

Proposal for a Council Directive amending Directives 80/778/EEC on drinking water, 76/160/EEC on bathing water, 75/440/EEC on surface water and 79/869/EEC on methods of measurement and frequencies of analysis of surface water

COM(88) 752 final

(Submitted by the Commission on 22 December 1988)

(89/C 13/10)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130S thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas, in its resolution of 19 October 1987 on the continuation and implementation of a European community policy and action programme on the environment (1987 to 1992) (1), the Council underlined the particular importance it attaches to the implementation of the Community legislation;

Whereas Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption (2) includes provision for the adaptation of certain technical requirements within a Committee on the Adaptation to Scientific and Technical Progress;

Whereas Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water (3) includes provision for the adaptation of certain technical requirements set out in the Directive within a Committee on Adaptation to Technical Progress;

Whereas Council Directive 75/440/EEC of 16 June 1975 concerning the quality of surface water intended for the abstraction of drinking water in the Member States (4) provides for the revision of Certain technical requirements of the Directive either at the request of a Member State or on a proposal from the Commission;

Whereas Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the

Member States (5) includes provision for the adaptation of certain technical requirements of the Directive within a Committee on Adaptation to Technical and Scientific Progress;

Whereas, in order to improve and accelerate practical implementation of these Directives, the technical content of their Annexes must, where appropriate, be speedily adapted to scientific and technical progress and whereas, in order to facilitate application of the measures required for this purpose, provision should be made for a uniform procedure establishing close cooperation between the Member States and the Commission within a regulatory committee acting in accordance with Procedure III, Variant (a) of Article 2 of Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission (6);

Whereas, in order further to facilitate implementation of these Directives, provision should equally be made for such a committee to assist the Commission, in an advisory capacity, on any matter falling within the Commission's powers of implementation which the Commission may submit to this committee;

Whereas, it is necessary to allow for assessment of the effects of implementation of this Directive over a three-year trial period, during or following which the Commission may, if appropriate, submit a proposal to the Council requesting that the provisions of the Directive continue to apply,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 80/778/EEC is hereby amended as follows.

1. Articles 13 and 14 are replaced by the following:

'Article 13

Such amendments as are necessary to add, delete or otherwise modify parameters, numerical values, comments and footnotes set out in Annex I, patterns and frequencies of standard analyses and footnotes set

(1) OJ No C 328, 7. 12. 1987, p. 5.

(2) OJ No L 229, 30. 8. 1980, p. 11.

(3) OJ No L 31, 5. 2. 1976, p. 1.

(4) OJ No L 194, 25. 7. 1975, p. 26.

(5) OJ No L 271, 29. 10. 1979, p. 44.

(6) OJ No L 197, 18. 7. 1987, p. 33.

out in Annex II and reference methods of analysis and footnotes set out in Annex III in order to adapt the content of these Annexes to scientific and technical progress shall be adopted in accordance with the procedure laid down in Article 15.

Article 14

1. To bring about the amendments provided for in Article 13, a Regulatory Committee, hereinafter called 'the Committee', is hereby set up; it shall be composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The Committee shall equally assist the Commission on any matter falling within its powers of implementation, which the Commission may submit to the Committee. The Committee shall act in those circumstances in an advisory capacity and proceed without a vote.

3. The Committee shall adopt its own rules of procedure.'

2. Article 15 is amended in accordance with the provisions of Article 5 of this Directive.

Article 2

Directive 76/160/EEC is hereby amended as follows.

1. Articles 9 and 10 are replaced by the following:

'Article 9

Such amendments as are necessary to modify the minimum sampling frequency and to add, delete or otherwise modify parameters, numerical values, methods of analysis and footnotes set out in the Annex in order to adapt the content of this Annex to scientific and technical progress, shall be adopted in accordance with the procedure laid down in Article 11.

Article 10

1. To bring about the amendments provided for in Article 9, a Regulatory Committee, hereinafter called 'the Committee', is hereby set up; it shall be composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The Committee shall equally assist the Commission on any matter falling within its powers of implementation, which the Commission may submit to the Committee. The Committee shall act in those circumstances in an advisory capacity and proceed without a vote.

3. The Committee shall adopt its own rules of procedure.'

2. Article 11 is amended in accordance with the provisions of Article 5 of this Directive.

Article 3

Directive 75/440/EEC is hereby amended as follows.

1. Article 9 is replaced by the following:

'Article 9a

Such amendments as are necessary to add, delete or otherwise modify standard methods of treatment and categories of surface water set out in Annex I and parameters, numerical values and footnotes set out in Annex II in order to adapt the content of these Annexes to scientific and technical progress, shall be adopted in accordance with the procedure laid down in Article 9c.

Article 9b

1. To bring about the amendments provided for in Article 9a, a Regulatory Committee, hereinafter called "the Committee", is hereby set up; it shall be composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The Committee shall equally assist the Commission on any matter falling within its powers of implementation, which the Commission may submit to the Committee. The Committee shall act in those circumstances in an advisory capacity and proceed without a vote.

3. The Committee shall adopt its own rules of procedure.'

2. An additional article is inserted as Article 9c in accordance with the provisions of Article 5 of this Directive.

Article 4

Directive 79/869/EEC is hereby amended as follows.

1. Articles 9 and 10 are replaced by the following:

'Article 9

Such amendments as are necessary to add, delete or otherwise modify parameters, numerical values applicable to the limits of detection, precision and accuracy, reference methods of analysis, materials recommended for the container and footnotes set out in Annex I, and to modify the minimum annual frequency of sampling and analysis, categories and footnotes set out in Annex II, in order to adapt these Annexes to scientific and technical progress and to take into account amendments to the Annexes to Directive 75/440/EEC, shall be adopted in accordance with the procedure laid down in Article 11.

Article 10

1. To bring about the amendments provided for in Article 9, a Regulatory Committee, hereinafter called "the Committee", is hereby set up; it shall be composed of the representatives of the Member States and chaired by the representative of the Commission.
 2. The Committee shall equally assist the Commission on any matter falling within its powers of implementation, which the Commission may submit to the Committee. The Committee shall act in those circumstances in an advisory capacity and proceed without a vote.
 3. The Committee shall adopt its own rules of procedure.'
2. Article 11 is amended in accordance with the provisions of Article 5 of this Directive.

Article 5

The following paragraphs hereby replace the provisions of Article 15 of Directive 80/778/EEC, Article 11 of Directive 76/160/EEC and Article 11 of Directive 79/869/EEC, and are inserted as Article 9c of Directive 75/440/EEC:

- '1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by its chairman, either on his own initiative or at the request of a representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft of the measures to

be taken. The Committee shall deliver its opinion on the draft measures within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.
- (b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council of proposal relating to the measures to be taken. The Council shall act by a qualified majority.
- (c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.'

Article 6

The provisions of this Directive shall take effect from the date of its notification. They shall cease to apply three years after notification of this Directive unless, further to a proposal from the Commission, the Council decides otherwise.

Article 7

This Directive is addressed to the Member States.
