



# **EU-Groundwater Directive**

## **Position of German Environmental NGO's on Amendments No. 1-227 of the Draft Report by Christa Klaß, 29.10.2004 and 20.12.2004**

Date: 02-02-2005

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## *EU-Directive on the Protection of Groundwater against Pollution –*

**Position of German environmental NGOs on Amendments No. 1 – 227 of the Committee on the Environment, Public Health and Food Safety (Report by Christa Klass, 29.10.2004 and 20.12.2004)**

Prepared for the ENVI-Committee meeting in March/April 2005

2.2.2005

|            | <b>No.</b> | <b>Yes/no</b>         | <b>reference</b> | <b>content</b>   | <b>justification/discussion points</b>  |
|------------|------------|-----------------------|------------------|--|---|
|            | <i>1-8</i> |                       |                  | <i>amend recitals</i>  |   |
|            | <b>1</b>   | Yes                   | 1 (1)            | take into account the prevention of deterioration, edits German translation            | more appropriate  |
|            | <b>2</b>   | Yes                   | 2 a new          | level of groundwater protection must be at least comparable to that for surface waters | minimum;<br>in general, groundwater needs better protection, pristine groundwater should be considered<br>linked with 36  |
|            | <b>3</b>   | Yes                   | 3                | consider all pollutants  |   |
|            | <b>4</b>   | Yes                   | 4                | "indicative" provisions instead of "extensive"   |   |
| <b>!</b>   | <b>5</b>   | <b>No</b>             | <b>5</b>         | <b>"community must make a financial contribution" to achieve goals</b>                 | <b>no such provisions in the existing legislation. Could set a very dangerous precedent and undermine polluter pays principal.</b>  |
| <b>(!)</b> | <b>(6)</b> | <b>No</b>             | <b>5 a</b>       | <b>replaced by Am. 73</b>  | <b>(original version of Am. 6 introduces compensation payments and undermines polluter pays principle and the existing Nitrates Directive)</b>  |
|            | <b>7</b>   | Yes<br>see<br>comment | 7                | aims to clarify that old GWD is fully incorporated                                     | The wording is accepted if it intends the following aim:<br>The new Groundwater Directive should also integrate the requirements of 80/68/GWD <i>and</i> the obligations of WFD, if they are more strict. |

|          |               |   |                    |  |   |
|----------|---------------|---|--------------------|--|---|
|          | <b>8</b>      | Yes   | 7a new             | replaced by <b>Am. 75</b>  |   |
|          | <b>9 - 28</b> |   |                    | <i>Amend Articles 1 – 6</i>  |   |
|          | <b>9</b>      | Yes   | 2 (1)              | "groundwater quality standards" (instead of "threshold values")  | no need to introduce a new term   |
|          | <b>10</b>     | No<br>Second<br>best if<br><b>Am. 80</b><br>fails | 2 (3)              | aims to clarify "indirect discharges" as including emissions and losses  | <b>better option: Am. 80</b> which substitutes "inputs" for "indirect discharges"   |
| <b>!</b> | <b>11</b>     | <b>Yes</b>  | <b>2 (3) a new</b> | <b>defines "deterioration" as ""slight increase" (identical with Am. 99)</b>   |   |
| <b>!</b> | <b>12</b>     | <b>no</b><br><br><b>yes only if 149/150 fails</b> | <b>2 (3) b new</b> | <b>defines "historical contaminated sites"</b>   | <b>appears necessary in connection with insufficient regulation in Annex IV 1.4 (identical with Am. 42 of the Committee on Agriculture)</b><br><br><b>however: unclear term "historical contaminated sites" will cause delays; introduces a new option for derogations (WFD option for derogations is sufficient)</b> |
|          | <b>13</b>     | Yes   | 3 Title            | edits wording  |   |
|          | <b>14</b>     | No ?  | 3 Introduction     | procedure of monitoring/classification only for groundwater bodies at risk   | not sufficient enough   |
| <b>!</b> | <b>(15)</b>   | <b>Yes</b>  | <b>3 a</b>         | <b>"naturally geologically determined levels" as quality standards</b><br><br><b>there are two differing Am. by C. Klass on this; 15 and 106</b> | <b>original Am. 15 is the better option than new Am. 106</b><br><b>(in case of no: 107 is better option then 106)</b>   |
| <b>!</b> | <b>16</b>     | <b>Yes</b>  | <b>3 (1) a new</b> | <b>clarifies that quality standards have to be based on human and ecotoxicological criteria</b>  | <b>linked also to Am. 36</b><br><br><b>editorial mistake: cross reference not correct (WFD Art. 2 paragraph 33, not 3)</b>  |

