

## II

(Preparatory Acts)

## COMMISSION

**Amended proposal for a European Parliament and Council Directive establishing a framework for  
Community action in the field of water policy (COM(97) 49 final) <sup>(1)</sup>**

(1999/C 342 E/01)

(Text with EEA relevance)

COM(1999) 271 final — 97/0067(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 18 June 1999)

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<sup>(1)</sup> OJ C 184, 17.6.1997, p. 20.

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Recital 2(a) (new)

Whereas protection of water status will contribute towards securing the drinking water supply for the population;

Recital 5(a) (new)

Whereas on 29 May 1995 the Commission adopted a Communication to the Council and the European Parliament on the Wise use and Conservation of Wetlands which recognised the important functions they perform for the protection of water resources;

Recital 11(a) (new)

Whereas any effective and coherent water policy must take account of the vulnerability of aquatic ecosystems located near coasts or estuaries or in gulfs or relatively closed seas, as their equilibrium is strongly influenced by the quality of the river basin water flowing into them;

Recital XX (new)

Whereas the Community and the Member States are party to various international agreements containing important obligations on the protection of marine waters from pollution, in particular the HELCOM, OSPAR, and Barcelona Conventions; Whereas this Directive will make a contribution towards enabling the Community and the Member States to meet those obligations;

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## Recital 13(a) (new)

Whereas action for protection of water status within river basins will provide economic benefits by contributing towards the protection of fish populations, including coastal fish populations;

## Recital 18(a)

Whereas the precautionary principle and the principle of prevention at source require that pollution through the discharge of various dangerous substances must be eliminated; whereas the Council should, on a proposal by the Commission, agree on the substances to be considered for action as a priority; whereas the Council should, on proposals from the Commission, adopt measures for progressive elimination of pollution by those substances, taking into account all significant sources and the cost-effectiveness and proportionality of the available reduction options;

Whereas the enhanced protection of the aquatic environment requires the progressive reduction of emissions and discharges of hazardous substances, and the prevention of losses by leakage and accidental pollution of those substances, prioritised on the basis of their risk to or via the aquatic environment; whereas this will contribute to the target of cessation of emissions, discharges and losses, and the ultimate aim of concentrations in the marine environment near background values for naturally-occurring substances and close to zero for man-made synthetic substances; whereas the Council and the European Parliament should, on a proposal by the Commission, agree on the substances to be considered for action as a priority; whereas the Council and the European Parliament should, on proposals from the Commission, adopt measures for progressive reduction of emissions of those substances, taking into account all sources;

## Recital 19

Whereas common principles are needed in order to co-ordinate Member States' efforts to improve water quantity and quality, to promote sustainable water consumption, to contribute to the control of transboundary pollution problems, to protect ecosystems, in particular aquatic ecosystems, and to safeguard the recreational potential of Community waters;

Whereas common principles are needed in order to co-ordinate Member States' efforts to improve the protection of Community waters in terms of quantity and quality, to promote sustainable water use, to contribute to the control of transboundary pollution problems, to protect aquatic ecosystems, and terrestrial ecosystems and wetlands directly depending on them, and to safeguard and develop the potential uses of Community waters

## Recital 19(a) (new)

Whereas it is necessary to develop an integrated Community policy on water;

## Recital 20

Whereas common definitions of the status of water in terms of quality and quantity should be established; whereas environmental objectives should be set to ensure that good status of surface water and groundwater is achieved at Community level;

Whereas common definitions of the status of water in terms of quality and quantity should be established; whereas environmental objectives should be set to ensure that good status of surface water and groundwater is achieved throughout the Community and that deterioration in the status of waters is avoided at Community level;

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## Recital 29

Whereas further integration of sustainable water management into other Community policy areas and, in particular, into agriculture policy, regional policy and fisheries policy is necessary; whereas this Directive will provide a basis for a continued dialogue and for the development of strategies towards a further integration of policy areas; whereas this Directive will therefore bring an important contribution to implementing the main principles and objectives of the European Spatial Development Perspective (ESDP);

Whereas further integration of sustainable water management into other Community policy areas and, in particular, into agriculture policy, regional policy, and fisheries policy is necessary; whereas the proposal for a European Parliament and Council Decision on an action programme for integrated groundwater protection and management (COM(96) 315 of 10 July 1996) makes a significant contribution in this area; whereas this Directive will provide a basis for a continued dialogue and for the development of strategies towards a further integration of policy areas; whereas this Directive will therefore bring an important contribution to implementing the main principles and objectives of the European Spatial Development Perspective (ESDP);

## Recital 30(a) (new)

Whereas there may be grounds for exemptions from the requirement to prevent further deterioration or to achieve good status, under specific conditions, if the failure is the result of unforeseen or exceptional circumstances, in particular floods and droughts;

## Recital X (new)

Whereas Community measures to protect human health from the adverse effects of ionising radiation from anthropogenic sources, in accordance with the Euratom Treaty, afford some protection for the environment; Whereas it is acknowledged that further measures are required to fully protect the environment, in accordance with the overall objectives of this Directive;

## Recital 35

Whereas the Commission should present annually an updated plan for possible future initiatives which it is planning or considering for the water sector;

Whereas the Commission should publish annually an updated plan for possible future initiatives which it is planning or considering for the water sector;

## Recital 37(b) (new)

Whereas sustainable development requires that the principle of sound water policy is not sacrificed to the promotion of the economic development of a region;

## Article 1

**Purpose**

The overall purpose of this Directive is to establish a framework for the protection of Community waters which:

The overall purpose of this Directive is to establish a framework for the protection of inland surface water, transitional waters, coastal waters and groundwater which:

(a) for surface fresh water, estuaries, coastal waters and groundwater:

(a) Prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems directly depending on the aquatic ecosystems;

(i) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems;

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(ii) promotes sustainable water consumption based on a long-term protection of available water resources; and

(b) for territorial and other marine water, incorporates the requirements for protection established in other Community legislation and under the United Nations Convention on the Law of the Sea;

and thereby contributes to the provision of a supply of water of the qualities and in the quantities needed for sustainable use of these resources.

(b) promotes sustainable water use based on a long term protection of available water resources;

(bb) aims at enhanced protection of the aquatic environment through specific measures for the progressive reduction of emissions of hazardous substances based on prioritisation of those of greatest concern;

(c) contributes to mitigating the effects of floods and droughts;

and thereby contributes to:

— The provision of the sufficient supply of good quality surface water and groundwater as needed for sustainable, balanced and equitable water use;

— the protection of territorial and marine waters; and

— achieving the objectives of relevant international agreements; and

— the phasing out of emissions and discharges of hazardous substances, and the prevention of losses by leakage and accidental pollution of those substances, and the ultimate aim of concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances.

## Article 2(7)(a) (new)

'Aquifer' means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater.

## Article 2(7)(b) (new)

'Body of groundwater' means a distinct volume of groundwater within an aquifer or aquifers.

## Article 2(17)

Ecological status is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with Annex V.

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## Article 2(23)

'Good chemical status' means the chemical status achieved by a body of water in which concentrations of pollutants do not exceed the environmental quality standards established in Annex IX and under Article 21(6), and under other relevant Community legislation setting environmental quality standards, and in which the trends in monitoring data do not suggest that such environmental quality standards will be exceeded in the future.

Good chemical status is the chemical status required to meet the environmental objectives for surface waters and groundwaters established in points (a) and (b) of Article 4(1).

'Good surface water chemical status' means the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the environmental quality standards established in Annex IX and under Article 21(6), and under other relevant Community legislation setting environmental quality standards at Community level.

## Article 2(23)(a) (new)

'Good groundwater chemical status' is the status defined in table 2.3.2 of Annex V.

