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Information and Notices

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⁽¹⁾ Text with EEA relevance.

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Directive on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (Individual Directive within the meaning of Article 16 of Directive 89/391/EEC)⁽¹⁾

*(97/C 184/01)**(Text with EEA relevance)**COM(97) 123 final — 95/0235 (SYN)*

(Submitted by the Commission pursuant to Article 189a (2) of the EC Treaty on 11 April 1997)

ORIGINAL COMMISSION PROPOSAL

AMENDED PROPOSAL

Proposal for a Council Directive on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres

Unchanged

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 118a thereof,

Unchanged

Having regard to the Commission proposal submitted after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work and the Safety and Health Commission for the Mining and Other Extractive Industries,

Unchanged

In cooperation with the European Parliament,

Unchanged

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

Unchanged

Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of directives, minimum requirements designed to encourage improvements, especially in the working environment, as regards the health and safety of workers;

Unchanged

⁽¹⁾ OJ No C 332, 9. 12. 1995, p. 10.

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Whereas, under the terms of that Article, those directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

Unchanged

Whereas the improvement of occupational safety, hygiene and health is an objective which should not be subordinated to purely economic considerations;

Unchanged

Whereas compliance with the minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres is essential to ensure workers' safety and health protection;

Unchanged

Whereas this Directive is an individual directive within the meaning of Article 16 (1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work⁽¹⁾; whereas, therefore, the provisions of the said Directive are also fully applicable to cases in which workers are potentially at risk from explosive atmospheres without prejudice to more restrictive or specific provisions contained in this Directive;

Unchanged

Whereas this Directive constitutes a practical step towards the achievement of the social dimension of the internal market;

Unchanged

Whereas the recitals to Parliament and Council Directive 94/9/EC on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres⁽²⁾ state that it is intended to prepare an additional directive based on Article 118a covering, in particular, explosion hazards which derive from a given use and/or types and methods of installation of equipment;

Whereas Directive 94/9/EC of 23 March 1994 of European Parliament and Council on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres⁽²⁾ states that it is intended to prepare an additional directive based on Article 118a covering, in particular, explosion hazards which derive from a given use and/or types and methods of installation of equipment;

Whereas explosion protection is of particular importance to safety; whereas explosions endanger the lives and health of workers as a result of the uncontrolled effects of flame and pressure, the presence of noxious reaction products and consumption of the oxygen in the ambient air which workers need to breathe;

Unchanged

Whereas explosions are characterized by the extreme rapidity with which they occur and the danger of propagation within interlinked installations; whereas manual intervention after an ignition is normally impossible; whereas, therefore, the minimum requirements for improving the safety and health protection of workers at risk from explosive atmospheres

Deleted

⁽¹⁾ OJ No L 183, 29. 6. 1989, p. 1.

⁽²⁾ OJ No L 100, 19. 4. 1994, p. 1.

⁽²⁾ OJ No L 100, 19. 4. 1994, p. 1.

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place special emphasis on the need for analysis to forecast the potential danger and the need for all necessary protective measures to be included right from the planning stage;

Whereas the large number of potential explosion risks necessitates an overall assessment of places of work, in the context of which it becomes increasingly important, in line with technical development, to take account of logical (software) malfunctions in automatically controlled processes;

Whereas the organizational aspects of explosion protection must be adapted to the technical problems occurring at places of work so that no weaknesses arise in the explosion protection arrangements; whereas Directive 89/391/EEC requires the employer to be in possession of an assessment of the risks to workers' safety and health at work; whereas this requirement is to be regarded as being amplified by the present Directive in that it provides that the employer shall draw up an explosion protection document and keep it up to date; whereas this explosion protection document may be part of the assessment of the risks to safety and health at work required by Article 9 (1) (a) of Directive 89/391/EEC; whereas the explosion protection document must contain the necessary measures for the safety and health protection of workers potentially at risk from explosive atmospheres;

Whereas an assessment of explosion risks may be required under other Community legislation; whereas, in order to avoid unnecessary duplication of work, the employer should be allowed, in accordance with national practice, to combine documents, parts of documents or other equivalent reports produced in response to other legislation to form a single 'safety report';

Whereas preventive measures must be supplemented if necessary by additional measures which become effective when ignition has taken place; whereas maximum safety can be achieved only by combining preventive and supplementary measures and taking account of operational conditions and the necessary maintenance;

Whereas the prevention of explosive atmospheres as a general rule has priority; whereas in cases in which this is not possible in the current state of the art the ignition of explosive atmospheres must be prevented and the effects of any explosion kept within acceptable limits; whereas employers have a duty to make provision for all necessary safety measures and systems;

AMENDED PROPOSAL

Deleted

Whereas the establishment of a coherent strategy for the prevention of explosions requires that organizational measures complement the technical measures taken at the workplace; whereas Directive 89/391/EEC requires the employer to be in possession of an assessment of the risks to workers' safety and health at work; whereas this requirement is to be regarded as being specified by the present Directive in that it provides that the employer shall draw up an explosion protection document or set of documents which satisfy the minimum requirements laid down in this Directive and keep it up to date; whereas the explosion protection documents may be part of the assessment of the risks to safety and health at work required by Article 9 (1) (a) of Directive 89/391/EEC; whereas the explosion protection documents must contain the necessary measures for the safety and health protection of workers potentially at risk from explosive atmospheres;

Whereas an assessment of explosion risks may be required under other Community acts; whereas, in order to avoid unnecessary duplication of work, the employer should be allowed, in accordance with national practice, to combine documents, parts of documents or other equivalent reports produced under other Community acts to form a single 'safety report';

Whereas preventive measures must be supplemented if necessary by additional measures which become effective when ignition has taken place; whereas maximum safety can be achieved by combining preventive measures and other additional measures limiting the detrimental effects of explosions on workers;

Deleted

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Whereas Directive 94/9/EC, which applies without restriction from 1 July 2003, divides the equipment and protective systems which it covers into equipment groups and categories; whereas the present Directive provides for a classification of the places where explosive atmospheres may occur in terms of zones; whereas this classification is to be carried out by the employer and relates to the place of use;

Whereas Directive 94/9/EC divides the equipment and protective systems which it covers into equipment groups and categories; whereas the present Directive provides for a classification by the employer of the places where explosive atmospheres may occur in terms of zones and determines which equipment and protective systems groups and categories should be used in each zone;

Whereas the requirements formulated in this Directive may not be adequate in all cases to prevent danger from hazards due to explosive mixtures under conditions other than atmospheric conditions or with co-reactants other than air, so that further measures are required;

Deleted

Whereas the scope of this Directive does not include medical facilities used directly for the treatment of patients, where particular importance attaches to the protection of patients in addition to workers' safety and health protection; whereas in such places the minimum requirements laid down in this Directive may not be sufficient in all cases;

Deleted

Whereas the scope of this Directive does not include the normal use of appliances burning gaseous fuels, since Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels⁽¹⁾ contains essential requirements concerning the placing on the market and bringing into service of such appliances, which are applicable both to the appliances themselves and to their installation, so as to ensure that the safety of persons, domestic animals and property is not compromised;

Deleted

Whereas the scope of this Directive does not encompass handling of explosives and chemically unstable substances, since its requirements may not be sufficient in all cases and special measures may therefore be necessary;

Deleted

Whereas the scope of this Directive does not encompass the mineral-extracting industries as defined in Directives 92/91/EEC⁽²⁾ and 92/104/EEC⁽³⁾, which relate to the protection of workers in these industries and already cover the question of explosion protection; whereas the minimum requirements laid down in those Directives are stricter than those in the present Directive on account of the greater potential hazard in the mineral-extracting industries;

Deleted

Whereas the scope of this Directive does not encompass the use of means of transport, including sea-going vessels, on which the pertinent provisions of the international agreements (ADR, IMO, etc.) apply, since these already ensure protection of workers,

Deleted

⁽¹⁾ OJ No L 196, 26. 7. 1990, p. 15.

⁽²⁾ OJ No L 348, 28. 11. 1992, p. 9.

⁽³⁾ OJ No L 404, 31. 12. 1992, p. 10.

ORIGINAL COMMISSION PROPOSAL

AMENDED PROPOSAL

HAS ADOPTED THIS DIRECTIVE:

Unchanged

SECTION I

GENERAL PROVISIONS

*Article 1***Subject**

1. This Directive, which is the . . . individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC, lays down minimum requirements for the safety and health protection of workers potentially at risk from explosive atmospheres as defined in Article 2.