|               |      |     |             |  |   |
|---------------|------|-----|-------------|--|---|
| !             | 17   | No  | 3 (1) b new | introduces "expert verification" to judge whether single measuring point are representative for the body of groundwater  | it should be guaranteed that measuring points within a monitoring program are representative<br><br>all data have to be included in status classification<br><br>Am. 30 introduces a derogation clause for small areas which fail to meet quality standards |
|               | 18   | Yes | 4 Title     | deletes "threshold values"/edits wording   |   |
| EEB Briefing! | 19   | Yes | 4 (1)       | deletes "economic and social costs" as criteria for national quality standards   | linked to Amend. 46 (also yes)<br><br>problematic: 2005 as deadline for member states is deleted  |
|               | 20   | Yes | 4 (2)       | edits wording  | reporting of both pollutants <u>and</u> measures should be mandatory  |
|               | 21   | Yes | Art. 4 (3)  | deletes Art. 4 (3) Commission report on national standards and option for legislative proposal   |   |
| !             | 22   | Yes | 4 a (new)   | introduces a revision timetable for quality standards  |   |
| (!)           | (23) | No  | 5 (2)       | now replaced by <b>Am. 148</b><br><br>(aims to clarify that trend reversal has to start when starting points are exceeded and includes prevention of deterioration)  | trend reversal always needs starting points, but there still are no clear provisions how to identify these  |
| (!)           | (24) | no  | 6 (1)       | replaced by <b>Am. 158</b>   |   |
| EEB Briefing  | 25   | No  | 6 (2)       | Exempts small quantities from prevent obligation (linked to Am. 26)  |   |
|               | 26   | no  | 6 (2) a new | linked to <b>Am. 25</b><br>requires that monitoring of groundwater be in place as a precondition for exempting (small scale) discharges from the program of measures |   |

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| !   | 27      | No  | 6 (2) b new                   | suggests that pollution from historical contaminated sites should be assessed on the basis of national provisions; to be addressed in the program of measures;<br><br>must at least prevent any further spread of pollution | Am. 149 is the better option!  |
|     | 28      | Yes | 6 (2) c new                   | requires member states to report a list of exemptions   |  |
|     | 29 - 61 |     |                               | <i>amend Annexes</i>  |  |
|     | 29-30   |     |                               | <i>amend EU-wide quality standards</i>  |  |
|     | 29      | Yes | Annex I Title                 | edits wording   |  |
| (!) | (30)    | Yes | Annex I Part A new            | preconditions for good status regarding results from measuring points, replaced by <b>Am. 185</b>   |  |
|     | 31      | Yes | Annex I Table Title (new)     | edits wording   |  |
|     | 32      | Yes | Annex I Table first line      | edits wording   |  |
| !   | 33      | Yes | Annex I Table lines 2a –i new | new table of EU-wide quality standards for pollutants, mostly drinking water standards  | positive:<br>EU-wide quality standards<br><br>negative:<br>identical with drinking water standards and thus too weak<br><br>better option:<br>standards for good status should generally be set at 50% of drinking water standards (buffer)<br><br>especially 50 mg/l Nitrates should not be "good status" |

|              |       |     |                            |  |  |
|--------------|-------|-----|----------------------------|--|--|
| !            | 34    | Yes | Annex I Table 1 a new      | list of quality standards for man-made substances  | positive: list EU-wide standards<br><br>negative:<br>list is insufficient<br>standards too weak, no buffer towards drinking water standards<br>better option:<br>1. add Vinylchlorid and Dichlorethan<br>2. set standards at 50% of drinking water standards |
|              | 35    | Yes | Annex I Footnote 22        | linked to amendment 17; footnote concerning averaging, has been moved to Art. 3 (1)  | text should be moved into the main text, but not be expanded as in Am. 17  |
| !            | 36    | Yes | Annex II (2)               | human and ecotoxicological findings as sole basis for setting national quality standards<br>deletes consideration of dilution and effect on dependent ecosystems | in connection with Am. 16  |
|              | 37-46 |     |                            | amend the procedure for national quality standards (Annex III)   | EEB suggests deleting the entire Annex III   |
|              | 37    | No  | Annex III Title            | edits wording  |  |
|              | 38-39 | No  | Annex III part A           | deletes  | only if Am. 33 and 34 are accepted   |
|              | 40    | Yes | Annex III B Introduction - | considers pollutants for which national standards are established  |  |
|              | 41    | Yes | Annex III B (1.1)          | considers pollutants for which national standards are established  |  |
|              | 42    | Yes | Annex III B (1.2)          | considers pollutants for which national standards are established  |  |
|              | 43-45 | Yes | Annex III B (2)            | edits wording – deletes threshold value  |  |
| EEB Briefing | 46    | Yes | Annex III B (2.3)          | linked to Am. 19;<br>deletes reference to of social and economic costs   | WFD already incorporates considerations of cost-effectiveness in Art. 10   |
|              | 47-61 |     |                            | amend Annex IV (trend identification and reversal)   | EEB suggests deletion of Annex IV  |
|              | 47    | Yes | Annex IV (1.1)             | edits wording to ensure that all relevant pollutants are considered  |  |

