Opinion of the European Economic and Social Committee on the 'Proposal for a Council directive laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption'

COM(2011) 385 final — 2011/0170 (NLE)

(2012/C 24/27)

Rapporteur: **Mr Josef ZBOŘIL**

On the 27 June 2011 the Commission decided to consult the European Economic and Social Committee, under Articles 31 and 32 of the Euratom Treaty, on the

Proposal for a Council Directive laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption

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The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 October 2011.

At its 475th plenary session, held on 26 and 27 October 2011 (meeting of 27 October), the European Economic and Social Committee adopted the following opinion by 105 votes to 2 with 2 abstentions.

1. **Conclusions and recommendations**

1.1 *Conclusions*

1.1.1 The Committee welcomes this proposal, which defines basic safety standards for the protection of the health of the population against the dangers arising from ionising radiation with regard to radioactive substances in drinking water.

1.1.2 The EESC endorses drawing up the proposal on the legal basis under chapter 3 of the Euratom Treaty in order to ensure coherence of the approach with the environmental monitoring requirements under this Treaty and under the Basic Safety Standards for radiation protection.

1.1.3 The proposal sets quality standards and monitoring requirements under standard conditions. Radiological emergency situations and the resulting contamination of drinking water from man-made radiation sources are subject to a special emergency regulation ([1]).

1.1.4 The Committee understands that Commission Recommendation 2001/928/Euratom ([2]) of 20 December 2001 on the protection of the public against exposure to radon in drinking water supplies deals with the radiological quality of drinking water supplies as regards radon and long-lived radon decay products.

1.2 *Recommendations*

1.2.1 The Committee agrees that radon and radon decay products should be included in the scope of the proposed Directive despite the existing Recommendation 2001/928/Euratom.

1.2.2 However, the EESC recommends that the long-lived radionuclides polonium (Po-210) and lead (Pb-210) should be included in the definition of Total Indicative Dose (TID).

1.2.3 The EESC notes that the proposed Directive takes account of the chemotoxicity of uranium in Annex III, p 3 'Performance characteristics and methods of analysis'. The Committee also recommends incorporating a provision on toxicological checks of ground water intended for drinking water supplies in exposed areas with a higher occurrence of uranium substances in Council Directive 98/83/EC on the quality of water intended for human consumption.

1.2.4 The EESC notes that the parametric values of Tritium described in Annex I of the proposed directive are one hundred times lower than in the Guidelines for Drinking Water Quality issued by the World Health Organization (Geneva, 3rd edition, 2008). While a far too low parametric value for Tritium does not lead to unjustified restrictions today and it can be useful as an indicator of other problems, it needs to be reconsidered in view of future technologies.

1.2.5 The Committee appreciates the very thorough work on the proposal carried out by all the bodies involved and recommends proceeding with its adoption as soon as possible.

2. **Background**

2.1 Water is one of the most comprehensively regulated areas of Community environmental legislation. Only a very small percentage of drinking water systems are located in areas that have potential sources of man-made radioactive contamination from facilities that use, manufacture, or dispose of radioactive substances.

([1]) Council Regulation (Euratom) 3954/87.

([2]) Commission Recommendation of 20 December 2001 on the protection of the public against exposure to radon in drinking water supplies, (2001/928/Euratom).

2.2 Water systems vulnerable to this type of contamination are required to be extensively monitored to ensure that their drinking water is safe. However, there are many regions in Europe where the presence of naturally occurring radioactive substances is of concern.

2.3 EU level technical requirements for the protection of the health of the general public with regard to radioactive substances in drinking water have been finalised for more than five years now, after a consultation process involving the Group of Experts under Article 31 Euratom, the Committee established under the Drinking Water Directive and the Committee of Member State representatives under Articles 35 and 36 of the Euratom Treaty. So far, the requirements for monitoring tritium and total indicative dose under Council Directive 98/83/EC on the quality of water intended for human consumption have not been implemented, pending the adoption of amendments to Annexes II (monitoring) and III (specifications for the analysis of parameters).

2.4 It is justified to incorporate the requirements for monitoring levels of radioactivity in a specific legislation under the Euratom Treaty in order to maintain the uniformity, coherence and completeness of radiation protection legislation at Community level.