Unchanged

2. This Directive does not apply to:

Unchanged

(a) medical facilities used directly for the treatment of patients;

(b) normal use of appliances burning gaseous fuels as defined in Directive 90/396/EEC;

(b) use of appliances burning gaseous fuels in compliance with Directive 90/396/EEC⁽¹⁾;

(c) manufacture, handling, storage and transport of explosives or chemically unstable substances.

Unchanged

(d) establishments of the mineral-extracting industries covered by Directive 92/91/EEC or Directive 92/104/EEC;

(d) mineral-extracting industries covered by Directive 92/91/EEC⁽²⁾ or Directive 92/104/EEC⁽³⁾;

(e) use of means of transport, including seagoing vessels, on which the pertinent provisions of the international agreements (ADR, IMO, etc.) apply.

(e) use of means of transport, including sea-going vessels, on which the pertinent provisions of the international agreements (ADR, IMO) apply.

3. The provisions of Directive 89/391/EEC and the pertinent individual directives are fully applicable to the domain referred to in paragraph 1, without prejudice to more restrictive and/or specific provisions contained in this Directive.

Unchanged

*Article 2***Definition**

For the purposes of this Directive, an explosive atmosphere shall be a mixture with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture.

Unchanged

⁽¹⁾ OJ No L 196, 26. 7. 1990, p. 15.

⁽²⁾ OJ No L 348, 28. 11. 1992, p. 9.

⁽³⁾ OJ No L 404, 31. 12. 1992, p. 10.

ORIGINAL COMMISSION PROPOSAL

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SECTION II

OBLIGATIONS OF THE EMPLOYER

*Article 3***Principles for the prevention of and protection against explosions**

With a view to preventing and providing protection against explosions, the employer shall take technical and/or organizational measures appropriate to the nature of the operation, in accordance with the following basic principles, in order to:

- prevent the formation of explosive atmospheres,
- prevent the ignition of explosive atmospheres,
- reduce the effects of an explosion in such a way that workers are not at risk.

*Article 4***General obligations**

1. To ensure the safety and health of workers, and in accordance with the basic principles laid down in Article 3, the employer shall take the necessary measures so that:

- where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers, the working environment is such, given the appropriate measures, that workers can perform the work assigned to them without danger to their safety and health or to the safety and health of others,
- responsible supervision is ensured during the presence of workers in working environments where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers,
- work during which workers may be at risk from explosive atmospheres is carried out only by competent persons or under their supervision,
- where necessary, workers wear only working clothes or personal protective equipment suitable for use in places where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers.

*Article 3***Principles for the prevention of and protection against explosions**

With a view to preventing, within the meaning of Article 6 (2) of Directive 89/391/EEC, and providing protection against explosions, the employer shall take technical and/or organizational measures appropriate to the nature of the operation, in accordance with the following basic principles:

- the prevention of the formation of explosive atmospheres,
- the avoidance of the ignition of explosive atmospheres,
- the reduction of the effects of an explosion in such a way that workers are not at risk.

*Article 4***General obligations**

1. To ensure the safety and health of workers, and in accordance with the basic principles laid down in Article 3, the employer shall take the necessary measures so that:

- where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers, the working environment is such that workers can perform the work assigned to them without danger to their safety and health or to the safety and health of others,
- appropriate supervision during the presence of workers shall be ensured, including the use of monitoring devices and modern technical means, in working environments where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers,

Unchanged

- where explosive atmospheres may arise in such quantities as to endanger the health and safety of workers only appropriate working clothes and/or personal protective equipment are worn by workers.

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2. Without prejudice to Council Directives 89/654/EEC⁽¹⁾, 89/655/EEC⁽²⁾ and 92/57/EEC⁽³⁾, the employer shall ensure:

- in accordance with the principle of overall assessment of the place of work, that work equipment and all installation materials are suitable for use in places where explosive atmospheres may arise and are so erected, installed and assembled that they do not give rise to an explosion risk,
- that the measures required under Article 3 are combined or supplemented as necessary and that the necessary measures against the propagation of explosions are taken,
- where necessary, that appropriate emergency routes are indicated and escape and rescue facilities are provided and maintained to ensure that workers can leave endangered places promptly and safely in the event of danger.

3. Following an appropriate health and safety policy, the employer shall ensure that a health and safety plan for explosion protection measures, hereinafter referred to as the 'explosion protection document', satisfying the pertinent requirements of Articles 6, 9 and 10 of Directive 89/391/EEC, is drawn up and kept up to date.

The explosion protection document shall demonstrate in particular:

- that the explosion risks incurred by the workers have been determined and assessed,
- that adequate measures will be taken to attain the aims of this Directive,
- that the workplace and work equipment including warning devices are designed, operated and maintained with due regard for safety,
- that, in accordance with Directive 89/655/EEC, arrangements have been made for the safe use of work equipment.

The explosion protection document shall be drawn up prior to the commencement of work and be revised if the working environment, in particular the workplace, work equipment or organization of the work, has undergone significant changes, extensions or conversions.

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2. Without prejudice to Council Directives 89/654/EEC⁽¹⁾, 89/655/EEC⁽²⁾ and 92/57/EEC⁽³⁾, the employer shall ensure:

- in accordance with the principle of overall assessment of the workplace, that work equipment and all installation materials are suitable for use in places where explosive atmospheres may arise and are erected, installed and assembled so that they do not give rise to an explosion risk,
- that the measures required under Article 3 are where necessary combined and where necessary supplemented with measures against the propagation of explosions,
- where necessary, that appropriate emergency routes are indicated and escape and rescue facilities are provided and maintained to ensure that in the event of danger workers can leave endangered places promptly and safely.

3. The employer shall ensure that a health and safety document for explosion protection measures, hereinafter referred to as the 'explosion protection document', which may be a document or set of documents, satisfying the pertinent requirements of Articles 6 and 9 of Directive 89/391/EEC, is drawn up and kept up to date.

Unchanged

Unchanged

Unchanged

Unchanged

Unchanged

The explosion protection document shall be drawn up prior to the commencement of work and be revised when the workplace, work equipment or organization of the work, undergoes significant changes, extensions or conversions.

⁽¹⁾ OJ No L 393, 30. 12. 1989, p. 1.

⁽²⁾ OJ No L 393, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 245, 26. 8. 1992, p. 6.

⁽¹⁾ OJ No L 393, 30. 12. 1989, p. 1.

⁽²⁾ OJ No L 393, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 245, 26. 8. 1992, p. 6.

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4. Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters under his control.

The employer responsible for the workplace in accordance with national law and/or practice shall coordinate the implementation of all the measures concerning workers' safety and health and shall state, in his explosion protection document, the aim of that coordination and the measures and procedures for implementing it.

The coordination shall not affect the responsibility of the individual employers as provided for in Directive 89/391/EEC.

*Article 5***Places containing explosive atmospheres**

1. The employer shall specify in the explosion protection document the places to which the minimum requirements laid down in Annex II apply.

He shall classify places where explosive atmospheres may occur in accordance with Annex I.

2. In respect of the places covered by paragraph 1, the employer shall ensure compliance with the relevant provisions of the minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres as laid down in Annex II.

Annex IV provides guidance on the performance of work in the various zones.

3. Where necessary, places where explosive atmospheres may arise in such quantities as to endanger the safety and health of workers shall be marked with signs at the points of entry to them, in accordance with Annex III.

*Article 6***Worker information**

Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at work, in particular those taken in pursuance of Articles 3 to 5 of this Directive.

AMENDED PROPOSAL

4. Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters coming under his control.

Unchanged

The coordination shall not affect the individual responsibility of each employer as provided for in Directive 89/391/EEC.

Places where explosive atmospheres may occur

Unchanged

He shall classify places, where explosive atmospheres may occur, into zones in accordance with Annex I.

2. The employer shall ensure that the minimum requirements laid down in Annex II are applied to places covered by paragraph 1.

Unchanged

Unchanged

Unchanged

ORIGINAL COMMISSION PROPOSAL

AMENDED PROPOSAL

*Article 7***Consultation and participation of workers**

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on all matters covered by this Directive.

Unchanged

*Article 8***Training of workers**

Without prejudice to Article 12 of Directive 89/391/EEC, the employer shall take the necessary steps to ensure that workers potentially at risk from explosive atmospheres receive appropriate training, in particular in pursuance of Articles 3 to 5 of this Directive.