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|---|----|-----|--|--|--|
| ! | 48 | Yes | Annex IV (1.2 a)                           | <b>deletes averaging of arithmetic mean values;<br/>aims to prevent "massaging" of pollution trends, but leaves exact procedure open</b>                   | <b>better than original "mean values of mean values"<br/>"statistical procedure" leaves room for future discussion</b>   |
|   | 49 | Yes | Annex IV (1.2 b)                           | measurements below the quantification limit = value half the quantification limit  |  |
| ! | 50 | Yes | <b>Annex IV (1.2 c)<br/>Introduction</b>   | <b>max. time for trend identification 5 years (instead of 15)</b>  |  |
| ! | 51 | Yes | <b>Annex IV (1.2 c)<br/>Table column 2</b> | <b>min. number of years 5 (instead of 10)</b>  |  |
|   | 52 | No  | Annex IV (1.2 c)<br>Table column 3         | identical with Am. 50; max. number of years 10 (instead of 15)   | <b>Am. 223 is better option (only 6 years)<br/>Am. 52 as second best option.</b>   |
| ! | 53 | Yes | <b>Annex IV (1.4)</b>                      | <b>incorporation of old data;</b>  | <b>positive and important: incorporation of existing data<br/><br/>negative: unclear wording, how to identify starting points remains unclear; also confuses "trend assessment" with "trend reversal"</b>  |
| ! | 54 | Yes | <b>Annex IV (2.1)</b>                      | <b>lists avoiding "harm to groundwater" as a focus point for reversal of pollution trends</b>  |  |
|   | 55 | Yes | Annex IV (2.2)                             | linked to Am. 53   |  |
|   | 56 | No  | Annex IV (2.3)<br>Introduction             | max. time for analysis of trend reversal: 10 years (instead of 30)   | <b>Am. 225 is the better option (6 years),<br/>Am. 56 as second best option</b>  |
|   | 57 | No  | Annex IV (2.3)<br>Table column 2           | linked to Am. 56; min. number of years for analysis of trend reversal: 10 (instead of 14)  | <b>Am. 226 is the better option (6 years)<br/>Am. 57 as second best option</b>   |
|   | 58 | No  | Annex IV (2.3)<br>Table column 3           | max. number of years: 15 (instead of 30)   | <b>Am. 227 is the better option (6 years)<br/>Am. 58 as second best option</b>   |
|   | 59 | Yes | Annex IV (2.4)                             | edits German translation   |  |
|   | 60 | Yes | Annex IV (2.5)                             | 75% limit (with regard to quality standards) as <i>minimum</i> starting point for trend reversal<br>english translation does not include the main content! | second best if 2.5 is not entirely deleted<br><br>better than "recommendation" in the Com-proposal; more strict wording should also be considered in the English version of the Amendment<br><br>negative: starting points are in contrast to WFD-provision to reverse <u>any</u> significant upward trend |
|   | 61 | Yes | Annex IV (2.6)                             | editing linked to Am. 53   |  |

|                     | No.       | yes/no     | Reference      | Content  | justification/discussion points   |
|---------------------|-----------|------------|----------------|--|---|
|                     | 62        |            |                | <i>amends title</i>  |   |
|                     | 62        | Yes        | Title          | Title considers prevention of deterioration (strengthening precautionary principle)  |   |
|                     | 63 -78    |            |                | <b><i>amend recitals 1 – 7 (also with regard to amendments in Klass report )</i></b>   |   |
|                     | 63        | Yes        | 1              | underlines the protection of groundwater dependent ecosystems and drinking water   |   |
|                     | 64        | Yes        | 1 a new        | groundwater protection guarantees that good quality drinking water can be achieved by simple purification  |   |
| <b>EEB Briefing</b> | <b>65</b> | <b>Yes</b> | <b>1 a new</b> | <b>further research on groundwater ecosystems, future integration of criteria for ecosystem protection</b>   | <b>An ecosystem approach is yet missing! It is in line with the approach for surface waters under the WFD!<br/>1. Groundwater is an ecosystem with a specialised fauna and needs to be protected as such.<br/>2. There are throughout Europe &gt; 2.000 animal species which are exclusively found in groundwater.<br/>3. Groundwater fauna contributes to the quality of water.<br/>4. Presence of real groundwater fauna is an indicator for good protection of groundwater</b> |
|                     | 66        | Yes        | 3              | states the need for coherent regulations for all main sources of pollution (agriculture, air pollution, waste, traffic)                                  |   |
|                     | 67        | No         | 3 a new        | groundwater protection as the basis for agriculture, which prevents desertification; protection of groundwater quality is related to quantity            | agriculture per se does not help to prevent of desertification  |
|                     | 68        | Yes        | 4              | WFD requires that the new Directive introduce measures for groundwater protection, not just criteria for its assessment                                  | Com-proposal does not fulfill a main requirement of Art. 17 WFD to introduce measures for protection  |
|                     | 69        | No         | 4              | calls for criteria for assessing groundwater quantity  | WFD already includes strong and clear criteria for classifying the status groundwater quantity  |
| <b>!</b>            | <b>70</b> | <b>No</b>  | <b>5</b>       | <b>transparent EU-wide quality standards<br/>Where appropriate, EU funding mechanisms should provide assistance to those faced with additional costs</b> | <b>Am. 71 is the better option</b>  |



