

EUROPEAN PARLIAMENT**Working Documents****1978 - 1979**

27 October 1978

DOCUMENT 403/78

Report

drawn up on behalf of the Committee on the Environment, Public Health and
Consumer Protection

on the proposal from the Commission of the European Community to the
Council (Doc. 545/77) for a Directive on the protection of groundwater against
pollution caused by certain dangerous substances

Rapporteur: Mrs V. SQUARCIALUPI

1.2.1.

By letter of 8 February 1978 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a Directive on the protection of groundwater against pollution caused by certain dangerous substances.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible.

On 22 February 1978, the committee appointed Mrs Squarcialupi rapporteur.

The committee considered the draft report at its meetings of 19/4/78, 26/4/78, 19/6/78, 25/9/78 and on 18/10/78 it unanimously adopted the motion for a resolution.

Present: Mrs Krouwel-Vlam, Chairman; Mrs Squarcialupi, rapporteur; Mr Andersen, Mr Brégégère, Mr Brown, Lord Kennet, Mr Lamberts, Mr McDonald, Mr Willi Müller, Mr Noe', Lord St. Oswald, Mr Verhaegen.

The rapporteur will give the explanatory statement orally.

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a **Directive on the protection of groundwater against pollution caused by certain dangerous substances**

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council (Doc. 545/77);
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 403/78);
1. Stresses the importance and urgency of proper protection of groundwater, which provides 70% of the Community's water requirements;
 2. Considers that this Directive must respect the principle set out in the Council resolution of 17 May 1977² which states that 'the best ecological policy is to avoid pollution and other disturbances in the first place instead of fighting their effects later on;'
 3. Approves the appeal to Member States to take more stringent measures than those provided for under the Directive but regrets that the Commission has not shown such stringency in its proposal;
 4. Considers that effective protection of groundwater resources requires provisions to prevent any risk of deterioration of the natural characteristics of such water;
 5. Maintains, furthermore, that special measures should be taken for the protection of groundwater in karst zones which are extremely vulnerable to pollution;

¹ OJ No. C 37 of 14.2.1978, p.3

² OJ No. C 139 of 13.6.1977, p.1

6. Notes a number of terminological inaccuracies in the Directive which could lead to ambiguities of interpretation and also calls for a more precise definition of the concept of 'normal agricultural activities' and of waters 'unusable for any purpose';
7. Invites the Commission to submit, as soon as possible, proposals for a directive on discharges from agricultural activities;
8. Is astonished that the proposal for a directive allows, even subject to prior authorization, indirect discharge of the substances on the 'black list', and considers that revision of Lists I and II of the substances is essential to ensure genuine protection for groundwater;
9. Maintains that the practice of replenishing aquifers is useful for improving water supplies and that as such, it should be permitted, subject to control by the authorities of the individual Member States;
10. Expresses the view that groundwater should be monitored and regulated in conjunction with the surface water which feeds it;
11. Considers it advisable for controls to be carried out by the appropriate authorities in the Member States to ascertain the purifying capacity of the soil and subsoil and the quality of the water receiving the discharge;
12. Considers that information on the nature, quantity and concentration of the substances contained in the discharge and the place at which the discharge is being made should not be kept secret and that consequently the directive should make specific provision for the disclosure of such information;
13. Considers that efforts should be made to encourage a different approach to environmental problems by establishing a balance between industrial development and protection of the environment and public health, having regard also to the large number of unemployed in the Member States for whom jobs could be created through environmental protection programmes and anti-pollution measures as shown by studies carried out by the Commission¹ and the programmes to combat unemployment submitted to the Tripartite Conference²;
14. Invites the Commission, pursuant to Article 149, second paragraph, of the EEC Treaty, to incorporate the following amendments in its proposal:

¹ E N V/185/78 - DE

² V/825/78 - FR

Council directive on the protection of groundwater against
pollution caused by certain dangerous substances

Preamble unchanged

Recitals 1 to 5 unchanged

Recital 6

Whereas substances discharged are, by virtue of the purifying capacity of the soil and subsoil, subjected to processes capable of reducing their pollutant capacity; whereas a distinction should therefore be made between direct and indirect discharge into the groundwater;

Recital 7

Whereas, in order to ensure effective protection of the groundwater of the Community, it is necessary to prohibit the direct discharge of the substances enumerated in List I and to make the indirect discharge of the substances on this List and the direct or indirect discharge of the substances on List II subject to prior authorization;