Unchanged

*Article 9***Special requirements for work equipment and workplaces**

1. Work equipment for use in places where explosive atmospheres may occur which is made available in the undertaking or establishment for the first time after the entry into force of this Directive and up to 30 June 2003 shall comply with the minimum requirements laid down in Annex II A, if no other Community directive is applicable or is so only partially.

Unchanged

2. Work equipment for use in places where explosive atmospheres may occur which is made available in the undertaking or establishment for the first time after 30 June 2003 shall comply with the minimum requirements laid down in Annex II A and B.

Unchanged

3. Workplaces which contain places where explosive atmospheres may occur and which are used for the first time after the entry into force of this Directive shall comply with its minimum requirements.

Unchanged

4. Where work equipment and workplaces which contain places where explosive atmospheres may occur are already in use before the entry into force of this Directive, they shall comply with its minimum requirements no later than three years after its entry into force.

4. Where workplaces which contain places where explosive atmospheres may occur are already in use before the entry into force of this Directive, they shall comply with its minimum requirements no later than three years after its entry into force.

5. If, after this Directive enters into force, any modification, extension or restructuring is undertaken in workplaces containing places where explosive atmospheres may occur, the employer shall take the necessary steps to ensure that these comply with this Directive's minimum requirements.

Unchanged

ORIGINAL COMMISSION PROPOSAL

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SECTION III

MISCELLANEOUS PROVISIONS

*Article 10***Adjustments to the Annexes**

Purely technical adjustments to the Annexes of this Directive made necessary by:

— the adoption of directives on technical harmonization and standardization in the field of explosion protection,

and/or

— technical progress, changes in international regulations or specifications and new findings on the prevention of and protection against explosions,

shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

*Article 11***Vade-mecum**

A vade-mecum shall be drawn up in agreement with the Council, describing some possible ways of complying with the minimum requirements contained in this Directive. Modifications and supplements to the vade-mecum shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

Unchanged

*Article 11***Vade-mecum**

A vade-mecum setting out guidelines for some possible ways of complying with the minimum requirements contained in this Directive shall be drawn up by the Commission in accordance with the procedure laid down under Article 17 of Directive 89/391/EEC, modifications and supplements shall be subject to the same procedure.

Article 12

(new)

Information to undertakings

Member States shall ensure that the undertakings particularly medium and small sized enterprises, likely to be affected by this Directive, are timely informed of its provisions. In this context Member States shall also ensure that the vade-mecum drawn up pursuant to Article 11 is widely distributed.

*Article 12***Final provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1997. They shall forthwith inform the Commission thereof.

*Article 13***Final provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1999. They shall forthwith inform the Commission thereof.

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When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by the Member States.

Unchanged

2. Member States shall communicate to the Commission the texts of the provisions of national law which they have already adopted or adopt in the field governed by this Directive.

Unchanged

3. Member States shall report to the Commission every five years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers.

Unchanged

The Commission shall inform the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

Unchanged

*Article 13**Article 14*

This Directive is addressed to the Member States.

Unchanged

*ANNEX I**ANNEX I*

CLASSIFICATION OF PLACES WHERE EXPLOSIVE ATMOSPHERES MAY OCCUR

Unchanged

1. Preliminary note

1. Preliminary note

The following system of classification shall be applied to places where, as a result of local and operational conditions, an explosive atmosphere may occur in such quantities as to require precautions to be taken in accordance with Articles 3 to 5 of this Directive.

The following system of classification shall be applied to places where precautions in accordance with Articles 3 to 5 of this Directive shall be taken.

2. Places where explosive atmospheres may occur

A place in which an explosive atmosphere may occur in such quantities as to require special precautions to protect the health and safety of the workers concerned shall be regarded as hazardous within the meaning of this Directive.

Unchanged

A place in which an explosive atmosphere is not expected to occur in such quantities as to require special precautions shall be regarded as non-hazardous within the meaning of this Directive.

Unchanged

Flammable substances shall be classified as materials which may form an explosive atmosphere unless an investigation of their properties has shown that in mixtures with air they are incapable of independently propagating an explosion.

Flammable and/or combustible substances shall be considered as materials which may form an explosive atmosphere unless an investigation of their properties has shown that in mixtures with air they are incapable of independently propagating an explosion.

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3. Classification of hazardous places

Hazardous places shall be classified in terms of zones on the basis of the frequency and duration of the occurrence of an explosive atmosphere and the assessment of the anticipated effects.

The extent of the measures to be taken in accordance with Annex II A is determined by this classification. The guide criteria for performance of work in the various zones (Annex IV) provide useful information which may be an aid to practical application.

Zone 0

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is present continuously or for long periods or frequently.

Zone 1

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is likely to occur occasionally.

Zone 2

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is not likely to occur or, if it does occur, will persist for a short period only.

Zone 20

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is present continuously, for long periods or frequently and in which deposits of combustible dust of unknown or excessive thickness may be formed. (Dust deposits alone are not grounds for classification as Zone 20).

Zone 21

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air can occasionally occur and in which deposits or layers of combustible dust can generally be present.

Zone 22

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is not likely to occur or in which accumulations or layers of combustible dust are present.

AMENDED PROPOSAL

3. Classification of hazardous places

Hazardous places shall be classified in terms of zones on the basis of the frequency and duration of the occurrence of an explosive atmosphere.

The extent of the measures to be taken in accordance with Annex II A is determined by this classification.

Zone 0

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is present continuously or for long periods or frequently.

Zone 1

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is likely to occur in normal operation occasionally.

Zone 2

A place in which an explosive atmosphere consisting of a mixture with air of flammable substances in the form of gas, vapour or mist is not likely to occur in normal operation but, if it does occur, will persist for a short period only.

Zone 20

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is present continuously, or for long periods or frequently.

Zone 21

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is likely to occur in normal operation occasionally.

Zone 22

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is not likely to occur in normal operation but, if it does occur, will persist for a short period only.

Note I:

Layers, deposits and heaps of combustible dust shall be considered as any other source which can form an explosive atmosphere.

Note II:

Normal operation means the situation when installations are used within their design parameters.

ORIGINAL COMMISSION PROPOSAL

AMENDED PROPOSAL

ANNEX II

ANNEX II

A. MINIMUM REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH PROTECTION OF WORKERS POTENTIALLY AT RISK FROM EXPLOSIVE ATMOSPHERES

A. MINIMUM REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH PROTECTION OF WORKERS POTENTIALLY AT RISK FROM EXPLOSIVE ATMOSPHERES

Preliminary note

Preliminary note

The obligations laid down in this Annex apply:

The obligations laid down in this Annex apply:

- whenever required by the features of workplaces, workstations, the equipment or substances used or the dangers caused by the activity in question as a result of explosive atmospheres,
- to equipment in non-hazardous places which is required for, or helps to ensure, the safe operation of equipment located in hazardous places.

- whenever required by the features of workplaces, workstations, the equipment or substances used or the dangers caused by the activity related to the risks from explosive atmospheres,

Unchanged

1. *Organizational measures*

1.1. Competent workers

For any workplace, there shall be available a sufficient number of workers with the requisite skills, experience and training to perform the explosion protection tasks assigned to them.

Unchanged

1.2. Written instructions and permits to work

Where required by the explosion protection document

1.2. Written instructions and permits to work

Work in places defined as hazardous in the explosion protection document shall be performed in accordance with written instructions to be established by the employer.

- written instructions specifying the rules to be observed shall be issued for every workplace, taking into account the size of the operation and nature of activities,

A system of permits to work shall be established by the employer for carrying out both hazardous activities and activities which may interact with other work to cause hazards as defined in the explosion protection document.

- a system of permits to work shall be applied for carrying out both hazardous activities and activities which may interact with other work to cause hazards.

Permits to work shall be issued by a person with responsibility for this function prior to the commencement of work.

Unchanged

1.3. Regular review of safety and health measures

The employer shall ensure that the measures taken to protect the safety and health of the workers are reviewed regularly, at least once per year, to ensure compliance with this Directive.

