing or limiting inputs of pollutants** into groundwater already contained in Directive 2000/60/EC, and aims to prevent the deterioration of the status of all bodies of groundwater.



Criteria for status assessment

Criteria for the assessment of the chemical status:

- (a) **groundwater quality standards** as referred to in Annex I;
- (b) **threshold values** to be established by Member States

Threshold values will be established in such a way that, should the monitoring results at a representative monitoring point exceed the thresholds, this will indicate a risk that one or more of the conditions for good groundwater chemical status are not being met.

Quality assessment procedure

No “One of all out” principle; Good status despite exceedance at one or more monitoring points, when:

- concentrations are not considered to present a **significant environmental risk**, taking into account, the extent of the affected body of groundwater;
- the ability of the groundwater to **support human uses** has not been significantly impaired by pollution.
- environmental objectives for **associated surface waters** or directly dependent **terrestrial ecosystems** are being met,
- where appropriate, the requirements of Article 7(3) of Directive 2000/60/EC are being met (**drinking water**).

Quality assessment procedure

- Member States shall publish a **summary of the assessment** of groundwater chemical status in the WFD-Article 13 **river basin management plans**.
- This summary shall also include an explanation as to the manner in which **exceedances** of groundwater quality standards or threshold values **at individual monitoring** points have been taken into account in the final assessment.
- Member States shall **take measures** necessary to protect aquatic and terrestrial ecosystems and human uses of groundwater dependent on the **part of the body** of groundwater represented by the monitoring point at which the value for a groundwater quality standard or the threshold **value has been exceeded**.



Trend identification and reversal

- Member States shall **identify any significant and sustained upward trend.**
- Member States shall **reverse trends** which present a significant risk of harm through the programme of measures.
- Member States shall **define the starting point** for trend reversal as a percentage of the level of the groundwater quality standards and of the threshold values.
- Additional trend assessments for **plumes from contaminated sites.**



Prevent and limit provisions

- the programme of measures according to with Article 11 WFD Directive shall include
- all measures necessary to aim to **prevent inputs** into groundwater of any hazardous substances – all substances in points 1 to 6 of Annex VIII WFD and hazardous substances in points 7 to 9 of Annex VIII
- All measures necessary to **limit inputs** into groundwater for non-hazardous substances which present an existing or potential risk of pollution.
- **Exemptions**: e.g. loads are so small that deterioration can be obviated; disproportionately costly measures



Main outstanding issues / 1

- Coherence with **action programmes** of the **Nitrates Directive**
- **Equal standards** in Nitrates Directive and Groundwater Directive (50 mg/l)
- Nitrates Directive requires reduction of pollution in order to meet 50 mg/l but contains **no specific time limit** as compared to WFD (2015), but WFD also allows exemptions (extension of time limits and/or less stringent standards) under certain conditions.

Main outstanding issues / 2

Commission statement

In a written statement the **Commission** confirmed that:

- The Commission will continue to **pursue the full and correct implementation** of the Nitrates Directive in the Member States, including, where appropriate, recourse to the infringement procedures provided for under the Treaty.
- By March 2007, in accordance with Article 18(3) of the Water Framework Directive, the Commission will publish its first **progress report on the implementation** of that Directive.

Main outstanding issues / 3

Commission statement

In this report, the Commission will examine the issue of nitrate pollution and in particular the need to ensure:

- (i) maximum **coherence** in the implementation of the Nitrates Directive, the Water Framework Directive and the present Directive,
- (ii) a **high level of protection** from nitrate pollution for all groundwater bodies used as sources of **drinking water** supply, and
- (iii) that the **general objectives of Article 4** of the Water Framework Directive (achievement of good status by 2015) can be respected.



Main outstanding issues / 4

- **Groundwater protection as such** / groundwater ecosystem:
 - not foreseen in WFD
- **Pollution – deterioration:**
 - Combination of trend identification and reversal provisions and prevent and limit provisions prevents topping up (filling up), but on the other side
 - sustainable human development has to be possible.
- **National treshhold values / revision**
 - EU wide treshholds are difficult due to differences in local situations (associated surface waters, human uses).
 - Possible revision of treshhold list.



Thank you for your kind attention