|   |          |     |                     |   |  |
|---|----------|-----|---------------------|---|--|
| ! | 71       | Yes | 5                   | transparent EU - quality standards, minimal standards in EU are necessary to guarantee fair competition   |  |
|   | 72       | Yes | 5                   | deletes "threshold values"  |  |
| ! | 73       | No  | 5 a new             | replaces Am. 6<br><br>The protection of groundwater may, in some areas require a change in farming/forestry practices and a consequent loss of income. This issue should be addressed in the development of the rural development plans under the reformed CAP. | better than original Am. 6   |
|   | 74       | No  | 6                   | deletes entire recital on criteria for identifying trends and starting points   |  |
|   | 75       | Yes | 7 a new             | replaces Am. 8<br>aims to incorporate a reference to a EP-resolutions on endocrine disrupters – wording partly placed in a footnote   |  |
|   | 76       | No  | 7 a new             | groundwater storage and recovery should be considered as an allowable practice under permit   | Unclear and very poorly worded. It is not groundwater that will be stored but rather surface water injected into aquifers. |
|   | 77       | No  | 7 a new             | identical as amendment 76, but appropriate with justification   |  |
|   | 78       | Yes | 7 a new             | consider existing (national) statistical procedures where appropriate   |  |
|   | 79 - 184 |     |                     | <i>amend articles 1 – 8 (also with regard to amendments in Klass report)</i>  |  |
|   | 79       | No  | 1 (last paragraph). | Edits wording   | Better option: Am. 80  |
| ! | 80       | Yes | 1 (1)               | “input” instead of “indirect discharges”  | in line with WFD, identical with Am. 83<br><br>new wording then has to be changed throughout the Directive                 |
|   | 81       | No  | 1a                  | “free of unnecessary pollution”   |  |

|                     |    |              |                           |   |   |
|---------------------|----|--------------|---------------------------|---|---|
|                     | 82 | No           | 1b                        | deletes trend assesment and “starting points”; focus on measures against pollution linked to Am. 90   | This directive has to define significant and sustained upward trend.  |
| !                   | 83 | Yes          | <b>1 (last paragraph)</b> | <b>identical with Am. 80</b>  |   |
|                     | 84 | No           | 1 (last paragraph):       | national programmes to prevent indirect discharges  | no reference to WFD programme of measures   |
|                     | 85 | No           | 1 (last paragraph)        | lists the basic requirements for groundwater assessment according to WFD                              | unnecessary, reiterates WFD requirements  |
|                     | 86 | Yes          | 2 No.1                    | deletes "threshold value"   |   |
|                     | 87 | Yes          | 2 No.1                    | definition of quality standard instead of threshold value   | if definition under point 1 is not entirely deleted   |
|                     | 88 | No           | 2 No.1                    | "based naturally occuring concentrations"   | better include this aspect in Art. 4 (1), <b>Am. 120</b>  |
|                     | 89 | No           | 2 No.1                    | refers to geological background   | better include this aspect in Art. 4 (1), <b>Am. 120</b>  |
|                     | 90 | No           | 2 No.2                    | defines "unnecessary pollution"<br>delets def. for trends entirely linked to Am 82                    | This directive has to define significant and sustained upward trend.  |
| !                   | 91 | Yes          | <b>2 No.2</b>             | <b>Definition of upward trend</b>   | <b>(editorial mistake: wrong justification)</b>   |
|                     | 92 | No           | 2 No.2                    | Similar to 91, maintain “statistical significant increase”  | better option: Amen. 91   |
|                     | 93 | No           | 2 No.2                    | Similar to 91, but no reference to WFD objective 4.1.; considers environmentally significant increase | German translation poorly worded – “ecologically significant increase” is more appropriate (groundwater is an ecosystem)  |
|                     | 94 | No           | 2 No.2                    | Same as 93  |   |
|                     | 95 | No           | 2. No.2                   | Delete “threshold value”  | not so strict as 91   |
| <b>EEB Briefing</b> | 96 | <b>Yes !</b> | <b>2 No.3</b>             | <b>Definition of “high chemical status”</b>   | <b>Essential for the protection of pristine groundwater</b>   |
| 2                   | 97 | No           | 2 No.3                    | Identical with Am. 10<br>More precise definition of „indirect discharge“                              | Better option: <b>Am 80</b>   |
| !                   | 98 | Yes          | <b>2 No.3</b>             | <b>Definition of “input” instead of “indirect discharge”</b>  | <b>Required to maintain consistency with some other amendments</b><br><b>! should not replace Am. 96. both- 96 &amp; 98 has to be integrated in the Directive!!</b> |
| !                   | 99 | Yes          | <b>2 No.3a new</b>        | <b>defines deterioration as "slight increase" (identical with Am. 11)</b>                             | <b>see Amend. 11</b>  |