Unchanged

2. *Assessment of explosion risks*

2.1. Any assessment of explosion risks shall be based on:

Unchanged

ORIGINAL COMMISSION PROPOSAL	AMENDED PROPOSAL
<ul style="list-style-type: none"> — the likelihood that explosive atmospheres will occur and their persistence, — the likelihood that ignition sources will be present and become effective, — the scale of the anticipated effects. 	
<p>2.2. Ignitability shall be assessed by taking into account, in particular:</p> <ul style="list-style-type: none"> — the possible degree of dispersal of flammable substances, — the possible concentration of flammable substances in air within their explosion limits. 	<p>2.2. Ignitability shall be assessed by taking into account, in particular,</p> <ul style="list-style-type: none"> — the degree of dispersion of flammable and/or combustible substances, — the concentration of flammable and/or combustible substances
<p>2.3. Explosion risks shall be assessed overall.</p> <p>The following are of particular importance:</p> <ul style="list-style-type: none"> — installations, — substances used, — processes, — possible interaction, including interaction with the working environment. 	<p>2.3. Explosion risks shall be assessed overall.</p> <p>The following are of particular importance:</p> <ul style="list-style-type: none"> — installations, — substances used, — processes, — and their possible interaction.
<p>2.4. Working areas which are or can be connected via openings to places in which explosive atmospheres may occur shall be taken into account in assessing explosion risks.</p>	<p>2.4. Places which are or can be connected via openings to places in which explosive atmospheres may occur shall be taken into account in assessing explosion risks.</p>
<p>3. <i>Planning principles</i></p>	<p>3. <i>Planning of installations</i></p>
<p>3.1. When planning new installations or the modification of existing ones, attention shall be paid, in particular, to:</p> <ul style="list-style-type: none"> — normal operating conditions, including maintenance work, — constructional factors, — commissioning and decommissioning, — malfunctions, foreseeable fault conditions, — misuse which may reasonably be anticipated. <p>It shall also be ascertained as part of this process whether:</p> <ul style="list-style-type: none"> — flammable substances can be replaced by others which cannot form explosive mixtures, — all types of connecting and coupling devices can be avoided in places in which explosive atmospheres may occur. <p>3.2. If the explosion protection document indicates that hazards to workers or the working environment cannot be ruled out, suitable measures and protective systems shall be introduced to combat such hazards.</p> <p>3.3. If the likelihood of an ignition source becoming effective cannot be assessed, the ignition source shall be regarded as being effective at all times, and protective measures selected accordingly.</p>	<p>Unchanged</p> <p>It shall also be ascertained as part of this process whether:</p> <ul style="list-style-type: none"> — flammable and/or combustible substances can be replaced by others which cannot form explosive mixtures, — all types of connections and couplings can be avoided in places in which explosive atmospheres may occur. <p>3.2. If hazards to workers are identified at the design stage, suitable provisions and protective systems shall be planned to combat such hazards.</p> <p>3.3. If the likelihood of an ignition source becoming effective cannot be assessed, the ignition source shall be regarded as being effective at all times.</p>

ORIGINAL COMMISSION PROPOSAL

AMENDED PROPOSAL

4. *Explosion protection measures*

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| 4.1. If an explosive atmosphere contains several types of flammable gases, vapours, mists or dusts, protective measures shall be appropriate to the greatest potential hazard. | 4.1. If an explosive atmosphere contains several types of flammable and/or combustible gases, vapours, mists or dusts, protective measures shall be appropriate to the greatest potential hazard. |
| 4.2. Prevention of ignition hazards in accordance with Article 3 shall also take account of electrostatic discharges, where workers or the working environment act as the charge carrier or charge producer. | Unchanged |
| 4.3. Suitable precautions shall be taken to prevent propagation of explosions by dangerous chain reactions. | Unchanged |
| 4.4. Work equipment and associated connecting devices shall be so assembled that they do not give rise to an explosion hazard. They may be brought into service only if the explosion protection document shows that their operation will not involve an explosion hazard. This applies also to work equipment and associated connecting devices which are not regarded as equipment or protective systems within the meaning of Directive 94/9/EC on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres if their incorporation into an installation can in itself give rise to an ignition hazard. Suitable precautions shall be taken to prevent confusion between connecting devices. | Unchanged |
| 4.5. If the way in which portable appliances are used is such that they may be operated in places with different degrees of potential danger, appropriate organizational measures shall be taken to ensure safe operation; otherwise such appliances shall be selected on the basis of the most unfavourable conditions of use. | 4.5. If portable appliances may be operated in places with different degrees of potential danger, appropriate organizational measures shall be taken to ensure safe operation; otherwise such appliances shall be selected on the basis of the most unfavourable conditions of use. |
| 4.6. It shall be ensured that only those measuring instruments for recording explosive atmospheres are used which offer the reliability and accuracy appropriate to the actual conditions of use. | 4.6. It shall be ensured that only those measuring instruments for detecting explosive atmospheres are used which offer the reliability and accuracy appropriate to the actual conditions of use. |
| 4.7. Before explosion conditions are reached, it shall still be possible for the necessary explosion protection measures to be carried out in safety. Workers shall be given optical and/or acoustic warnings and, where necessary, withdrawn. | 4.7. It shall be ensured that the necessary explosion protection measures can be carried out in safety before explosion conditions are reached. Workers shall be given optical and/or acoustic warnings and, where necessary, withdrawn before the explosion conditions are reached. |
| 4.8. Protection systems providing explosion pressure relief shall safely divert the explosion pressure and any substances released. | Unchanged |
| 4.9. Any gases released which may give rise to explosion hazards shall be suitably evacuated. | Unchanged |
| 4.10. Deposits of explosible dusts outside work equipment shall be removed or rendered harmless. | Unchanged |
| 4.11. Where additional risks may arise if the power supply to equipment and protective systems is interrupted, it shall be possible to maintain them in a safe state of operation independently of the rest of the installation. | 4.11. Where equipment and protective systems can give rise to a spread of additional risks in the event of a power failure, it must be possible to maintain them in a safe state of operation independently of the rest of the installation. |

ORIGINAL COMMISSION PROPOSAL

4.12. Manual override shall be possible in order to shut down the equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions.

Only competent persons may take such action.

4.13. When the emergency shutdown is actuated, accumulated energy shall be dissipated or insulated as quickly and as safely as possible so that it no longer constitutes a hazard.

This does not apply to electrochemically-stored energy.

4.14. Before a workplace containing places where explosive atmospheres may occur is used for the first time, its overall explosion safety shall be checked.

The requisite conditions for ensuring explosion protection shall be maintained.

4.15. Such checks shall be carried out by persons who possess particular expertise in the field of explosion protection as a result of their professional training, experience and current job.

Such persons shall be recognized and/or appointed for carrying out checks in a specific field in accordance with national legislation and/or practice.

B. CRITERIA FOR THE SELECTION OF WORK EQUIPMENT AND INSTALLATION MATERIALS

If the explosion protection document based on a risk assessment does not state otherwise, work equipment and installation materials for all places in which explosive atmospheres may occur shall be selected on the basis of the categories set out in Parliament and Council Directive 94/9/EC on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres.

Zone 0

In Zone 0, Category 1 equipment shall be used which is intended for use in areas in which explosive atmospheres caused by mixtures of air and gases, vapours or mists are present continuously, for long periods or frequently.

Zone 1

In Zone 1, Category 2 equipment shall be used which is intended for use in areas in which explosive atmospheres caused by gases, vapours or mists are likely to occur occasionally. Equipment suitable for use in Zone 0 may also be used.

AMENDED PROPOSAL

4.12. Manual override must be possible in order to shut down the equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that this does not compromise safety.

Only competent workers may take such action.

4.13. When the emergency shutdown system is actuated, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard.

This does not apply to electrochemically-stored energy.

Unchanged

Unchanged

4.15. Such checks shall be carried out by persons competent in the field of explosion protection as a result of their professional training, experience and current job.

Deleted

B. CRITERIA FOR THE SELECTION OF EQUIPMENT AND PROTECTIVE SYSTEMS

If the explosion protection document based on a risk assessment does not state otherwise, equipment and protective systems for all places in which explosive atmospheres may occur shall be selected on the basis of the categories set out in Parliament and Council Directive 94/9/EC on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres.

Zone 0

In Zone 0, Category 1 equipment shall be used which is intended for use in places in which explosive atmospheres caused by mixtures of air and gases, vapours or mists are present continuously, for long periods or frequently.

Zone 1

In Zone 1, Category 2 equipment shall be used which is intended for use in places in which explosive atmospheres caused by gases, vapours or mists are likely to occur occasionally. Equipment suitable for use in Zone 0 may also be used.