Recital 8

Whereas the following should be excluded from the scope of this Directive: domestic effluent from isolated dwellings, on account of the low risk of pollution and the difficulty of controlling the discharge of such effluent; wastes arising from normal agricultural activities; wastes generated by the titanium dioxide industry, which will be the subject of special Community rules; radioactive substances and wastes, since they are already covered by Council Directive 76/579/EEC of 1 June 1976 laying down the revised basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation;

¹OJ No. L187 of 12.7.1976, p.1

Recital 6

Whereas, by virtue of the purifying capacity of the soil and subsoil, substances discharged may be subjected to processes which reduce their pollutant capacity; whereas the existence of this capacity should be verified and monitored in order to avoid any risk of pollution of the groundwater;

Recital 7

Whereas, in order to ensure effective protection of the groundwater of the Community, it is necessary to prohibit the discharge of the substances on List I and to make all direct and indirect discharges of the substances on List II subject to prior authorization;

Recital 8

Whereas the following should be excluded from the scope of this Directive: domestic effluent from isolated dwellings, on account of the low risk of pollution and the difficulty of controlling the discharge of such effluent; wastes arising from normal agricultural activities which will be the subject of special Community rules; wastes generated by the titanium dioxide industry which are already covered by Council Directive 78/176/EEC of 20 February 1978¹, radioactive substances and wastes, since they are already covered by Council Directive 76/579/EEC of 1 June 1976 laying down the revised basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation²;

¹OJ No. L54 of 25.2.1978, p.19

²OJ No. L187 of 12.7.1976, p.1

*For complete text, see OJ No. C37 of 14.2.1978, p.3

TEXT PROPOSED BY THE COMMISSION
OF THE EUROPEAN COMMUNITIES

Recital 9

Whereas exceptions should be permitted to allow certain dangerous substances to be removed from the ecosystem, 'discharge' of which into aquifers isolated from the biosphere is effective and ecologically harmless;

Recital 10

Whereas it is necessary to provide for other exceptions to the prohibition on the direct discharge of substances on List I in view of the scientific and practical benefit which certain discharges may offer, or because they do not affect groundwater quality;

3 remaining recitals unchanged

Article 1

1. unchanged

2. For the purposes of this Directive:

(a) 'groundwater' means all water which is below the surface of the ground in the water saturation zone and in direct contact with the ground;

AMENDED TEXT

Recital 9

Whereas exceptions should be permitted to allow certain dangerous substances to be removed from the ecosystem, 'discharge' of which into aquifers unusable for any present or future purpose is effective and ecologically harmless;

Recital 10

Whereas it is necessary to provide for other exceptions to the prohibition on the direct discharge of substances on List I in view of the scientific and practical benefit which certain discharges may offer, or because they do not affect groundwater quality precisely since they only contain traces of such substances;

10 a. - new recital

Whereas replenishment of groundwater for the purpose of improving water supplies, carried out under the permanent supervision of the appropriate authorities in the Member States, guarantees continuous supplies for the population;

10 b. - new recital

Whereas, in view of their vulnerability to pollution, karst soil and subsoil require special protection measures;

Article 1

1 a.

The Member States shall take all possible measures to ensure that the discharge into groundwater of the substances on Lists I and II is prohibited or strictly limited.

2. For the purposes of this Directive:

(a) 'groundwater' means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground; (one word deleted)

(b) unchanged

(c) 'direct discharge' means the introduction into the groundwater of substances in Lists I or II without passage through the ground;

(d) 'indirect discharge' means the introduction into the groundwater of substances in Lists I or II after passage through the ground.

(c) 'direct discharge' means the introduction into the groundwater of substances in Lists I or II without seepage through the ground;

(d) 'indirect discharge' means the introduction into the groundwater of substances in Lists I or II after seepage through the ground;

(e) 'traces' mean concentrations of a substance on List I still remaining after the wastes have been treated with the best technical means available, in quantities which exclude any risk of pollution or alteration of the natural qualities of the groundwater;

(f) 'normal agricultural activities' mean the use of substances which are specifically required for agricultural production in quantities recommended by the appropriate authorities of the Member States. This excludes all agricultural-industrial activities such as intensive livestock breeding.