|   |     |        |              |   |  |
|---|-----|--------|--------------|---|--|
| ! | 100 | No (!) | 2 No. 3a new | defines deterioration as "substantial change from good to poor status"  | serious weakening WFD obligation to prevent any deterioration<br>instead: Am. 11/99                |
| ! | 101 | No     | 2 No. 3a new | Water from drainage pipes an water above drainage pipes do not form part of the definition of groundwater, neither does surface water and water in the root zone. | in contrast to scientific definitions of groundwater<br><br>undermines the protection goals        |
|   | 102 | Yes    | 2 No.3a new  | definition of background concentration, would replace definition of deterioration   | Am. 99 (11) and 102 should be integrated in the Directive!   |
|   | 103 | No     | 2 No.3b new  | definition of baseline concentration  | not strict enough, consider data from at least 2006 on   |
| ! | 104 | Yes    | 2 (1) a new  | <b>Clarify the application of the no-deterioration obligation and protects Europe's remaining unpolluted groundwater from new contamination and filling up.</b>   |  |
|   | 105 | No     | 3 (1 new)    | stress importance of groundwater as ressource for drinking water & agriculture  | poorly worded, groundwater is also an ecosystem and essential for groundwater dependent ecosystems |
| ! | 106 | No     | 3 a          | replaces Am. 15<br><br>standards are added to natural geogenically determined levels of pollutants  |  |
| ! | 107 | No     | 3 a          | 20% of standards are added to natural geogenically determined levels of pollutants  | second best option if Am. 15 fails   |
|   | 108 | No     | 3 a          | add "estimated"   | Not clear enough - What is meant by estimate?  |
|   | 109 | No     | 3 (1a new)   | identical with Am. 17   |  |
| ! | 110 | Yes    | 3b a new     | Member states fulfil existing standards; protection and improvement of quality in order to minimise the water purification treatment needed                       |  |
| ! | 111 | Yes    | 3 (1a new)   | individual measuring points must comply with quality standards  |  |
|   | 112 | No     | 3 (1a new)   | measures regarding historical contaminated sites  | weak   |

|   |           |                             |               |  |   |
|---|-----------|-----------------------------|---------------|--|---|
|   | 113       | Yes                         | 3 (1 b a new) | refers to 7 (2) WFD and 80/778 & 98/83, protection of drinking water   |   |
| ! | 114 -117  | ,<br>Yes,<br>see<br>comment | 3 a new       | aims to clarify criteria for the classification of groundwater with reference to Annex V WFD<br><br>Measuring results of each measuring point have to be considered for assessment | Point 1 positive: no double averaging, classification is based on values at each measuring point instead<br><br>Am. is accepted if Point 2 and 3 intend the following:<br><br>All EU and national quality standards to be established according to WFD, GWD and further relevant Directives must be included in the assessment/classification.<br>Failure to meet any of these quality standard at any measuring point results in "poor status" classification. |
|   | 118 - 119 | No                          | 4 (1.1)       | EU – framework for establishing threshold values   | unclear deadline if 2005 is deleted here; positive: delete “social and economic costs”  |
|   | 120       | Yes                         | 4 (1.1)       | introduces a common Framework for setting national standards;<br>considers natural background concentrations   | good basis for CIS-activities on groundwater; deadline 2005 is kept for setting standards<br><br>(unclear: German translation still mentions economic and social costs)   |
|   | 121       | Yes                         | 4 (1.1)       | takes into account natural background concentrations; deletes "economic and social costs"  |   |
|   | 122       | No                          | 4 (1.1)       | deadline for national standards 6 months   | Second best if Am. 121 is rejected  |
|   | 123-124   | No                          | 4 (1)         | deletes "economic and social costs"  |   |
|   | 125       | No                          | 4 (1)         | deadline 12/2006   |   |
|   | 126       | Yes                         | 4 (1)         | if natural background values are higher, background values have to be considered as standards  |   |
|   | 127       | No                          | 4 (1) a new   | protection of groundwater bodies in international river basins needs common approach   | "on the basis of specific national and regional conditions" unclear   |
|   | 128 - 129 | No                          | 4 (1.1a new)  | Take into account natural background concentration   | wording not strict enough ("naturally occurring in water" misleading)   |