ORIGINAL COMMISSION PROPOSAL

Zone 2

In Zone 2, Category 3 equipment shall be used which is intended for use in areas in which explosive atmospheres caused by gases, vapours or mists are unlikely to occur or, if they do, are likely to do so only infrequently and for a short period only. Equipment suitable for use in Zones 0 or 1 may also be used.

Zone 20

In Zone 20, Category 1 equipment shall be used which is intended for use in areas in which explosive atmospheres caused by air/dust mixtures are present continuously, for long periods or frequently.

Zone 21

In Zone 21, Category 2 equipment shall be used which is intended for use in areas in which explosive atmospheres caused by air/dust mixtures are likely to occur occasionally. Equipment suitable for use in Zone 20 may also be used.

Zone 22

In Zone 22, Category 3 equipment shall be used which is intended for use in areas in which explosive atmospheres caused by dust raised into the air are unlikely to occur or, if they do, are likely to do so only infrequently and for a short period only. Equipment suitable for use in Zones 20 or 21 may also be used.

In accordance with Directive 89/655/EEC, the employer shall ensure that the equipment and installation materials used are suitable for the actual operating and service conditions. Where appropriate, this also applies to working clothes and personal protective equipment.

ANNEX III

Warning sign for places where explosive atmospheres may occur, pursuant to Article 5 (3):



Beware explosive atmospheres!

AMENDED PROPOSAL

Zone 2

In Zone 2, Category 3 equipment shall be used which is intended for use in places in which explosive atmospheres caused by gases, vapours or mists are unlikely to occur or, if they do, are likely to do so only infrequently and for a short period only. Equipment suitable for use in Zones 0 or 1 may also be used.

Zone 20

In Zone 20, Category 1 equipment shall be used which is intended for use in places in which explosive atmospheres caused by air/dust mixtures are present continuously, for long periods or frequently.

Zone 21

In Zone 21, Category 2 equipment shall be used which is intended for use in places in which explosive atmospheres caused by air/dust mixtures are likely to occur occasionally. Equipment suitable for use in Zone 20 may also be used.

Zone 22

In Zone 22, Category 3 equipment shall be used which is intended for use in places in which explosive atmospheres caused by air/dust mixtures are unlikely to occur or, if they do, are likely to do so only infrequently and for a short period only. Equipment suitable for use in Zones 20 or 21 may also be used.

Unchanged

ANNEX III

Warning sign for places where explosive atmospheres may occur, pursuant to Article 5 (3):



Place where explosive atmospheres may occur.

ORIGINAL COMMISSION PROPOSAL

AMENDED PROPOSAL

Distinctive features:

- triangular shape,
- black pictogram on a yellow background with black edging (the yellow part to take up at least 50 % of the area of the sign).

Distinctive features:

- triangular shape,
- black pictogram on a yellow background with black edging (the yellow part to take up at least 50 % of the area of the sign).

ANNEX IV

ANNEX IV

GUIDE CRITERIA FOR PERFORMANCE OF WORK

Installations are considered to be in normal operation when they are performing their intended function within their design parameters.

Unchanged

Zone 0

The presence of workers and performance of work are as a general rule not permissible.

Unchanged

Ignition sources which may become effective during normal operation and even in infrequently occurring cases of malfunction must be avoided.

Zone 1

The performance of work during which ignition sources may occur during normal operation is permissible only if the precautions for this zone set out in the explosion protection document are applied.

Unchanged

Ignition sources which may become effective during normal operation and in foreseeable cases of malfunction must be avoided.

Zone 2

The performance of work during which ignition sources may occur during normal operation is permissible only if the precautions for this zone set out in the explosion protection document are applied.

Unchanged

Ignition sources which may become effective during normal operation must be avoided.

Zone 20

The presence of workers and performance of work are as a general rule not permissible.

Unchanged

Ignition sources which may become effective during normal operation and even in infrequently occurring cases of malfunction must be avoided.

Zone 21

The performance of work during which ignition sources may occur during normal operation is permissible only if the precautions for this zone set out in the explosion protection document are applied.

Unchanged

Ignition sources which may become effective during normal operation and in foreseeable cases of malfunction must be avoided.

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Zone 22

The performance of work during which ignition sources may occur during normal operation is permissible only if the precautions for this zone set out in the explosion protection document are applied.

Unchanged

Ignition sources which may become effective during normal operation must be avoided.

ANNEX V

**NON-EXHAUSTIVE LIST OF SUBJECTS SUPPLEMENTING
THE MINIMUM REQUIREMENTS OF THIS DIRECTIVE
AND COVERED BY THE VADE-MECUM REFERRED TO
IN ARTICLE 9**

Unchanged

— Layout and contents of the explosion protection document (see Article 4 (3)),

Unchanged

— organizational measures (see Annex II A, section 1),

Unchanged

— assessment of explosion risks (see Annex II A, section 2),

Unchanged

— planning principles (see Annex II A, section 3),

— planning of installations (see Annex II A, section 3),

— explosion protection measures (see Annex II, section 4),

Unchanged up to end.

— instructions for the zoning of hazardous places (see Annex I),

— information on pertinent standards relating to work equipment.

Proposal for a Council Directive establishing a framework for Community action in the field of water policy

(97/C 184/02)

COM(97) 49 final — 97/0067 (SYN)

(Submitted by the Commission on 15 April 1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 189c of the Treaty, in cooperation with the European Parliament,

- (1) Whereas the supply of water is a service of general interest as defined in the Commission communication on services of general interest in Europe (COM(96) 443)⁽¹⁾;
- (2) Whereas this Directive aims at maintaining and improving the aquatic environment in the Community; whereas this objective is primarily concerned with the quality of the waters concerned; whereas control of quantity is one element in securing good water quality and therefore measures on quantity, serving the objective of ensuring good quality, should be established;
- (3) Whereas waters in the Community are under increasing pressure from the continuous growth in demand for sufficient quantities of good quality water for all purposes; whereas on 10 November 1995, the European Environment Agency⁽²⁾ presented an updated state of the environment report, confirming the need for action to protect Community waters in qualitative as well as in quantitative terms;
- (4) Whereas the conclusions of the Community Water Policy Ministerial Seminar in Frankfurt in 1988 highlighted the need for Community legislation covering ecological quality; whereas the Council in

its resolution of 28 June 1988⁽³⁾ asked the Commission to submit proposals to improve ecological quality in Community surface waters;

- (5) Whereas the declaration of the Ministerial Seminar on groundwater held at the Hague in 1991 recognized the need for action to avoid long-term deterioration of fresh-water quality and quantity and called for a programme of actions to be implemented by the year 2000 aiming at sustainable management and protection of fresh-water resources; whereas in its resolutions of 25 February 1992⁽⁴⁾ and 20 February 1995⁽⁵⁾, the Council requested an action programme for groundwater and a revision of Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances⁽⁶⁾, as part of an overall policy on fresh-water protection;
- (6) Whereas on 21 February 1996 the Commission adopted a communication to the European Parliament and the Council on 'European Community water policy' setting out the principles for a Community water policy⁽⁷⁾;
- (7) Whereas the Commission presented on 9 September 1996 a proposal for a European Parliament and Council Decision on an action programme for integrated protection and management of groundwater⁽⁸⁾; whereas that programme pointed to the need to establish procedures for the regulation of abstraction of fresh water and for the monitoring of fresh-water quality and quantity;
- (8) Whereas the Council on 25 June 1996, the Committee of the Regions on 19 September 1996, the Economic and Social Committee on 26 September 1996, and the European Parliament on 23 October 1996 all requested the Commission to come forward with a proposal for a Council Directive establishing a framework for European water policy;

⁽¹⁾ OJ No C 281, 26. 9. 1996, p. 3.

⁽²⁾ Report on 'Environment in the European Union — 1995', European Environment Agency, Copenhagen, 1995.

⁽³⁾ OJ No C 209, 9. 8. 1988, p. 3.

⁽⁴⁾ OJ No C 59, 6. 3. 1992, p. 2.

⁽⁵⁾ OJ No C 49, 28. 2. 1995, p. 1.

⁽⁶⁾ OJ No L 20, 26. 1. 1980, p. 43; Directive as amended by Directive 91/692/EEC (OJ No L 377, 31. 12. 1991, p. 48).

⁽⁷⁾ COM(96) 59 final of 21. 2. 1996.

⁽⁸⁾ OJ No C 355, 25. 11. 1996, p. 1.