Article 2

This Directive shall not apply to the following discharges:

- domestic effluents from isolated dwellings;
- discharges arising from normal agricultural activities;
- discharges of the titanium dioxide industry;
- discharges containing radioactive substances;

Article 2

This Directive shall not apply to the following discharges:

- unchanged
- unchanged
- unchanged
- unchanged
- in so far as the above involve seepage through banks or infiltration into surface water intended for subsequent use as drinking water

Article 3

1. The Member States shall prohibit all direct discharge of substances in List I.

2. Notwithstanding the foregoing provision, Member States may, under a system of prior authorization, provide for exceptions in the case of:

(a) discharges into aquifers which are isolated from the biosphere and unusable for any purpose, especially domestic or agricultural;

(b) unchanged

(c) discharges due to the injection of waste water used in the exploration for, and working of, resources contained in the ground and discharge due to the exploitation of these resources;

(d) and (e) unchanged

Article 4

The Member States shall make all indirect discharges of substances in List I and all direct and indirect discharges for substances in List II subject to prior authorization.

Article 5

The authorizations referred to in Articles 3(2) and 4 may be granted only after consideration of the hydrogeological conditions of the area concerned and on condition that any significant risk of pollution is eliminated. The authorizations may be amended or withdrawn.

Article 3

1. The Member States shall prohibit all direct and indirect discharge of substances in List I.

2. Notwithstanding the foregoing provision, Member States may, under a system of prior authorization, provide for exceptions in the case of:

(a) discharges into aquifers which are permanently unusable for other purposes, especially domestic or agricultural, provided that such discharges do not harm the quality of other water resources and do not hinder the exploitation of other natural resources;

(c) change not affecting the English text

(f) discharges containing only traces of substances in Lists I and II.

Article 3a

The Member States shall prohibit all direct and indirect discharge of the substances on Lists I and II in areas where the groundwater is at present used, or will be used in future, as drinking water

Article 4

The Member States shall make all direct and indirect discharges of substances in List II subject to prior authorization (9 words deleted).

Article 4a

The Member States shall make discharges for the purpose of improving water supplies through replenishment of groundwater subject to prior authorization.

Article 5

The authorizations referred to in Articles 3(2) and 4 may be granted only after consideration of the hydrogeological conditions of the area concerned and of the purifying capacity of the soil and subsoil and on conditions that any significant risk of pollution or of alteration of the natural qualities of the groundwater is eliminated. The authorizations may be amended or withdrawn.

TEXT PROPOSED BY THE COMMISSION
OF THE EUROPEAN COMMUNITIES

AMENDED TEXT

Article 6

1. The authorizations granted for the discharges referred to in Article 3(2) and for the indirect discharges of substances in List I and the direct discharges of substances in List II shall be subject to supplementary requirements.

2. The authorizations shall specify in particular:

- place of discharge,
- method of discharge,
- essential precautions in each individual case, taking particular account of the nature and concentration of the substances contained in the discharge and the characteristics of the receiving environment.

3. unchanged

Articles 7, 8 and 9 unchanged

Article 10

1, 2 and 3 unchanged

4. The provisions of paragraphs 2 and 3 of this Article shall not prevent publication of general information or surveys not containing data relating to particular undertakings or associations of undertakings.

Article 11

The application of the measures taken pursuant to this Directive may on no account be permitted to increase, either directly or indirectly, the pollution of groundwater.

Remaining articles: unchanged

Article 6

1. Deleted.

2. The authorizations shall specify in particular:

- place of discharge,
- method of discharge,
- essential precautions in each individual case, taking particular account of the nature and concentration of the substances contained in the discharge and the characteristics of the receiving environment,
- measures for control of the quality of the receiving groundwater.

4. Authorizations granted for the discharge into karst water of substances in Lists I and II shall lay down special protection measures made necessary by the vulnerability of such water.

Article 10

4. The provisions of paragraphs 2 and 3 of this Article shall not prevent publication of information concerning the nature, quantity and concentration of the substances and the place of discharge.

Article 11

The application of the measures taken pursuant to this Directive may on no account be permitted to cause, either directly or indirectly, the pollution of groundwater or the alteration of the natural qualities of such water.

List I of families and groups of substances

Preamble and 1 to 7 unchanged

8. chromium
9. lead and its compounds
10. arsenic and its compounds
11. cyanides

List II of families and groups of substances

Preamble unchanged

1. unchanged
 2. unchanged
 3. Substances which have a deleterious effect on the taste and/or odour of groundwater, and compounds liable to cause the formation of such substances in water.
 4. and 5. unchanged
 6. Delete Cyanides
 7. unchanged
1. Delete 4. chromium; 5. lead; and 7. arsenic
 3. Substances which have a negative effect on the taste and/or odour of groundwater, and compounds liable to cause the formation of such substances in water, thus making it unsuitable for human consumption.