## Article 2(24)

'Quantitative status' is an expression of the degree to which a body of groundwater is permanently depleted by direct and indirect abstractions and alterations to its natural rate of recharge.

'Quantitative status' is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions.

## Article 2(24)(a) (new)

'Available groundwater resource' means the long term annual average rate of overall recharge of the body of groundwater less the long term annual average rate of flow required to achieve the ecological quality objectives for associated surface waters specified under Article 4, to avoid any significant diminution in the ecological status of such waters and to avoid any significant damage to associated terrestrial ecosystems.

## Article 2(26)

'Good quantitative status' means the quantitative status achieved by a body of groundwater in which abstractions and alterations to the natural rate of recharge are sustainable in the long term without leading to loss of ecological quality in associated surface waters or damage to associated terrestrial ecosystems.

'Good quantitative status' is the status defined in table 2.2.2 of Annex V.

Good quantitative status is the quantitative status required to meet the environmental objectives for groundwaters established in point (b) of Article 4(1).

## Article 4(1)(a)

(a) prevent deterioration of ecological quality and pollution of surface waters and restore polluted surface waters, in order to achieve good surface water status in all surface waters by 31 December 2010;

(a) — preventing deterioration in status of surface waters and  
— restoring surface waters with the aim of achieving good surface water status by 31 December 2010; and

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- improving heavily-modified and artificial water bodies, as designated under Annex II section 1.6, with the aim of achieving good ecological potential and good surface water chemical status by 31 December 2010,

in all bodies of surface water, in accordance with the provisions laid down in Annex V, subject to the application of paragraphs 4, 5 and 6 and without prejudice to the relevant international agreements referred to in Article 1 for the parties concerned;

## Article 4(1)(b)

- (b) prevent deterioration of groundwater quality, restore polluted groundwater, and ensure a balance between abstraction and recharge of groundwater, in order to achieve good groundwater status in all groundwaters by 31 December 2010; and

- (b) — preventing deterioration of groundwater status,

- restoring bodies of groundwater and ensuring a balance between abstraction and recharge of groundwater with the aim of achieving good groundwater status in all bodies of groundwater, by 31 December 2010, in accordance with the provisions laid down in Annex V, and

- reversing any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity in order to progressively reduce pollution, thereby contributing to a state of insignificantly anthropogenically polluted groundwater,

and subject to the application of paragraphs 4, 5 and 6;

## Article 4(1)(cc) (new)

- (cc) the progressive reduction of emissions to surface water of those substances specified in the priority list agreed pursuant to Article 21(2), and of those substances which would otherwise prevent the achievement of the above objectives in accordance with Article 13(3)(gg);

## Article 4(2a) (new)

2a. When applying paragraphs 3, 4, 5 and 6 hereafter, Member States shall ensure that the application does not compromise the achievement of the objectives of this Directive in other bodies of water within the same River Basin District, and is consistent with the implementation of other Community environmental legislation.

## Article 4(4)(a)

- (a) the body of water is severely affected by human activity and improvements in status are proven to be impossible or prohibitively expensive;

- (a) Member States determine that the body of water is so affected by past human activity or its natural condition is such that improvements in status will be infeasible or disproportionately expensive;

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## Article 4(4)(b)

(b) the environmental objectives are established so as to ensure no further deterioration in status in order not to compromise the achievement of the objectives of this Directive in other bodies of water within the same River Basin District;

(b) such less stringent environmental objectives are established at a level which represents a water status no more than slightly below the highest which could be achieved given the unavoidable impact of the human activity.

## Article 4(4)(d)

(d) such less stringent objectives are established in a way which does not undermine the implementation of existing Community legislation;

Deleted

## Article 4(5) (new)

5. Deterioration in the status of bodies of water shall not be in breach of the requirements of this Directive if this is the result of unforeseen or exceptional circumstances, in particular floods and droughts, when all of the following conditions have been met:

(a) all practicable steps are taken with the aim of preventing further deterioration in status and in order not to compromise the achievement of the objectives of this Directive in other bodies of water not affected by those circumstances;

(b) the conditions under which such unforeseen or exceptional circumstances may be declared, including the adoption of the appropriate indicators, are stated in the River Basin Management Plan;

(c) the measures to be taken under such exceptional circumstances are included in the programme of measures and will not compromise the recovery of the quality of the body of water once the circumstances are over;

(d) the effects of the unforeseen or exceptional circumstances are reviewed annually and, for situations other than floods and droughts, any practicable measures are taken with the aim of restoring the body of water to its status prior to the effects of those circumstances as soon as reasonably practicable; and

(e) a summary of the effects of the circumstances and of the measures taken or to be taken in accordance with paragraphs (a) and (b) above are included in the next update of the River Basin Management Plan.

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## Article 4(6) (new)

6. Failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential or to prevent deterioration in the status of a body of surface water or groundwater shall not be in breach of this Directive where this is the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater where Member States determine that there are reasons of overriding public interest for making these modifications or alterations especially for human safety, the protection of human health, environmental protection or environmentally sustainable development, and the following conditions are met:

- (a) all practicable steps are taken to mitigate the adverse impact of the modifications on the status of the body of water;
- (b) alternatives to the modifications have been fully investigated and assessed and the modifications are judged in the circumstances to be the best environmental option;
- (c) the reasons for the modifications, and the investigation of alternatives and the revised objectives for the modified water body are specifically set out and explained in the River Basin Management Plan required under Article 16 and the revised objectives and the need for the modifications are reviewed every 6 years.

## Article 5

**Characteristics of the River Basin District**

1. Member States shall ensure that an analysis of the characteristics of each River Basin District is undertaken and that it is completed by 31 December 2001. Such analyses shall cover the following elements:

- (a) the geographical and geological characteristics of the River Basin District;
- (b) the hydrographical characteristics of the River Basin District;
- (c) the demographic characteristic of the River Basin District; and
- (d) land use and economic activity within the River Basin District.

In order to ensure that the maximum use can be made of all available information and to avoid duplication of data collection, cooperation shall be ensured with statistical authorities at national and Community level.

**Characteristics of the River Basin District, review of the environmental impact of human activity and Economic Analysis of water use**

1. Each Member State shall ensure that for each River Basin District or for the portion of an international River Basin District falling within its territory:

- an analysis of its characteristics,
- a review of the impact of human activity on the status of surface waters and on groundwater; and
- an economic analysis of water use is undertaken according to the technical specifications set out in Annexes II and IIIa and that it is completed by 31 December 2001;

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2. The technical specifications of Annex II shall, for the purpose of the analysis, be adopted by the Commission by 31 December 1999 at the latest, in accordance with the procedure laid down in Article 25. The technical specifications shall replace the current Annex II.

3. The analyses shall be reviewed, and if necessary updated by 31 December 2007 and every six years thereafter.

2. The analyses and reviews mentioned under paragraph 1 shall be reviewed, and if necessary updated by 31 December 2007 and every six years thereafter.

## Article 6

**Review of the environmental impact of human activity**

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1. Member States shall ensure that, for each River Basin District, a review of the impact of human activity on the status of surface waters and on groundwater is undertaken, and that it is completed by 31 December 2001. Such reviews shall cover the following elements:

- (a) estimations of point source pollution;
- (b) estimations of diffuse source pollution;
- (c) estimations of water abstractions; and
- (d) an analysis of other anthropogenic influences on the status of water.

2. The technical specifications of Annex III shall, for the purpose of the review, be adopted by the Commission by 31 December 1999 at the latest, in accordance with the procedure laid down in Article 25. The technical specifications shall replace the current Annex III.