|                |           |     |              |  |   |
|----------------|-----------|-----|--------------|--|---|
|                | 130       | Yes | 4 (1.1a new) | Permission for establishing more strict "threshold values" by regional authorities   |   |
|                | 131 - 133 | No  | 4 (2)        | List of substances "in accordance with the management plan"; later than 2006   | 2005 should be kept   |
|                | 134       | No  | 4 (2)        | list of pollutants for which measuring requirements are established  | wording unclear   |
|                | 135 -137  | No  | 4 (3.1)      | Considers revision, revision of list by legislation, replace "Directive"   | too weak  |
| !              | 138       | Yes | 4 a new      | <b>Considers Annex I substances of 80/68/EEG , set clear deadlines for revision</b>  | <b>for anthropogenic substances, there should be EU-wide standards</b>  |
|                | 139       | Yes | 4 a new      | EU quality standards   | <b>138 should not be deleted</b>  |
|                | 140       | Yes | 5            | deletes Commission's proposal for Article 5  |   |
|                | 141 - 142 | Yes | 5 Title:     | "trend reversal" instead   |   |
|                | 143       | No  | 5 Title      | Consider quantitative aspects, maintain starting points  |   |
|                | 144       | No  | 5 (1) new    | refers to WFD  | does not consider all WFD requirements; especially not Article 7 WFD  |
|                | 145       | Yes | 5 (1)        | "taking into account the review of the environmental impact of human activity as referred to in Article 5 of Directive 2000/60/EC."  |   |
|                | 146       | No  | 5 (2)        | refers to setting of national quality standards and classification; refers mainly to Art. 3  | too weak, does not avoid double averaging   |
|                | 147       | Yes | 5 (2)        | deletes first sentence for strengthening protection of all groundwater bodies  |   |
|                | 148       | No  | 5 (2)        | Introduces "baseline concentration" for trend assessment without defining it   | positive: "prevent a deterioration"   |
| !              | 149 -150  | Yes | 5 2 a new    | <b>specific trend assessment and reversal; contamination from historic sites/ point sources is monitored and further spread of the plume is prevented</b>  | <b>emphasis on trend reversal and prevention of further deterioration</b><br><b>(in case of no: Am. 27 is second best option)</b> |
|                | 151       | No  | 5 2a new     | Requirements for sustainable use of groundwater (quantitative aspects)   | WFD provisions are sufficient   |
| EEB Briefing ! | 152 - 155 | Yes | 6 Title      | <b>Replace "indirect discharge" with "input"</b>   | <b>In line with WFD</b>   |
| EEB Briefing!  | 156       | Yes | 6            | Establish duty to prevent input of hazardous substances; follow up EU action<br><b>MS prevent input of polluting substances; the EU identifies substances of EU concern and proposes appropriate measures to prevent input</b> | <b>Very important!</b><br><b>makes prevention approach of old Groundwater Directive workable</b>                                  |

|               |             |                   |            |   |   |
|---------------|-------------|-------------------|------------|---|---|
| EEB-Briefing! | 157         | No                | 6          | Introduces best environmental practice and environmental technology for limitation of inputs but: limited to measures which fulfill considerations of “appropriateness” and “cost – effectiveness”  | Too weak<br>No improvement of Com proposal; would still allow contamination with pesticides<br><br>instead: Am. 159               |
|               | 158         | Yes, if 159 fails | 6 (1)      | aims to specify the prevent and limit approach in connection with Annex VIII WFD and to integrate groundwater protection into the management plans/programs of measures<br><br>introduces prevention as a goal (substances 1-6) and best environmental practice and best environmental technology as means for limitation of inputs (of substances 7-9) | second best option to Am. 159<br><br><u>should complement Am. 156, not replace it!</u>  |
| !             | 159         | Yes               | 6 (1)      | Specifies prevent and limit approach; introduces BAT and BEP in order to limit input of pollutants  | <u>Should complement Am. 156, not replace it!</u>   |
|               | 160         | No                | 6          | Common approach to integrate in relevant EU-policies  | Not strong enough   |
|               | 161         | No                | 6 (1)      | Requirements with regard to participation   | Weakens WFD   |
| EEB Briefing! | 162 and 163 | No                | 6 (1)      | Introduces obligation “to aim to prevent input of hazardous chemicals” and extends list of chemicals  | Right direction, but Legally vague and not enforceable  |
| EEB Briefing! | 164         | Yes               | 6 (1)      | Extends prevention list   | <b>Should not replace but complement Am. 156 and 159!</b>   |
| EEB Briefing! | 165         | Yes               | 6 (1)      | Extends prevention list in case of poor groundwater   | Slight improvement, but late action<br><u>Should not replace but add Am. 156, 159 and 164!</u>                                    |
|               | 166         | No                | 6 (1)      | Consider hydrogeological aspects  | imprecise wording   |
| EEB Briefing! | 167         | Yes               |            | Extends prevention list   | Ensures that heavy metal and pesticides must be prevented<br><u>Should not replace complement Am. 156, 159, 164 and 167!</u>      |
| EEB Briefing! | 168         | No                | 6 (1a) new | Exempts small quantities from prevent obligation  | Local deterioration possible, weakening of proposal and WFD<br><br>(if exemptions are introduced, AM. 25/26 is the better option) |
|               | 169         | No                | 6 (2)      | deletes 2nd paragraph   |   |