- (9) Whereas the Convention on the protection and use of transboundary water courses and international lakes calls for the management of river basins, whereas that Convention was approved by Council Decision 95/308/EC⁽¹⁾;
- (10) Whereas surface waters and groundwaters are in principle renewable natural sources; whereas, in particular, the task of ensuring a good status of groundwater requires early action and stable long-term planning of protective measures, owing to the natural time-lag in its formation and renewal; whereas such time-lag for improvement must be taken into account in timetables when establishing measures for the achievement of a good status of groundwater;
- (11) Whereas Community water policy requires a transparent, effective and coherent legislative framework; whereas the Community should provide common principles and the overall framework for action; whereas this Directive will provide for such a framework and coordinate and integrate, and, in a longer perspective, further develop the overall principles and structures for sustainable use of water in the Community in accordance with the principles of subsidiarity;
- (12) Whereas the objectives and the principles of the Community's environmental policy, as set out in Article 130r of the Treaty, consist in particular in preventing, reducing and as far as possible eliminating pollution by giving priority to intervention at source and ensuring prudent management of natural resources, in compliance with the 'polluter-pays' principle and the principle of pollution prevention;
- (13) Whereas, pursuant to Article 130r of the Treaty, in preparing its policy on the environment the Community is to take account of the economic and social development of the Community as a whole and the balanced development of its regions;
- (14) Whereas Member States sharing the same river-basin or groundwater aquifers should ensure joint long-term planning of water resources based on forecasts of supply and demand, so as to establish long-term strategic objectives for water reserves and priorities for their use;
- (15) Whereas there are diverse conditions and needs in the Community which require different specific solutions; whereas this diversity must be taken into account in the planning and execution of measures to ensure sustainable protection and use of water; whereas decisions should be taken as close as possible to the locations where water is used or affected; whereas priority should be given to action within the responsibility of Member States through the drawing up of specific programmes of measures adjusted to regional and local conditions;
- (16) Whereas the success of this Directive relies upon close cooperation and coherent action at Community, Member States and local level as well as on information, consultation and involvement of management and labour, and individual citizens;
- (17) Whereas, with regard to pollution prevention and control, Community water policy should be based on a combined approach using control of pollution at source through the setting of emission limit values and of environmental quality standards; whereas, for water quantity, overall principles should be laid down for control on abstraction in order to ensure the long-term availability of sufficient amounts of good quality fresh water;
- (18) Whereas common environmental quality-standards for certain groups or families of substances should be laid down in Community legislation; whereas provisions for the adoption of such standards at Community level should be ensured;
- (19) Whereas common principles are needed in order to coordinate 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;
- (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;
- (21) Whereas Member States should meet the objective of at least a good water status by defining and implementing the necessary measures within integrated programmes of measures, taking into account existing Community requirements; whereas, where a good water status already exists, it should be maintained;

⁽¹⁾ OJ No L 186, 5. 8. 1995, p. 42.

- (22) Whereas the objective of achieving at least a good status of waters should be pursued within the river basin, thus ensuring an administrative structure which ensures that waters belonging to the same ecological and hydrogeological system are managed as a whole whether such waters are present as groundwater or surface water;
- (23) Whereas there is a need to prevent or reduce the impact of incidents in which water is accidentally polluted; whereas common principles should be established aiming at coordinating Member States' efforts and at increasing transboundary cooperation in this field;
- (24) Whereas there is a need for a greater integration of qualitative and quantitative aspects of protection and management of both surface waters and groundwaters within one administrative structure, taking into account the natural flow of water within the hydrogeological cycle;
- (25) Whereas it is necessary to determine within the river basin existing levels of water pollution and to draw up inventories of water use, including the various sources of pollution, demand for water and other man-made impacts on water status;
- (26) Whereas Member States should designate waters used for the abstraction of drinking water and establish environmental standards to permit compliance with Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption⁽¹⁾;
- (27) Whereas, to ensure the participation of the general public and of individual users of water, it is necessary to provide proper information of planned measures and to report on progress with their implementation with a view to their involvement before final decisions on the necessary measures are adopted;
- (28) Whereas, within a river basin where use of water may have transboundary effects, concerted action should be ensured across frontiers; whereas this Directive will contribute to the implementation of Community obligations under international conventions on water protection and management, notably the United Nations Convention on the protection and use of transboundary water courses and international lakes;
- (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);
- (30) Whereas, in cases where, because of natural conditions, for historical reasons or because of pollution from third countries, it may be difficult or impossible to achieve a good status, appropriate procedures should be established to prevent any deterioration of the status of waters;
- (31) Whereas the development in water status should be monitored on a systematic and comparable basis throughout the Community in order to provide a sound basis for the choice of measures to ensure a sustainable use of water; whereas the European Environment Agency and the Commission, working in close cooperation, will monitor and report on developments in the state of the environment;
- (32) Whereas the use of economic instruments may be appropriate as part of a programme of measures; whereas under the polluter-pays principle any damage or negative impact on the aquatic environment caused by pollutants, abstraction and other use of water should be taken into account; whereas costs of water use should be fully recovered from the water user;
- (33) Whereas full implementation and enforcement of existing environmental legislation for the protection of waters should be ensured; whereas it is necessary to ensure the proper application of the provisions implementing this Directive throughout the Community; whereas appropriate sanctions should be ensured in Member States' legislation;
- (34) Whereas a new committee with horizontal responsibilities in the area of Community water policy should be set up to assist the Commission in matters relating to the implementation of this Directive; whereas this Directive will provide mechanisms to address obstacles to progress in improving water status when these fall outside the scope of Community water legislation, with a view to developing appropriate Community strategies for overcoming them;
- (35) Whereas the Commission should present annually an updated plan for possible future initiatives which it is planning or considering for the water sector;

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 11; Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

(36) Whereas technical specifications should be laid down to ensure a coherent approach in the Community as part of this Directive; whereas adaptation of the Annexes of this Directive to technical development and the standardization of the monitoring, sampling and analysis methods should be adopted by committee procedure;

(37) Whereas the implementation of programmes of measures for river basins under this Directive will achieve a level of protection of waters at least equivalent to that provided for in:

— Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States⁽¹⁾,

— Council Decision 77/795/EEC of 12 December 1977 establishing a common procedure for the exchange of information on the quality of surface fresh water in the Community⁽²⁾,

— Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life⁽³⁾,

— Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking waters in the Member States⁽⁴⁾,

— Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters⁽⁵⁾,

— Directive 80/68/EEC, as well as

— the proposed Directive on the ecological quality of water⁽⁶⁾;

whereas those Directives should therefore be repealed, and the proposed Directive withdrawn, once the relevant provisions of this Directive have been fully implemented,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The overall purpose of this Directive is to establish, for the protection of surface fresh water, estuaries, coastal waters and groundwater in the Community, a framework which:

- (a) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems; and
- (b) promotes sustainable water consumption based on long-term protection of available water resources;

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.

Article 2

Definitions

For the purposes of this Directive and, unless otherwise defined in Community legislation, for all Community legislation concerning water, the following definitions shall apply:

1. 'surface water' means surface fresh waters, estuaries and coastal waters;
2. 'groundwater' means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;
3. 'surface fresh water' means all static or flowing water on the surface of the land upstream of the fresh water limit;
4. 'coastal water' means water on the landward side of a line every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured, extending where appropriate in the case of watercourses, up to the outer limit of the estuary;
5. 'estuary' means the transitional area at the mouth of a river between surface fresh water and coastal waters. The outer (seaward) limits of estuaries shall be defined, as necessary, by Member States. The inner (upstream) limit shall be the fresh water limit;
6. 'fresh water limit' means the place in the watercourse where, at low tide and in a period of low fresh water flow, there is an appreciable increase in salinity due to the presence of sea water;
7. 'body of water' means a discrete and homogenous element of surface water or groundwater such as an

⁽¹⁾ OJ No L 194, 25. 7. 1975, p. 26; Directive as last amended by Directive 91/692/EEC.

⁽²⁾ OJ No L 334, 24. 12. 1977, p. 29; Decision as last amended by the Act of Accession of Austria, Finland and Sweden.

⁽³⁾ OJ No L 222, 14. 8. 1978, p. 1; Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

⁽⁴⁾ OJ No L 271, 29. 10. 1979, p. 44; Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

⁽⁵⁾ OJ No L 281, 10. 11. 1979, p. 47; Directive as last amended by Directive 91/692/EEC.

⁽⁶⁾ OJ No C 222, 10. 8. 1994, p. 6.