3. The review shall be updated by 31 December 2007 and every six years thereafter.

## Article 7

**Economic analysis of water use within the River Basin District**

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1. Member States shall ensure that, for each River Basin District, an economic analysis of water use is undertaken in order, *inter alia*, to provide the basic information for the purposes of Article 12, and that it is completed by 31 December 2001. Such analyses shall cover the following:

- (a) the abstraction and distribution of fresh water;

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- (b) the collection and discharge of waste water;
- (c) the volumes, prices and costs (including environmental and resource costs and benefits) associated with points (a) and (b);
- (d) the breakdown of the data collected under points (a), (b) and (c) according to different sectors of the economic activity, broken down at least into households, industry and agriculture;
- (e) long-term forecasts of supply and demand;
- (f) estimates of investments in infrastructure by the public and private sectors; and
- (g) the historical trends in the data collected under points (a) to (f), including seasonal data where relevant, and future projections under a number of price and investment scenarios, covering, at least, the previous six years and projections for the following twelve years;

2. The technical specifications of Annex II shall, for the purpose of the analysis, be adopted by the Commission by 31 December 1999 at the latest, in accordance with the procedure laid down in Article 25. The technical specifications shall replace the current Annex II.

3. The economic analyses shall be updated by 31 December 2007 and every six years thereafter.

## Article 8(2)

For each body of water identified under paragraph 1, Member States shall ensure the establishment of environmental quality standards designed to ensure that, under the anticipated water treatment regime, and in accordance with Community legislation, the resulting water will meet the requirements of Directive 80/778/EEC.

For each body of water identified under paragraph 1, in addition to meeting the objectives of Article 4 in accordance with the requirements of this Directive, for surface water bodies including the quality standards established at Community level under Article 21, Member States shall ensure that under the water treatment regime applied, and in accordance with Community legislation, the resulting water will meet the requirements of Directive 80/778/EEC as abrogated by Directive 98/83/EEC.

## Article 10(1)

1. Member States shall ensure the establishment of programmes for the monitoring of water status in order to establish a coherent and comprehensive review of water status within each River Basin District. For surface waters such programmes shall cover monitoring of the ecological and chemical status. For groundwaters such programmes shall cover monitoring of the chemical and quantitative status. These programmes shall be operational by 31 December 2001. Such monitoring shall cover the elements listed in Annex V.

1. Member States shall ensure the establishment of programmes for the monitoring of water status in order to establish a coherent and comprehensive review of water status for each River Basin District, as well as for the adjoining maritime areas into which the waters of the River Basin District flow. For surface waters such programmes shall cover quantitative monitoring of the volume and level or rate of flow, and the ecological and chemical status. For groundwaters such programmes shall cover monitoring of the chemical and quantitative status. These programmes shall be operational by 31 December 2001. Such monitoring shall cover the elements listed in Annex V.

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## Article 10(2a) (new)

2a. The technical specifications shall include the use of standardised methods for analysing and monitoring quality recognised by all the Member States.

## Article 12(1) a (new)

Member States shall take into account the principle of recovery of environmental and resource costs of water use, with a view to setting charges at a level which encourages the attainment of the environmental objectives of this Directive.

## Article 12a (new)

**The combined approach for point and diffuse sources**

1. Member States shall ensure that relevant discharges subject to control as specified under paragraph 2 are controlled according to the approach set out in this Article.

2. Member States shall ensure the establishment and/or implementation of:

- (a) the emission controls based on best available techniques; or
- (b) the relevant emission limit values; or
- (c) in the case of diffuse impacts the controls including, as appropriate, best environmental practices;

set out in:

- Directive 96/61/EC
- Directive 91/271/EC
- Directive 91/676/EC
- the Directives adopted pursuant to Article 21 of this Directive
- the Directives listed in Annex IX
- any other relevant Community legislation

at the latest by 31 December 2007, unless otherwise specified in the legislation concerned.

3. Where a quality objective or quality standard, whether established pursuant to this Directive, in the Directives listed in Annex IX, or pursuant to any other Community legislation, requires stricter conditions than those which would result from the application of paragraph 2, more stringent emission controls shall be set accordingly.

## Article 13(3)(bb) (new)

(bb) any measures required to achieve the objectives set out in accordance with Article 4 for bodies of surface water designated as heavily modified or artificial;

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## Article 13(3)(e)

- (e) Controls over the abstraction of fresh surface water and groundwater, and diversion and impoundment of fresh surface water, including a register or registers of water abstractions and a requirement of prior authorisation for abstraction, diversion and impoundment. These controls shall be periodically reviewed and, where necessary, updated. Member States can exempt from these controls, abstraction, diversion or impoundments, which have no significant impact on water status;

## Article 13(3)(g)

- (g) a prohibition on direct discharges into groundwater of the substances listed in Annex VIII;

- (g) a prohibition of direct discharges of pollutants into groundwater subject to the following provisions.

Member States may authorise re-injection into the same aquifer of water used for geothermal purposes.

They may also authorise, specifying the conditions for:

- injection of water containing substances resulting from the exploration and extraction operations of hydrocarbons or mining activities, and injection of water for technical reasons, into geological formations from which hydrocarbons or other substances have been extracted or into geological formations which for natural reasons are permanently unsuitable for other purposes. Such injections shall not contain substances other than those resulting from the above operations;
- re-injection of pumped groundwater from mines and quarries or associated with the construction or maintenance of civil engineering works;
- injection of natural gas and liquified petroleum gas (LPG) for storage purposes into geological formations which for natural reasons are permanently unsuitable for other purposes;
- injection of natural gas and liquified petroleum gas (LPG) for storage purposes into other geological formations where there is an overriding need for security of gas supply, and where the injection is such as to prevent any present or future danger of deterioration in the quality of any receiving groundwater;
- construction, civil engineering and building works and similar activities on or in the ground which come into contact with groundwater;
- discharges of small quantities of substances for scientific purposes for characterisation, protection or remediation of water bodies;

provided such discharges do not compromise the achievement of the environmental objectives established for that body of groundwater.

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Member States may authorise artificial recharge or augmentation of groundwater bodies. The water used may be derived from any surface water or groundwater, provided that the use of the source does not compromise the achievement of the environmental objectives established for the source or the recharged or augmented body of groundwater;

## Article 13(3)(ia) (new)

- (ia) Measures to achieve the environmental quality standards established under Article 13(3)(d)(iii), notably in relation to sustainable water consumption.

## Article 13(4)

'Supplementary measures' are those measures designed and implemented in addition to the basic measures in order to achieve the objectives set out under Article 4. The programme of measures shall include whichever supplementary measures are considered necessary in order to achieve those objectives, including those considered necessary to achieve the environmental quality standards established under subparagraph (d)(ii), notably in relation to sustainable water consumption. Part B of Annex VI contains a non-exclusive list of supplementary measures.

'Supplementary measures' are those measures designed and implemented in addition to the basic measures in order to achieve the objectives set out under Article 4. The programme of measures shall include whichever supplementary measures are considered necessary in order to achieve those objectives. Part B of Annex VI contains a non-exclusive list of supplementary measures.

## Article 16

**River Basin Management Plans****River Basin Management Plans**

1. Member States shall ensure that within each River Basin District a River Basin Management Plan covering the whole of the River Basin District is produced. The River Basin Management Plan shall include the information detailed in Annex VII.

1. Member States shall ensure that a River Basin Management Plan is produced for each River Basin District lying entirely within its territory.

2. River Basin Management Plans shall be published by 31 December 2004.

2. In the case of an international River Basin District falling entirely within the Community, Member States shall ensure coordination with the aim of producing a single International River Basin Management Plan. Where such an international River Basin Management Plan is not produced, Member States shall produce River Basin Management Plans covering at least those parts of the international River Basin District falling within their territory to achieve the objectives of this Directive.

3. River Basin Management Plans shall be reviewed and updated by 31 December 2010 and every six years thereafter.

3. In the case of an international River Basin District extending beyond the boundaries of the Community, Member States shall endeavour to produce a single River Basin Management Plan, and, where this is not possible, the plan shall at least cover the portion of the international River Basin District lying within the territory of the Member State concerned.