|                       |                  |                  |                    |   |  |
|-----------------------|------------------|------------------|--------------------|---|--|
| <b>EEB Briefing !</b> | <b>170-171</b>   | <b>Yes</b>       | <b>6 (2)</b>       | <b>Extends limitation of input to all pollutants</b>  | <b>Clarifies and strengthens protection<br/>Should complement, not replace Am. 156!</b>  |
|                       | <b>172</b>       | No               | 6 (2)              | reduces protection to the "limit" approach for substances of Annex VII WFD  | not strict enough;<br>prevent and limit needed   |
| <b>EEB Briefing!</b>  | <b>173</b>       | <b>Yes</b>       | <b>6 (2)</b>       | <b>Adds soil protection and monitoring requirements as conditions for allowing discharges</b>   | <b>Useful additional environmental protection condition<br/><u>Should complement, not replace Am. 156, 170 and 171!</u></b>                      |
| <b>EEB-Briefing!</b>  | <b>174 – 176</b> | <b>No</b>        | <b>6 (2) a new</b> | <b>Applies technical feasibility condition for preventing hazardous chemicals input</b>   | <b>Ineffective end-of-pipe thinking. Substitution with safer alternatives is not considered.</b>   |
|                       | <b>177</b>       | No               | 6 (2) a (new)      | Requirements for permission of indirect discharges – also take into account diffuse sources   | wording too weak   |
|                       | <b>178-179</b>   | No               | 6 (2) b new        | An input may only be exempted from the requirements when, because of its quantity or concentration, it presents no current or future risk of causing deterioration in the quality of the receiving groundwater.                       | there should be no exemptions from 6 (2), also too imprecise<br>(if necessary, Am. 25 and 26 are the better option)                              |
|                       | <b>180</b>       | No               | 6 a new            | "include examination of the hydrogeological conditions of the area concerned, the possible purifying powers of the soil and subsoil and the risk of pollution and alteration of the quality of the groundwater" (from Dir. 80/68 EEC) | weak; does not relate to "good status" or prevention of deterioration; "satisfactory solution from the point of view of the environment" instead |
| <b>EEB Briefing !</b> | <b>181</b>       | <b>Yes</b>       | <b>6 a new</b>     | <b>Request use of financial measures –national/ EU initiatives to prevent harmful substances by financial measures (polluter pays principle)</b>  | <b>Cost-effective measure to reduce pollution</b>  |
|                       | <b>182</b>       | Yes, see comment | 6 a new            | further research; assistance for spreading and developing methods, technologies and practices   |  |
|                       | <b>183</b>       | No               | 6 b new            | Special requirements for protection of groundwater bodies as resource for bathing waters and (curative) springs – to be taken into account in urban planning  | all groundwater bodies should be protected and improved  |
|                       | <b>184</b>       | No               | 8 (1a) new         | Requirements regarding "Inspire"  | All existing data have to be considered  |
|                       | <b>185 – 227</b> |                  |                    | <b><i>Amend annex I – IV (also with regard to amendments in Klass report)</i></b>   |  |

|          |            |                            |  |  |   |
|----------|------------|----------------------------|--|--|---|
|          | <b>185</b> | Yes if better options fail | Annex I  | at least 70% of a body of groundwater must meet quality standards to be classified as "good" and/or a maximum of 30km <sup>2</sup> may fail to meet quality standards (without causing "bad status" for the entire body of groundwater)<br><br>replaces Am. 30 | second best if <b>Am. 219, 111, 114-114</b> fail<br><br>Positive: limits the effects of "double averaging" which otherwise could cause even larger bad portions to be classified good<br><br>(It becomes obvious that a minimum number of measuring points per body of groundwater is necessary in order to be able to make such a judgement) |
|          | <b>186</b> | No                         | Annex I Part A (new)                               | at least 70% of a body of groundwater must meet quality standards to be classified as "good"   | (see Am. 185)   |
|          | <b>187</b> | Yes                        | Annex I, 1st row, second column                    | Quality standard for nitrate: 0 – 10 mg/l  | ambitious standard, in line with precautionary principle;<br>50 mg/l (in other proposals) is too high, there should be a buffer   |
|          | <b>188</b> | No                         | Annex I, Table 1, line 1                           | deletes reference to requirements regarding Nitrate Directive (quality standard not valid for nitrate-vulnerable zones)  |   |
|          | <b>189</b> | Yes                        | Annex I, 1 <sup>st</sup> row, third column<br>Com. | Obligation to introduce measures for agriculture if Nitrate concentrations increase or exceed 10mg/l<br>Linked to Am. 187  | Very ambitious and in line with the precautionary principle,<br>it is more strict/precise than the requirements in the Nitrate Directive  |
| <b>!</b> | <b>190</b> | <b>Yes</b>                 | <b>Annex I, 2<sup>nd</sup> row, second column</b>  | <b>(Pesticide standard) instead of 0.1 microgram/l at least the minimal measurable level</b>   |   |
|          | <b>191</b> | Yes                        | Annex I, 2nd row, third column<br>Com. New         | prevention of any further input if "active substances" are found   | imprecise wording   |
| <b>!</b> | <b>192</b> | <b>Yes, if 190 fails</b>   | <b>Annex I, 2nd row, third column<br/>Com. new</b> | <b>pesticides – applying drinking water standards if stricter than 0.1 microgram/l–</b>  | <b>second best if 190 fails</b>   |
|          | <b>193</b> | <b>Yes, if 190 fails</b>   | <b>Annex I 2<sup>nd</sup> row (a) (new)</b>        | <b>total pesticide concentrations 0.5 microgram/l</b>  | <b>Also in Klab – Report Am. 33</b>   |