- aquifer, a lake, a reservoir, a stretch of stream, river or canal, an estuary or a stretch of coastal water;
8. 'significant body of water' for the purpose of Article 8 shall mean all waters intended for the production of drinking water from an individual source serving more than 15 households;
9. 'river basin' means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta;
10. 'sub-basin' means the area of land from which all surface run-off flows through a series of streams, rivers and, possibly, lakes to a particular point in a water course (normally a lake or a river confluence);
11. 'river basin district' means the administrative area of land and sea, made up of one or more neighbouring river basins together with their associated groundwaters and coastal waters, which is established under Article 3 (1) as the main unit for river basin management;
12. 'competent authority' means a competent authority established under Article 3 (2) or 3 (3) to be responsible *inter alia* for applying the rules of this Directive within a particular river basin district;
13. 'surface water status' is the general expression of the status of a body of surface water, determined by the poorer of its ecological status and its chemical status;
14. 'good surface water status' means the status achieved by a surface water body when both its ecological status and its chemical status are at least 'good'.
- Good surface water status is the environmental objective for surface waters established in point (a) of Article 4 (1);
15. 'groundwater status' is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and its chemical status;
16. 'good groundwater status' means the status achieved by a groundwater body when both its quantitative status and its chemical status are at least 'good'.
- Good groundwater status is the environmental objective for groundwaters established in point (b) of Article 4 (1);
17. 'ecological status' is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters. It takes into account the physico-chemical nature of the water and sediment, the flow characteristics of the water and the physical structure of the water body, but it concentrates on the condition of the biological elements of the ecosystem;
18. 'natural ecological status' means the theoretical ecological status which would be achieved by a body of surface water in the absence of human activity;
19. 'high ecological status' means the ecological status achieved by a body of surface water which is demonstrated not to be significantly influenced by human activity;
20. 'good ecological status' means the ecological status achieved by a body of surface water which is demonstrated to be significantly influenced by human activity, but which nevertheless has a rich, balanced and sustainable ecosystem.
- Good ecological status is the ecological status required to meet the environmental objectives for surface waters established in point (a) of Article 4 (1);
21. 'chemical status' is an expression of the degree to which a body of water is polluted;
22. 'high chemical status' means the chemical status achieved by a body of water in which none of the substances listed in Annex VIII are present in levels in excess of natural background levels;
23. 'good chemical status' means the chemical status achieved by a body of water in which concentrations of the substances from Annex VIII do not exceed the environmental quality standards established in Annex X and other relevant Community legislation setting environmental quality standards and in which the trends in the 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);
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;
25. 'high quantitative status' means the quantitative status achieved by a body of groundwater in which abstractions and alterations to the natural rate of recharge have a negligible impact on the nature of the aquifer;
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 quantitative status required to meet the environmental objectives for groundwaters established in point (b) of Article 4 (1);

27. 'pollutant' means substances and groups of substances listed in Annex VIII;
28. 'pollution' means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into the air, water or land which may be harmful to human health or the quality of the environment, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment;
29. 'environmental objectives' means the objectives set out in Article 4.

Those environmental objectives shall be regarded as 'environmental quality standards' for the purposes of point 7 of Article 2 and Article 10 of Council Directive 96/61/EC⁽¹⁾;

30. 'environmental quality standard' means the concentration of a particular pollutant or group of pollutants in water, sediment or biota which should not be exceeded in order to protect human health and the environment.

For the purposes of this Directive, environmental quality standards are established at a Community level in Annex X. In addition, environmental quality standards shall be established by Member States under Article 8 (2) in respect of waters used for the abstraction of drinking water. The environmental quality standards in Annex X and those adopted under Article 8 (2) shall also be regarded as environmental quality standards for the purposes of point 7 of Article 2 and Article 10 of Directive 96/61/EC;

31. 'water intended for human consumption' means water covered by the provisions of Directive 80/778/EEC;
32. 'use' of water means:
- abstraction, distribution and consumption of surface water or groundwater;
 - emission of pollutants into surface water and waste water collection and treatment facilities which subsequently discharge into surface water;
 - any other application of surface water or groundwater having the potential of a significant impact on the status of water;
33. 'full cost recovery' means that the following cost elements of any service provided in relation to water use are paid by the user through prices or charges:
- operation and maintenance costs,
 - capital maintenance cost,
 - capital costs (principal and interest payments), and

— reserves for future improvements and extensions;

34. 'domestic use' means individual household water use, excluding use for commercial activity;
35. 'basic level of use' means the amount of water used by the individual person for basic needs. This amount shall be calculated taking into consideration the minimum amount required for human health and hygiene. At all stages, water consumption by domestic machinery should be calculated on the basis of best available techniques.

Article 3

Coordination of measures within river basin districts

1. Member States shall identify the individual river basins lying within their national territory and, for the purposes of this Directive, shall assign them to individual river basin districts. Small river basins may be combined with larger river basins or joined with neighbouring small basins to form individual river basin districts where appropriate. Where groundwaters do not fully follow a particular river basin, they shall be assigned to the nearest or most appropriate river basin district. Coastal waters shall be assigned to the nearest or most appropriate river basin district.

2. Member States shall ensure that appropriate administrative arrangements, including the designation of appropriate competent authorities, are established to ensure that the application of the rules of this Directive is coordinated and overseen within each river basin district.

3. Where a river basin covers the territory of more than one Member State, the Member States concerned shall jointly establish an international river basin district. At the request of one or more of the Member States involved, the Commission shall act as an independent mediator to facilitate the establishment of such international river basin districts.

Member States shall jointly ensure that appropriate administrative arrangements, including the designation of appropriate competent authorities, are established to ensure that the application of the rules of this Directive is coordinated and overseen within such international river basin districts.

4. Where a river basin extends beyond the territory of the Community, the relevant river basin district and competent authorities should be jointly established with the relevant non-Member States.

5. Member States may designate existing national or international bodies as competent authorities for the purposes of this Directive. In such cases, they shall ensure that the resulting competent authorities have the powers

⁽¹⁾ OJ No L 257, 10. 10. 1996, p. 26.

and authority needed to meet the obligations imposed by this Directive.

6. Member States shall designate the competent authorities by 31 December 1999.

7. Member States shall provide the Commission with a list of their competent authorities and of the competent authorities of all the international bodies in which they participate by 30 June 2000. For each competent authority the information set out in Annex I shall be provided.

8. Member States shall inform the Commission of any changes to the information provided according to paragraph 7 within three months of the change coming into effect.

Article 4

Environmental objectives

1. Member States shall draw up and make operational within a comprehensive river basin management plan the programmes of measures envisaged as necessary, in order to:

- (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;
- (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
- (c) comply with all standards and objectives relating to protected areas by 31 December 2010, unless otherwise specified in the Community, national or local legislation under which the individual protected areas have been established.

2. If the objectives established under point (c) of paragraph 1 are incompatible with those established under points (a) or (b) thereof, the objectives established under point (c) shall take priority.

3. The deadlines established under points (a) and (b) of paragraph 1 may be extended for specific bodies of water when all the following conditions are met:

- (a) natural conditions do not allow rapid improvements in the status of the body of water;
- (b) all the measures required under Article 13 to bring the body of water to the required standard by the

extended deadline have been established and made operational by 31 December 2007; and

- (c) the extension of the deadline, and the reasons for it, are specifically mentioned in the river basin management plan required under Article 16.

4. Less stringent environmental objectives than those required under points (a) and (b) of paragraph 1 of a limited area may be established for specific bodies of water when all the following conditions are met:

- (a) the body of water is severely affected by human activity and improvements in status are proven to be impossible or prohibitively expensive;
- (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;
- (c) the establishment of less stringent environmental objectives, and the reasons for it, are specifically mentioned in the river basin management plan required under Article 16;
- (d) such less stringent objectives are established in a way which does not undermine the implementation of existing Community environmental legislation.

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.

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.

Article 6

Review of the environmental impact of human activity

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

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;
- (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 12 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 31 December 2007 and every six years thereafter.

Article 8

Waters used for the abstraction of drinking water

1. Member States shall carry out, within each river basin district, the identification of all significant bodies of water which are used for the abstraction of water intended for human consumption or which may in the future be used for the abstraction of such water.

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.

Article 9

Register of protected areas

1. Member States shall ensure the establishment of a register of all areas lying within each river basin district which have been designated as requiring special protection under specific Community, national or local legislation for the protection of their surface water and groundwater or for the conservation of habitats and species. They shall ensure that the register is completed by 31 December 2001.