2.5 Therefore, the Commission has presented a proposal laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption based on Article 31 of the Euratom Treaty.

2.6 Upon adoption, the provisions of the proposed Directive under the Euratom Treaty will supersede those of Directive 98/83/EC as regards radioactive substances in drinking water.

2.7 The governing principles of the proposed directive are as follows:

2.7.1 Legal basis: the provisions of this Directive are related to the basic standards for the protection of the health of the general public. Consequently, the legal base chosen is the Euratom Treaty, and in particular, Articles 31 and 32 thereof.

2.7.2 Subsidiarity principle: As the Community has exclusive legislative powers under Title II Chapter III of the Euratom Treaty, the proposal is not subject to the principle of subsidiarity.

2.7.3 Proportionality principle: the proposal complies with the proportionality principle by setting minimum harmonised standards for monitoring tritium and total indicative dose and adapting the requirements of Directive 98/83/EC related to radioactivity to the latest scientific and technical progress.

2.7.4 Choice of instruments:

— While the Community is responsible for establishing uniform rules in the radiation protection field, it falls on the Member States to transpose these rules into their national legislation and to implement them.

— A directive is therefore best suited to create a common approach to defining harmonised requirements for radioactivity parameters and for monitoring the quality of water intended for human consumption.

3. **Comments**

3.1 The Committee welcomes this focused and consistent proposal, which clearly and explicitly defines basic safety standards for the protection of the health of the population against the dangers arising from ionising radiation with regard to radioactive substances in drinking water. It provides reassurance on the radiological quality of water supplied in distribution systems.

3.2 The EESC endorses the legal basis for drawing up the proposal under chapter 3 of the Euratom Treaty to ensure coherence of the approach with environmental monitoring requirements under this Treaty and under the Basic Safety Standards for radiation protection.

3.3 The proposal is the result of extensive consultative work involving experts in radiation protection. It sets quality standards and monitoring requirements under standard conditions. Radiological emergency situations resulting in the contamination of drinking water ('liquid foodstuffs') from man-made radiation sources are the subject of special emergency regulations and procedures ([3]).

3.4 The Committee understands that Commission Recommendation 2001/928/Euratom of 20 December 2001 on the protection of the public against exposure to radon in drinking water supplies deals with the radiological quality of drinking water supplies as regards radon and long-lived radon decay products.

3.5 The Committee notes that the exposure resulting from radon gas as such in domestic water supplies is predominantly attributable to inhaling the gas released into the air indoors, and to a much smaller extent to drinking the water.

3.6 On the other hand, the EESC is of the opinion that the long-lived radionuclides polonium (Po-210) and lead (Pb-210) should be included in the definition of the Total Indicative Dose (TID).

([3]) Council Regulation (Euratom) 3954/87.

3.7 The EESC notes that the proposed Directive takes account of the chemotoxicity of uranium in Annex III, p. 3 'Performance characteristics and methods of analysis'. A toxicological check of ground water intended for drinking water supplies should be performed in exposed areas with a higher occurrence of uranium substances in the geological layers. A provision to this effect should be included in Council Directive 98/83/EC on the quality of water intended for human consumption, taking account of the provisional guideline value for uranium of 30 µg/l, recommended by the WHO Guidelines for drinking water quality ([4]).

3.8 The EESC notes that the parametric values of Tritium described in Annex I of the proposed directive are one hundred times lower than in the Guidelines for Drinking Water Quality issued by the World Health Organization (Geneva, 3rd edition, 2008). While a far too low parametric value for Tritium does not lead to unjustified restrictions today and it can be useful as an indicator of other problems, it needs to be reconsidered in view of future technologies.

3.9 The EESC observes that in Note 2 of Annex II ('Monitoring of radioactive substances') of the proposal for a Directive, the Commission allows Member States to use 'the number of inhabitants in a supply zone instead of the volume of water' in determining the frequency of audits of water for human consumption supplied from a distribution network. However, this does not take into account cases where water from the distribution network is bottled for sale.

Brussels, 27 October 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON

([4]) WHO Guidelines for drinking-water quality, fourth edition 2011, Chapter 12 Chemical Factsheets.