|   |           |                      |  |   |  |
|---|-----------|----------------------|--|---|--|
|   | 194       | no                   | Annex I Foot-Note 22                           | Deletes Footnote 21 which requires MSs to set stricter standards if they are required for environmental objectives.         |  |
|   | 195       | Yes                  | Annex I Foot-note 22                           | footnote is moved to 3 c new  |  |
|   | 196       | No                   | Annex I foot-note 22                           | deletes one- out-all-out approach   |  |
| ! | 197       | Yes                  | Annex I Table 1 line 2a bis 2i (new)           | replace amendment 33 of Klass Report – edits wording: chlorid, sulfur and aluminium as indicators                           | See comment on Am. 33<br><br><b>Am. 190, resp. 192 should be considered</b>  |
|   | 198       | No                   | Annex II                                       | Aims to strengthen and simplify procedure for deriving threshold values   | “threshold value” should be replaced,<br>positive: provides a simple approach for a common procedure<br>negative: it is not precise enough, common quality standards are necessary and should not be neglected |
|   | 199 - 200 | No                   | Annex II (f) (a) (new)                         | take into account the function as drinking water source by assessment   | Not comprehensive enough<br>groundwater is an ecosystem and its peculiarity and interactions with other factors should also be considered  |
|   | 201-202   | No                   | Annex II, (f) (b) (new)                        | the measured or calculated quantities and concentrations of pollutants in the sources for the public drinking water supply; | See above  |
|   | 203       | No                   | Annex III                                      | Delete Annex III  | There must be national quality standards for relevant pollutants and a common procedure, also for revision   |
|   | 204 -205  | No, if Am. 197 fails | Annex III, Part A.1 - Table, 4th row           | no national quality standard for chloride   | Deletion ok, will be part of Annex I - list, if Am. 197 is approved; justification not accepted<br>Chloride is a problematic substance in many groundwater bodies.   |
|   | 206-208   | No, if Am. 197 fails | Annex III, Part A.1 – Table, 7th row           | No quality standard for sulphur   | Justification not accepted.<br>Sulphur is a problematic pollutant, especially in urban areas   |
|   | 209       | Yes                  | Annex III, Part A.1 - Table, 7th row (a) (new) | adds phosphor   | Should be considered, at least for national quality standards  |

|                      |            |                             |  |   |  |
|----------------------|------------|-----------------------------|--|---|--|
|                      | 210        | Yes                         | Annex III, Part A.1 - Table, 7th row (a) (new)     | adds copper   | Should be considered, at least for national quality standards          |
|                      | 211        | Yes                         | Annex III Part A.1 - Table, row 7 (b) (new)        | adds zink   | Should be considered, at least for national quality standards          |
|                      | 212        | Yes, if Am. 197 fails       | Annex III Part A.1 - Table, row 7 (c) (new)        | adds aluminium  | still integrated in the list of common quality standards (see Am. 197) |
|                      | 213        | Yes                         | Annex III part B 1, 2                              | considers use as drinking water   |  |
|                      | 214        | Yes                         | Annex III, part B 2, 2.2                           | Background concentration on the basis of best expert judgement if there are no data Available |  |
|                      | 215 - 216  | No                          | Annex III, part B 2, 2.3                           | economic and social costs   | (second best if Am. 46 fails)  |
| <b>EEB-Briefing!</b> | <b>217</b> | <b>Yes</b>                  | <b>Annex III (a) (new)</b>                         | <b>Establish criteria for identifying hazardous chemicals to be prevented from input</b>      | <b>Necessary clarification to make prevention approach workable</b>    |
|                      | 218        | No                          | Annex IV   |   | not strict enough<br>"natural variation"; "at least mitigate"          |
| !                    | 219        | Yes                         | <b>Annex IV, paragraph 1.2, point (a)</b>          | <b>replace averaging samples by taking account of each measurement point</b>                  |  |
|                      | 220        | No                          | Annex IV 1.2, point (a)                            | comparable measuring points   |  |
|                      | 221 - 222  | Yes, if Am. 50 and 51 fails | Annex IV (1.2c Introduction & Table col. 2, 1.row) | determine trend in 6 instead of 8 or more years   |  |
|                      | 223        | Yes                         | An. IV (1.2c Table col. 3)                         | 6 instead of 15 years   |  |
|                      | 224        | No                          | Annex IV, 1.6 a (new)                              | Requirements regarding quantitative aspects   | Too weak<br>Positive: historical data to be considered                 |
|                      | 225-227    | Yes                         | Annex IV (2.3ff)                                   | determine trend in 6 instead of 8 or more years   |  |