4. The River Basin Management Plan shall include the information detailed in Annex VII.

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5. River Basin Management Plans may be supplemented by the production of more detailed programmes and management plans for sub-basin, sector, issue, or water type, to deal with particular aspects of water management. Implementation of these measures shall not exempt Member States from any of their obligations under the rest of this Directive.

6. River Basin Management Plans shall be published at the latest by 31 December 2004.

7. River Basin Management Plans shall be reviewed and updated at the latest by 31 December 2010 and every six years thereafter.

## Article 17

**Public information and consultation**

1. Member States shall ensure that for each River Basin District draft copies of the River Basin Management Plan are published and access granted at least one year before the beginning of the period to which the plan refers. Upon request access shall be given to background documents and information used for the development of the draft River Basin Management Plan.

2. Interested parties shall have at least six months to comment in writing on those documents in order to allow active involvement and consultation.

3. Paragraphs 1 and 2 shall apply equally to updated River Basin Management Plans.

**Public information and consultation**

1. Member States shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the River Basin Management Plans. Member States shall ensure that, for each River Basin District, they publish and make available for comments to the public, including users:

- (a) a timetable and work programme for the production of the plan, including a statement of the consultation measures to be taken at least three years before the beginning of the period to which the plan refers;
- (b) an interim overview of the significant water management issues identified in the river basin, at least two years before the beginning of the period to which the plan refers;
- (c) draft copies of the River Basin Management Plan, at least one year before the beginning of the period to which the Plan refers.

Upon request access shall be given to background documents and information used for the development of the draft River Basin Management Plan.

2. Member States shall allow at least six months to comment in writing on those documents in order to allow active involvement and consultation.

3. Paragraphs 1 and 2 shall apply equally to updated River Basin Management Plans.

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## Article 18

**Planning by sub-basin, sector, issue or water type**

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1. River Basin Management Plans may be supplemented by the production of more detailed programmes and management plans to deal with particular aspects of water management, including:

- (a) programmes and management plans dealing with particular sub-basins within their River Basin District;
- (b) programmes and management plans dealing with particular sectors of the economy;
- (c) programmes and management plans dealing with particular water issues; and
- (d) programmes and management plans dealing with particular classes of water or particular ecosystems.

Reference to such planning activities shall be made in the River Basin Management Plan.

2. Undertaking any of the planning activities shall not exempt Member States from any of their obligations under the rest of this Directive.

## Article 20(2a) (new)

Member States shall, within three years of the publication of each River Basin Management Plan or update under Article 16, submit an interim report describing progress in the implementation of the planned programme of measures.

## Article 21(1)

1. The Council shall adopt specific control measures against pollution of water by individual pollutants or groups of pollutants presenting an unacceptable risk to the environment.

1. The Council shall adopt specific measures on the progressive reduction of emissions and discharges of hazardous substances and the prevention of losses by leakages and accidental pollution of hazardous substances prioritised on the basis of their risk to or via the aquatic environment, including such risks to waters used for the abstraction of drinking water, following the procedures set out in paragraph 2. Such measures shall be adopted acting on the proposals presented by the Commission under this Article and in accordance with the procedures laid down in the Treaty.

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## Article 21(5)

5. For the substances on the priority list, the Commission shall submit proposals for controls on the principal sources of the emissions concerned. In doing so it shall take account of both product sources and process sources and shall identify the cost-effective and proportionate combination of controls. Where appropriate, action at Community level for process controls may be established on a sector-by-sector basis.

5. For the substances on the priority list, the Commission shall submit proposals for controls on the principal sources of the emissions concerned. In doing so it shall take account of both product sources and process sources and shall identify the cost-effective and proportionate combination of product controls and uniform emission limit values for process controls. Where appropriate, actions at Community level for process controls may be established on a sector-by-sector basis.

## Article 21(6a) (new)

6a. The Commission shall submit proposals, in accordance with paragraphs 5 and 6, and at least for emission controls for point sources and environmental quality standards within 2 years of the inclusion of the substance concerned on the priority list.

## 21(6b) (new)

6b. When submitting proposals under paragraph 6a, the Commission shall, as far as possible, report on the reduction of the load of emissions of hazardous substances to surface water that will be achieved thereby. In reporting on the implementation of adopted proposals, the Commission shall likewise report on the load reduction achieved.

## Article 22

**Commission Report**

1. The Commission shall publish a report on the implementation of this Directive by 31 December 2006 and every six years thereafter.
2. The report shall include the following:
  - (a) a review of progress in the implementation of the Directive;
  - (b) a review of the status of surface water and groundwater in the Community;
  - (c) a comparative survey of the River Basin Management Plans submitted in accordance with Article 20, including recommendations for the improvement of future plans;
  - (d) a response to each of the recommendations to the Commission made by competent authorities pursuant to Article 15; and
  - (e) a summary of any strategies developed under Article 21.

**Commission Report**

1. The Commission shall publish a report on the implementation of this Directive by 31 December 2006 and every six years thereafter, and shall submit it to the European Parliament and to the Council.
2. The report shall include the following:
  - (a) a review of progress in the implementation of the Directive;
  - (b) a review of the status of surface water and groundwater in the Community undertaken in coordination with the European Environment Agency;
  - (c) a survey of the River Basin Management Plans submitted in accordance with Article 20, including suggestions for the improvement of future plans;
  - (d) a summary of the response to each of the reports or recommendations to the Commission made by Member States pursuant to Article 15; and
  - (e) a summary of any proposals, control measures and strategies developed under Article 21;

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(f) a summary of the responses to comments made by the European Parliament and the Council on previous implementation reports.

3. The Commission shall also publish a report on progress in implementation based on the summary reports that Member States submit under Article 20.2, and submit it to the European Parliament and the Member States, at the latest 2 years after the dates referred to in Articles 5 and 10.

4. The Commission shall, within three years of the publication of each Report under paragraph 1, publish an interim report describing progress in implementation on the basis of the interim reports of the Member States as mentioned in Article 20(3). This shall be submitted to the European Parliament and to the Council.

5. The Commission shall convene when appropriate in line with the reporting cycle a conference of interested parties on Community Water Policy from each of the Member States, to comment on the Commission's implementation reports and to share experiences.

Participants should include representatives from the competent authorities, the European Parliament, NGOs, the social and economic partners, consumer bodies, academics and other experts.

## Article 24(1)

**Amendments to the Directive****Amendments to the Directive**

1. Annexes I, II, III, V, VIII and IX may be adapted to scientific and technical progress in accordance with the procedures laid down in Article 25.

1. Annexes I, II, III, V, VIII and IX may be adapted to scientific and technical progress in accordance with the procedures laid down in Article 25 and modifications shall be published in accordance with the procedures and timetable in Article 22.

## Article 26

**Repeals****Repeals**

1. The following are repealed with effect from 31 December 2007:

- Directive 75/440/EEC;
- Decision 77/795/EEC;
- Directive 78/659/EEC;
- Directive 79/869/EEC;
- Directive 79/923/EEC;
- Directive 80/68/EEC; and
- Directive 76/464/EEC, with the exception of Article 6, which shall be deleted with effect from the entry into force of this Directive.

1. The following are repealed with effect from 31 December 2001:

- Decision 77/795/EEC;
  - Directive 79/869/EEC;
  - Directive 75/440/EEC.
2. The following are repealed with effect from 31 December 2007:
- Directive 78/659/EEC;
  - Directive 79/923/EEC;
  - Directive 80/68/EEC; and

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— Directive 76/464/EEC, with the exception of Article 6, which shall be deleted with effect from the entry into force of this Directive.

3. The following transitional provisions will apply for Directive 76/464/EEC:

(a) the priority list adopted under Article 21 shall replace the list of substances prioritised in the Commission Communication to the Council of 22 June 1982;

(b) for the purposes of Article 7 of Directive 76/464/EEC, Member States may apply the principles for the identification of pollution problems and the substances causing them, the establishment of quality standards, and the adoption of measures, laid down in this Directive.

4. The environmental objectives in Article 4 and environmental quality standards established in Annex IX and pursuant to Article 21(6), and by Member States under Annex V for substances not on the priority list and under Article 21(6a) in respect of priority substances for which Community standards have not been set, shall be regarded as environmental quality standards for the purposes of point 7 of Article 2 and Article 10 of Directive 96/61/EC.

5. Where a substance on the priority list adopted under Article 21 is not included in Annex VIII to this Directive or in Annex III to Directive 96/61/EC, it shall be added thereto.

6. For bodies of surface water, environmental objectives established under the first River Basin Management Plan required by this Directive shall, as a minimum, give effect to quality standards at least as stringent as those required to implement Directive 76/464/EEC.

Annex II is replaced by the following:

'ANNEX II

## 1. SURFACE WATERS

### 1.1. Characterisation of surface water body types

Member States shall identify the location and boundaries of bodies of surface water and shall carry out an initial characterisation of all such bodies in accordance with the following methodology. Member States may group surface water bodies together for the purposes of this initial characterisation.

- (i) The surface water bodies within the river basin district shall be identified as falling within either one of the following surface water categories — rivers, lakes, transitional waters or coastal waters — or as artificial surface water bodies or heavily modified surface water bodies;
- (ii) For each surface water category, the relevant surface water bodies within the river basin district shall be discriminated into types. These types are the aquatic areas which are defined using either "system A" or "system B" identified in section 1.2 below;
- (iii) If system A is used, the surface water bodies within the river basin district shall first be discriminated into the relevant ecoregions in accordance with the geographical areas identified in section 1.2 below and shown on the relevant map at Annex X. The water bodies within each ecoregion shall then be discriminated into surface water body types according to the descriptors set out in the tables for system A;

- (iv) If System B is used, Member States must achieve at least the same degree of discrimination as would be achieved using System A. Accordingly, the surface water bodies within the river basin district shall be discriminated into types using the values for the obligatory descriptors and such optional descriptors, or combinations of descriptors, as are required to ensure that type specific biological reference conditions can be reliably derived;
- (v) For artificial and heavily modified surface water bodies the discrimination shall be undertaken in accordance with the descriptors for whichever of the surface water categories most closely resembles the heavily modified or artificial water body concerned;
- (vi) Member States shall submit to the Commission a map or maps (in a GIS format) of the geographical location of the types consistent with the degree of discrimination required under system A.

## 1.2. Ecoregions and surface water body types

### 1.2.1. Rivers

#### SYSTEM A

| Fixed Typology | Descriptors   |
|----------------|---|
| Ecoregion      | Ecoregions shown on map A in Annex X  |
| Type           | <p>Altitude typology:</p> <ul style="list-style-type: none"> <li>— High &gt; 800 m</li> <li>— Mid-altitude 200 to 800 m</li> <li>— Lowland &lt; 200 m</li> </ul> <p>Size typology based on catchment area:</p> <ul style="list-style-type: none"> <li>— Small 10-100 km<sup>2</sup></li> <li>— Medium 100 to 1 000 km<sup>2</sup></li> <li>— Large 1 000 to 10 000 km<sup>2</sup></li> <li>— Very large &gt; 10 000 km<sup>2</sup></li> </ul> <p>Geology</p> <ul style="list-style-type: none"> <li>— Calcareous</li> <li>— Siliceous</li> <li>— Organic</li> </ul> |

#### SYSTEM B

|                              |  |
|------------------------------|--|
| Alternative characterisation | Physical and chemical factors that determine the characteristics of the river or part of the river and hence the biological population structure and composition |
| Obligatory factors           | <p>Altitude</p> <p>Latitude</p> <p>Longitude</p> <p>Geology</p> <p>Size</p>  |

|                  |  |
|------------------|--|
| Optional factors | Distance from river source<br>Energy of flow (function of flow and slope)<br>Mean water width<br>Mean water depth<br>Mean water slope<br>Form and shape of main river bed<br>River discharge (flow) category<br>Valley shape<br>Transport of solids<br>Acid neutralising capacity<br>Mean substratum composition<br>Chloride<br>Air temperature range<br>Mean air temperature<br>Precipitation |
|------------------|--|

## 1.2.2. Lakes

## SYSTEM A

| Fixed Typology | Descriptors  |
|----------------|--|
| Ecoregion      | Ecoregions shown on map A in Annex X   |
| Type           | Altitude typology:<br>— High > 800 m<br>— Mid-altitude 200 to 800 m<br>— Lowland < 200 m<br><br>Depth typology based on mean depth:<br>< 3 m,<br>> 3 to 15 m,<br>> 15 m<br><br>Size typology based on surface area:<br>0,5 to 1 km <sup>2</sup><br>> 1 to 10 km <sup>2</sup><br>> 10 to 100 km <sup>2</sup><br>> 100 km <sup>2</sup><br><br>Geology:<br>— Calcareous<br>— Siliceous<br>— Organic |

## SYSTEM B

|                              |   |
|------------------------------|---|
| Alternative Characterisation | Physical and chemical factors that determine the characteristics of the lake and hence the biological population structure and composition  |
| Obligatory factors           | Altitude<br>Latitude<br>Longitude<br>Depth<br>Geology<br>Size   |
| Optional factors             | Mean water depth<br>Lake shape<br>Residence time<br>Mean air temperature<br>Air temperature range<br>Mixing characteristics (e.g. monomictic, dimictic, polymictic)<br>Acid neutralising capacity<br>Background nutrient status<br>Mean substratum composition<br>Water level fluctuation |

1.2.3. *Transitional waters*

## SYSTEM A

| Fixed Typology | Descriptors  |
|----------------|--|
| Ecoregion      | The following as identified on map B in Annex X:<br>— Baltic Sea<br>— Barents Sea<br>— Norwegian Sea<br>— North Sea<br>— North Atlantic Ocean<br>— Mediterranean Sea   |
| Type           | Based on mean annual salinity:<br>< 0,5 ‰ Freshwater<br>0,5 to < 5 ‰ Oligohaline<br>5 to < 18 ‰ Mesohaline<br>18 to < 30 ‰ Polyhaline<br>30 to < 40 ‰ Euhaline<br><br>Based on mean tidal range:<br>< 2 m microtidal<br>2 to 4 m mesotidal<br>> 4 m macrotidal |

## SYSTEM B

|                              |  |
|------------------------------|--|
| Alternative characterisation | Physical and chemical factors that determine the characteristics of the transitional water and hence the biological population structure and composition   |
| Obligatory factors           | Latitude<br>Longitude<br>Tidal range<br>Salinity   |
| Optional factors             | Depth<br>Current velocity<br>Wave exposure<br>Residence time<br>Mean water temperature<br>Mixing characteristics<br>Turbidity<br>Mean substratum composition<br>Shape<br>Water temperature range |

## 1.2.4. Coastal waters

## SYSTEM A

| Fixed Typology | Descriptors   |
|----------------|---|
| Ecoregion      | The following as identified on map B in Annex X:<br>— Baltic Sea<br>— Barents Sea<br>— Norwegian Sea<br>— North Sea<br>— North Atlantic Ocean<br>— Mediterranean Sea  |
| Type           | Based on mean annual salinity:<br>< 0,5 ‰ Freshwater<br>0,5 to < 5 ‰ Oligohaline<br>5 to < 18 ‰ Mesohaline<br>18 to < 30 ‰ Polyhaline<br>30 to < 40 ‰ Euhaline<br><br>Based on mean depth:<br>shallow waters < 30 m,<br>intermediate (30 to 200 m),<br>deep > 200 m |

## SYSTEM B

|                              |   |
|------------------------------|---|
| Alternative characterisation | Physical and chemical factors that determine the characteristics of the coastal water and hence the biological community structure and composition  |
| Obligatory factors           | Latitude<br>Longitude<br>Tidal range<br>Salinity  |
| Optional factors             | Current velocity<br>Wave exposure<br>Mean water temperature<br>Mixing characteristics<br>Turbidity<br>Retention time (of enclosed bays)<br>Mean substratum composition<br>Water temperature range |

### 1.3. Establishment of type specific reference conditions for surface water body types

- (i) For each surface water body type characterised in accordance with section 1.1 above, type specific hydromorphological and physicochemical conditions shall be established representing the values of the hydromorphological and physicochemical quality elements specified in section 1.1 in Annex V for that surface water body type at high ecological status as defined in the relevant table in section 1.2 in Annex V. Type specific biological reference conditions shall be established, representing the values of the biological quality elements specified in section 1.1 in Annex V for that surface water body type at high ecological status as defined in the relevant table in section 1.2 in Annex V.
- (ii) In applying the procedures set out in this section to heavily modified or artificial water bodies references to high ecological status shall be construed as references to maximum ecological potential as defined in table 1.2.5 of Annex V. The values for maximum ecological potential for a water body shall be reviewed every 6 years.
- (iii) Type specific conditions for the purposes of i) and ii) above and type specific biological reference conditions may be either spatially based, or based on modelling, or may be derived using a combination of these methods. Where it is not possible to use these methods, Member States may use expert judgement to establish such conditions. In defining high ecological status in respect of concentrations of specific synthetic pollutants, the detection limits are those which can be achieved in accordance with the available techniques at the time when the type specific conditions are to be established.
- (iv) For spatially based type specific biological reference conditions, Member States shall develop a reference network for each surface water body type. The network shall contain a sufficient number of sites of high status to provide a sufficient level of confidence about the values for the reference conditions given the variability in the values of the quality elements corresponding to high ecological status for that surface water body type and the modelling techniques which are to be applied under paragraph v.
- (v) Type specific biological reference conditions based on modelling may be derived using either predictive models or hindcasting methods. The methods shall use historical, palaeological and other available data and shall provide a sufficient level of confidence about the values for the reference conditions to ensure that the conditions so derived are consistent and valid for each surface water body type.
- (vi) Where it is not possible to establish reliable type specific reference conditions for a quality element in a surface water body type due to high degrees of natural variability in that element, not just as a result of seasonal variations, then that element may be excluded from the assessment of ecological status for that surface water type. In such circumstances Member States shall state the reasons for this exclusion in the River Basin Management Plan.

#### 1.4. Identification of pressures

Member States shall collect and maintain information on the type and magnitude of the significant anthropogenic pressures to which the surface water bodies in each River Basin District are liable to be subject, in particular:

- estimation and identification of significant point source pollution, in particular by substances listed in Annex VIII, from urban, industrial, agricultural and other installations and activities, based *inter alia* on information gathered under

- (i) Articles 9 and 15 of Council Directive 96/61/EC,

- (ii) Articles 15 and 17 of Council Directive 91/271/EEC,

and for the purposes of the initial River Basin Management Plan:

- (iii) Article 11 of Council Directive 76/464/EEC, and

- (iv) Council Directives 75/440/EEC, 76/160/EEC, 78/659/EEC and 79/923/EEC

- estimation and identification of significant diffuse source pollution, in particular by substances listed in Annex VIII, from urban, industrial, agricultural and other installations and activities; based *inter alia* on information gathered under

- (i) Articles 3, 5 and 6 of Council Directive 91/676/EEC

- (ii) Articles 7 and 17 of Council Directive 91/414/EEC

- (iii) Council Directive (Biocides),

and for the purposes of the first River Basin Management Plan:

- (iv) Council Directives 75/440/EEC, 76/160/EEC, 76/464/EEC, 78/659/EEC and 79/923/EEC

- estimation and identification of significant water abstraction for urban, industrial, agricultural and other uses, including seasonal variations and total annual demand, and of loss of water in distribution systems

- estimation and identification of the impact of significant water flow regulation, including water transfer and diversion, on overall flow characteristics and water balances

- identification of significant morphological alterations to water bodies

- estimation and identification of other significant anthropogenic impacts on the status of surface waters, and

- estimation of land use patterns, including identification of the main urban, industrial and agricultural areas and, where relevant, fisheries and forests.

#### 1.5. Assessment of impact

Member States shall carry out an assessment of the susceptibility of the surface water status of bodies to the pressures identified above.

Member States shall use the information collected above, and any other relevant information including existing environmental monitoring data, to carry out an assessment of the likelihood that surface waters bodies within the River Basin District will fail to meet the environmental quality objectives set for the bodies under Article 4. Member States may utilise modelling techniques to assist in such an assessment.

For those bodies identified as being at risk of failing the environmental quality objectives further characterisation shall, where relevant, be carried out to optimise the design of both the monitoring programmes required under Article 10, and the programmes of measures required under Article 13.

#### 1.6. Designation of artificial and heavily modified bodies

Member States may designate a body of surface water as artificial or heavily modified where making changes to the artificial or heavily modified characteristics of that body necessary to achieve good ecological status would have significant adverse effects on:

- (i) the wider environment
- (ii) navigation or recreation
- (iii) activities for the purposes of which water is stored (for example, power generation, drinking-water supply)
- (iv) water regulation, flood protection, irrigation or land drainage; or
- (v) human development.

## 2. GROUNDWATERS

### 2.1. Initial characterisation

Member States shall carry out an initial characterisation of all groundwater bodies to assess their uses and the degree to which they are at risk of failing to meet the objectives for each groundwater body under Article 4. Member States may group groundwater bodies together for the purposes of this initial characterisation. This analysis may employ existing hydrological, geological, pedological, land use, discharge, abstraction and other data but shall identify:

- the location and boundaries of the groundwater body or bodies
- the pressures to which the groundwater body or bodies are liable to be subject including:
  - diffuse sources of pollution
  - point sources of pollution
  - abstraction
  - artificial recharge
- the general character of the overlying strata in the catchment area from which the groundwater body receives its recharge
- those groundwater bodies for which there are directly dependent surface water ecosystems or terrestrial ecosystems.

### 2.2. Further characterisation

Following this initial characterisation, Member States shall carry out further characterisation of those groundwater bodies or groups of bodies which have been identified as being at risk in order to establish a more precise assessment of the significance of such risk and identification of any measures to be required under Article 13. Accordingly, this characterisation shall include relevant information on the impact of human activity and, where relevant information about:

- geological characteristics of the groundwater body including the extent and type of geological units;
- hydrogeological characteristics of the groundwater body including hydraulic conductivity, porosity and confinement;
- characteristics of the superficial deposits and soils in the catchment from which the groundwater body receives its recharge, including the thickness, porosity, hydraulic conductivity, and absorptive properties of the deposits and soils;
- stratification characteristics of the groundwater within the groundwater body;
- an inventory of associated surface systems, including terrestrial ecosystems and bodies of surface water, with which the groundwater body is dynamically linked;
- estimates of the directions and rates of exchange of water between the groundwater body and associated surface systems; and
- sufficient data to calculate the long term annual average rate of overall recharge.

### 2.3. Review of the impact of human activity on groundwaters

For those bodies of groundwater which cross the boundary between two or more Member States or are identified following the initial characterisation undertaken in accordance with paragraph 2.1 above as being at risk of failing to meet the objectives set for each body under Article 4, the following information shall, where relevant, be collected and maintained for each groundwater body:

- the location of points in the groundwater body used for the abstraction of water intended for human consumption providing more than an average of 10 m<sup>3</sup> per day or serving more than 50 persons;

- the annual average rates of abstraction from such points;
- the chemical composition of water abstracted from the groundwater body;
- the location of points in the groundwater body into which water is directly discharged;
- the rates of discharge at such points;
- the chemical composition of discharges to the groundwater body; and
- land use in the catchment or catchments from which the groundwater body receives its recharge, including anthropogenic alterations to the recharge characteristics such as rainwater and run-off diversion through land sealing, artificial recharge, damming or drainage.

#### 2.4. Review of the impact of changes in groundwater levels

Member States shall also identify those bodies of groundwater for which lower objectives are to be specified under Article 4 including as a result of consideration of the effects of the status of the body on:

- surface water and associated terrestrial ecosystems
- water regulation, flood protection and land drainage
- human development.'

Annex III — Delete entire Annex

*'Annex IIIa (new)*

#### ECONOMIC ANALYSIS

The economic analysis shall contain sufficient information in sufficient detail (taking account of the costs associated with collection of the relevant data) in order to:

- (a) make the relevant calculations necessary for taking into account under Article 12 the principle of recovery of the costs of water services, taking account of long term forecasts of supply and demand for water in the River Basin District and, where necessary:
  - estimates of the volume, prices and costs associated with water services as defined in Article 2(32), and
  - estimates of relevant investment including forecasts of such investments;
- (b) calculate long term forecasts of achievable savings by improvements in water use efficiency, broken down into different sectors of water use, at least into household, industry and agriculture
- (c) make judgements about the most cost effective combination of measures in respect of water uses to be included in the programme of measures under Article 13 based on estimates of the potential costs of such measures.'

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Annex IV is amended as follows:

### PROTECTED AREAS

#### Point 1

1. The register of Protected Areas required under Article 9 shall include, where relevant for the purposes of water protection, the following types of Protected Areas:

1. The register of Protected Areas required under Article 9 shall include the following types of Protected Areas:

#### Point 1(i)

(i) areas designated for the abstraction of water intended for human consumption under Article 8;

(i) areas designated for the actual or potential abstraction of water intended for human consumption under Article 8;

#### Point 1(v)

(v) areas designated for the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in their protection, including relevant Natura 2000 sites designated under the Habitats Directive (92/43/EEC) and the Birds Directive (79/409/EEC).

(v) areas designated for the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in their protection, including relevant Natura 2000 sites to be protected under the Habitats Directive (92/43/EEC) and the Birds Directive (79/409/EEC).

Annex V is hereby amended:

#### New paragraph under title (new)

##### 1.1.2. Normative definitions of ecological status classifications

Waters achieving a status below fair shall be classified as poor or bad:

— Waters showing evidence of major alterations to the values of the biological quality elements for the surface water body type and in which the relevant biological communities deviate substantially from those normally associated with the surface water body type under undisturbed conditions, shall be classified as poor.

— Waters showing evidence of severe alterations to the values of the biological quality elements for the surface water body type and in which large portions of the relevant biological communities normally associated with the surface water body type under undisturbed conditions are absent, shall be classified as bad.

## ORIGINAL PROPOSAL

## AMENDED PROPOSAL

## Table 1.1.2.1

## Hydromorphological elements

## Good quality

Such as to allow the occurrence of the type specific biological communities specified above.

Conditions consistent with occurrence of the type specific biological communities specified above.

## Table 1.1.2.1

## Chemical elements: substances under Annex VIII not included under general parameters

## High quality

Concentrations not in excess of detection limit of most advanced analytical techniques or ubiquitous levels.

Concentrations close to zero and at least below the limits of detection of the most advanced analytical techniques in general use.

## Table 1.1.2.2

## Hydromorphological parameters

## Good quality

Such as to allow the occurrence of the type-specific biological communities specified above.

Conditions consistent with occurrence of the type-specific biological communities specified above.

## Table 1.1.2.2

## Chemical elements: substances under Annex VIII not included under general parameters

## High quality

Concentrations not in excess of detection limit of most advanced analytical techniques or ubiquitous levels.

Concentrations close to zero and at least below the limits of detection of the most advanced analytical techniques in general use.

## Table 1.1.2.3

## Hydromorphological factors

## Good quality

Such as to allow the occurrence of the type-specific biological communities specified above.

Conditions consistent with occurrence of the type-specific biological communities specified above.

## Table 1.1.2.3

## Chemical elements: substances under Annex VIII not included under general parameters

## High quality

Concentrations not in excess of detection limit of most advanced analytical techniques or ubiquitous levels.

Concentrations close to zero and at least below the limits of detection of the most advanced analytical techniques in general use.

## Table 1.1.2.4

## Hydromorphological parameters

## Good quality

Such as to allow the occurrence of the type-specific biological communities specified above.

Conditions consistent with occurrence of the type-specific biological communities specified above.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

## Table 1.1.2.4

Chemical elements: substances under Annex VIII not included under general parameters

## High quality

Concentrations not in excess of detection limit of most advanced analytical techniques or ubiquitous levels.

Concentrations close to zero and at least below the limits of detection of the most advanced analytical techniques in general use.

## Section 1.1.2.5.2(v) (new)

(v) The Commission will organise an exchange of information on the standards established.

## Section 1.1.3

**Classification of water body ecotype and identification of reference conditions**

Delete entire section

## Section 1.1.4.4a (new)

**Investigative monitoring**

Investigative monitoring shall be carried out:

- where the reason for any exceedances is unknown;
- where surveillance monitoring indicates that the objectives set under Article 4 for a body of water are not likely to be achieved and operational monitoring has not already been established, in order to ascertain the causes of a water body or water bodies failing to achieve the environmental objectives; or
- to ascertain the magnitude and impacts of accidental pollution;

and shall inform the establishment of a programme of measures for the achievement of the environmental objectives and specific measures necessary to remedy the effects of accidental pollution.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

## Section 1.1.4.7

**Standards for monitoring of type parameters**

Standards for hydromorphological parameters

Standards for hydromorphological parameters

**Standards for physico-chemical parameters**

Standards for physico-chemical parameters

Relevant CEN/ISO standards

Standards for hydromorphological parameters

Relevant CEN/ISO standards

## Section 1.1.5, title

**1.1.5. Monitoring and assessment of other marine waters****1.1.5. Monitoring and assessment of territorial and other marine waters**

## Section 1.1.6

## Presentation of monitoring results and harmonised classification of ecological quality

**1.1.6.2. Comparability of biological monitoring results**

(iii) The Commission shall coordinate an inter-calibration exercise. Every biological monitoring system to be used by a Member State for the purposes of Article 10 shall be tested on the inter-calibration network. This testing shall take the following form:

— Each biological monitoring system shall be applied to every site in the inter-calibration network which is of an ecotype for which it shall be used in practice. The inter-calibration network shall include at least 5 sites at each of the 5 quality levels for every such ecotype.

— Environmental quality ratios for each national monitoring system shall be established for each of the five quality classes. Member States shall classify the ecological status of the water body for the purposes of this Directive by reference to the ratios so established.

(iv) The inter-calibration exercise outlined in paragraph 4 shall be completed by 31 December 2002 at the latest. A table of all the values so established shall be published by the Commission by 30 June 2003.

**1.1.6.2. Comparability of biological monitoring results**

(iii) The Commission shall coordinate an inter-calibration exercise. Every biological monitoring system to be used by a Member State for the purposes of Article 10 shall be tested on the inter-calibration network. This testing shall take the following form:

— Each biological monitoring system shall be applied to every site in the inter-calibration network which is of an ecotype for which it shall be used in practice. The inter-calibration network shall include at least 5 sites at each of the 5 quality levels for every such ecotype.

— Environmental quality ratios for each national monitoring system shall be established for each of the five quality classes on the basis of the average values obtained across the inter-calibration network. Member States shall classify the ecological status of the water body for the purposes of this Directive by reference to the ratios so established.

(iv) The inter-calibration exercise outlined in paragraph iii shall be completed by 31 December 2002 at the latest. A table of all the values so established shall be published by the Commission by 30 June 2003.

## ORIGINAL PROPOSAL

## AMENDED PROPOSAL

## Section 1.1.7

## Criteria for the designation of heavily modified physical characteristics

1.1.7. Criteria for the designation of heavily modified physical characteristics

Delete entire section.

## Section 1.2.1

## Selection of monitoring sites, and sampling and analysis frequencies

These shall be selected as specified in the legislation laying down the environmental quality standard. Where no specific guidance is given the scheme for priority list substances set out in section 1.1.4.3 shall be adopted.

These shall be selected as specified in the legislation laying down the environmental quality standard. Where no specific guidance is given, or the guidance is insufficient for the purposes of this Directive, the scheme for priority list substances set out in section 1.1.4.3, 1.1.4.4 and 1.1.4.7 shall be adopted.

## 2. Groundwater

## 2.1. Analysis of the characteristics of the River Basin District

**Identification, mapping and characterisation of groundwater bodies**

Deleted

Member States shall identify, map and characterise all groundwater bodies at a national, regional and local level.

In characterising groundwater bodies the following information shall be collected where relevant for each groundwater body:

- Boundaries and area of the groundwater body;
- Geological characteristics of the groundwater body including extent and type of geological units;
- Hydrogeological characteristics of the aquifer including hydraulic conductivity, porosity and confinement;
- Characteristics of the superficial deposits and soils overlying the aquifer including their thickness, porosity, hydraulic conductivity, and absorptive properties;
- Stratification characteristics of the groundwater within the groundwater body;
- an inventory of associated surface systems, including terrestrial ecosystems and bodies of surface water, with which the groundwater body is dynamically linked;
- estimates of the directions and rates of exchange of water between the groundwater body and associated surface systems; and
- sufficient data to calculate the long term annual average rate of overall recharge.

## ORIGINAL PROPOSAL

## AMENDED PROPOSAL

In characterising the impact of human activity, the following information shall be collected and maintained for each groundwater body:

- location of points in the groundwater body from which water is abstracted;
- the chemical composition of water abstracted from the groundwater body;
- location of points in the groundwater body into which water is directly discharged;
- the rates of discharge at such points;
- the chemical composition of waters discharged to the groundwater body;
- land use in the catchment for the groundwater body including anthropogenic alterations to the recharge characteristics of the groundwater body including rainwater and run-off diversion through land sealing, artificial recharge, damming and drainage; and
- areas of human development which may be susceptible to damage as a result of changes in groundwater level.

Sufficient information shall be provided to allow a reliable water balance calculation to be made for each groundwater body such as to identify the net change in water storage in the body resulting from the total volumes of water entering and leaving the body.

## 2. Groundwater

### 2.2.2. Definition of good quantitative status

The level of groundwater in the groundwater body is consistent with the achievement of good quantitative status as defined in Article 2.

The level of groundwater is not subject to anthropogenic alterations such as would result in failure to achieve the ecological quality objectives specified under Article 4 for associated surface waters or any significant diminution in the ecological quality of such waters or any significant damage to associated terrestrial ecosystems.

The level of groundwater does not exhibit an anthropogenically induced trend liable to result in such alterations to the groundwater level.

Alterations to flow direction resulting from level changes may occur temporarily, or continuously in a spatially limited area, but such reversals do not cause saltwater or other intrusion, and do not indicate an anthropogenically induced trend in flow direction likely to result in such intrusions.

The level of groundwater in the groundwater body is such that the available groundwater resource is not exceeded by the long-term annual average rate of abstraction.

Accordingly, the level of groundwater is not subject to anthropogenic alterations such as would result in:

- failure to achieve the environmental objectives specified under Article 4 for associated surface waters
- any significant diminution in the status of such waters
- any significant damage to terrestrial ecosystems which depend directly on the groundwater body.

And alterations to flow direction resulting from level changes may occur temporarily, or continuously in a spatially limited area, but such reversals do not cause saltwater or other intrusion, and do not indicate a sustained and clearly identified anthropogenically induced trend in flow direction likely to result in such intrusions.

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## 2. Groundwater

## 2.3.2. Definition of good chemical status

The chemical composition of the groundwater body is such that the concentrations of pollutants:

— as specified below, do not exhibit the effects of saline or other intrusions

— do not exceed the environmental quality standards specified below

— are not such as would result in failure to achieve the environmental objectives specified under Article 4 for associated surface waters nor any significant diminution of the ecological or chemical quality of such bodies nor in any significant damage to associated terrestrial ecosystems.

And monitoring data do not exhibit any trend likely to result in the exceedance of such environmental quality standards, failure to achieve such environmental objectives, such loss of ecological or chemical quality in associated surface waters or such damage to associated terrestrial ecosystems

— is not indicative of saline or other intrusion into the groundwater body

Any environmental quality standards established under Article 21(6) or under other relevant Community legislation

Any environmental quality standards established by the Member State under Article 8 or Article 21(6) or those applicable under other relevant Community legislation.

Annex VI, lists of measures to be included within the programmes of measures, is amended as follows:

## Part B

## Point 1, (vi)(a) (new)

re-creation and restoration of wetland areas

Annex VII is hereby amended:

## Subparagraph (viii)(d)-(ga)

(d) a summary of the measures taken under Article 13(3)(d) for bodies of water with a chemical status below 'good'

(f) details of the additional measures adopted under Article 13(3)(f), and

(g) details of the supplementary measures adopted under Article 13(4),

The chemical composition of the groundwater body is such that the concentrations of pollutants:

— as specified below, do not exhibit the effects of saline or other intrusions

— do not exceed the quality standards applicable under other relevant Community legislation

— are not such as would result in failure to achieve the environmental objectives specified under Article 4 for associated surface waters nor any significant diminution of the ecological or chemical quality of such bodies nor in any significant damage to terrestrial ecosystems which depend directly on the groundwater body.

Changes in conductivity are not indicative of saline or other intrusion into the groundwater body.

(d) a summary of the measures taken under Article 13(3)(d) for bodies of water failing to achieve the environmental objectives established in Article 4

(f) details of other measures taken under Article 13(3)(e);

(g) details of the additional measures adopted under Article 13(3)(f), and

(ga) details of the supplementary measures adopted under Article 13(4),

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including, in each of the above cases, an identification of the individuals or organisations responsible for undertaking the various measures and a timetable for their intended implementation, and

including, in each of the above cases, an identification of the individuals or organisations responsible for undertaking the various measures and a timetable for their intended implementation, and

## Point 3 and 4

3. The River Basin Management Plan shall contain a summary of the results of the public consultation undertaken on the draft Plan under Article 17 together with a summary of the changes made as a result.
4. The River Basin Management Plan shall contain references to any programmes and plans covered by the terms of Article 18.

3. The River Basin Management Plan shall contain a summary of the results of the public consultation undertaken on the draft Plan and the preparatory work for it under Article 17 together with a summary of the changes made as a result.
4. The River Basin Management Plan shall contain a register of any more detailed programmes and management plans for the River Basin District dealing with particular sub-basins, sectors, issues or water types, together with a summary of their contents.

Annex VIII is hereby amended:

## Point 4

4. Substances and preparations, which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment.

4. Substances and preparations, or the breakdown products of such, which have been proved to possess carcinogenic or mutagenic properties or properties which may affect steroidogenic thyroid, reproduction or other endocrine related functions in or via the aquatic environment.

## Point 12(a) (new)

- 12(a) Man-made radioactive substances.
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