2. The register shall include all areas designated under Article 8 (1) and all protected areas listed in Annex IV.

3. Within each river basin district, the register of protected areas shall be kept under review and up to date.

*Article 10***Monitoring of surface water status and groundwater status**

1. Member States shall ensure the establishment of programmes for the monitoring of water status in order to establish a coherent and comprehensive overview 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.

2. The technical specifications of Annex V for this purpose shall 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 V.

*Article 11***Monitoring of protected areas**

1. Member States shall ensure the establishment of programmes for monitoring the status of their protected areas within each river basin district. These programmes shall be operational according to the timetable contained in Community, national or local legislation under which the individual protected areas have been established. Where there is no such timetable in force fixing a commencement date on, or earlier than, 1 January 2002, the monitoring programme shall be operational from that date.

2. The technical specifications shall, for the purpose of monitoring, be those contained in Community, national or local legislation under which the individual protected areas have been established. Where no such technical specifications for monitoring exist, Member States shall ensure that appropriate technical specifications are established.

*Article 12***Charges for the use of water**

1. By 2010, Member States shall ensure full cost recovery for all costs for services provided for water uses overall and by economic sectors, broken down at least into households, industry and agriculture.

2. Following the analysis required under Article 7 and Annex II of methods for calculating the environmental and resource costs and benefits of water use, the

Commission shall, where appropriate, come forward with proposals to ensure that environmental and resource costs not covered under paragraph 1 are reflected in the price of water uses.

3. Without prejudice to the application of Articles 92, 93 and 94 of the Treaty, Member States may grant exemptions to the provisions of this Article for the following reasons:

- (a) in order to allow a basic level of water use for domestic purposes at an affordable price;
- (b) in order to allow capital costs subsidies for infrastructure projects where Community funding is provided under Articles 130a to 130e of the Treaty and which are designed to assist in the achievement of the environmental objectives set out under Article 4 of this Directive;
- (c) in order to take account of a specific geographical or climatic situation of a region eligible for assistance pursuant to Objectives 1, 5b and 6 of the Structural Funds.

Exemptions shall be explained in detail in the river basin management plans required under Article 16, and a detailed explanation shall be sent to the Commission within six months of the entry into force of those exemptions.

4. Member States shall establish timetables for the full application of the provisions of this Article. Details of such timetables shall be included in the river basin management plans required under Article 16.

*Article 13***Programme of measures**

1. Member States shall ensure the establishment within each river basin district of a programme of measures designed to achieve the environmental objectives established under Article 4. A programme of measures shall be part of each river basin management plan in accordance with Article 16.

2. The programme of measures shall include 'basic measures' and, where necessary, in accordance with paragraph 4, 'supplementary measures'.

3. 'Basic measures' are compulsory elements of the programme of measures. They shall consist of:

- (a) those measures required to implement Community, national or local legislation for the protection of water, including measures required under the Community legislation listed in Part A of Annex VI and, in particular, to give full effect to the provisions of Directive 96/61/EC in relation to those industries and activities described in Annex I to that Directive.

For basic measures covering emission of pollutants, a combined approach shall be applied, using control of

pollution at source through the setting of emission limit values and the setting of environmental quality standards;

- (b) measures required to implement the charges for water use required under Article 12;
- (c) measures required to meet the environmental quality standards established under Article 8 (2) for waters intended for the abstraction of drinking water by the deadlines established under Article 4 (1);
- (d) the following measures to apply to all bodies of water having a chemical status below 'good':
 - (i) more intensive monitoring of the extent and nature of the pollution within the body of water;
 - (ii) investigation of the source of the pollution; and
 - (iii) immediate review of all relevant authorizations and discharge permits followed by action based upon the level of risk involved;
- (e) controls over the abstraction of fresh surface water and groundwater, including a register of water abstractors and a requirement of prior authorization for abstraction except in areas where the Member State concerned has demonstrated, and reported to the Commission, that abstraction has no significant impact on water status and that the total level of abstraction amounts to a small proportion of the available resources;
- (f) a requirement for prior authorization for all activities having a potentially adverse impact upon the status of water where such prior authorization is not otherwise provided for under other Community legislation; and
- (g) a prohibition on the direct discharge into groundwater of the substances listed in Annex VIII.

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 whatever supplementary measures are considered necessary in order to achieve those objectives, notably in relation to sustainable water consumption. Part B of Annex VI contains a non-exclusive list of supplementary measures.

5. The programme of measures shall be established for each river basin district by 31 December 2004 and all the measures shall be made operational by 31 December 2007.

6. The programmes shall be reviewed, and if necessary updated by 31 December 2010 and every six years thereafter. Any new or revised measures established under an updated programme shall be made operational within three years of their establishment.

Article 14

Interim measures to combat pollution

1. If the monitoring programme under Article 10 identifies bodies of water where the chemical status has fallen below 'good' since the preparation of the most recent review of the programme of measures required under Article 13, Member States shall ensure that, according to the level of risk involved, the following additional interim measures are taken as soon as possible in advance of the next review of the programme of measures:

- (a) more intensive monitoring of the extent and nature of the pollution within the body of water;
- (b) investigation of the source of the pollution;
- (c) immediate review of all relevant authorizations and discharge permits; and
- (d) the identification of additional measures to be taken.

2. Member States shall ensure that appropriate measures are taken to consult interested parties on these additional interim measures, but they should not, as a result, unnecessarily delay their implementation.

Article 15

Issues which fall outside the competence of a competent authority

If a competent authority identifies an issue which has an impact on the management of its water but which falls outside its competence, it shall report the issue to the Member State and to the Commission and may make recommendations for the resolution of the issue. Possible reasons for the identification of such issues include the following factors:

- (a) that the source of the problem lies outside the river basin district;
- (b) that the issue can only be dealt with by measures or legislation at a national or Community level; or
- (c) that the issue relates to other policy areas over which the competent authority has no control.

Article 16

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.

2. River basin management plans shall be published by 31 December 2004.

3. River basin management plans shall be reviewed and updated 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.

Article 18

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

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 19

Accidental pollution

In cooperation with other competent authorities, Member States shall ensure that action is taken to prevent or reduce the impact of accidental pollution incidents, including any required under Council Directive

82/501/EEC⁽¹⁾. Those measures shall, in particular, cover the risk of accidental pollution due to floods, extinguishing products or by-products from fires occurring in warehouses or plants, and leakage of pollutants during their transport or while in storage. Where appropriate, the measures taken shall include the following:

- (a) hazard analyses and risk assessments of potential sources of accidental pollution;
- (b) preventive measures;
- (c) preparatory measures for responding to emergencies, including procedures for the rapid reporting of pollution incidents to downstream authorities and other interested parties, including water abstractors; and
- (d) measures to restore the body of surface water or groundwater affected by incidents.

Article 20

Reporting and the exchange of information

Member States shall send copies of the following plans to the Commission and to the European Environment Agency within three months of their publication:

- (a) all river basin management plans covering their national territory and published pursuant to Article 16;
- (b) all draft river basin management plans covering their national territory and published pursuant to Article 17; and
- (c) relevant programmes and plans covered by the terms of Article 18;
- (d) for international river basin districts, at least the part of the river basin management plans covering the territory of the Community.

Article 21

Commission strategies against pollution of water

1. The Commission may prepare strategies against pollution of water by individual pollutants or groups of pollutants, including any pollution which occurs as a result of accidents.

2. Such strategies may be initiated as a result of:

- (a) recommendations from Member States, or from competent authorities acting under Article 15;
- (b) recommendations from the European Environment Agency;

⁽¹⁾ OJ No L 230, 5. 8. 1982, p. 1.

- (c) recommendations from international organizations and conventions to which the Community or its Member States are signatories;
- (d) risk assessments carried out under Council Regulation (EEC) No 793/93⁽¹⁾;
- (e) recommendations from the Community research programmes; or
- (f) other expressions of concern which come to the attention of the Commission.

3. Strategies shall consider the nature of the risk to water and shall take into consideration any possible impact on air and soil quality. They may include recommendations for any of the following classes of action:

- (a) the consideration of the substance or group of substances in the risk assessment procedure of Regulation (EEC) No 793/93, if it is not already being considered;
- (b) the inclusion of the substance or group of substances in Annex VIII to this Directive and in Annex III to Directive 96/61/EC, if it is not already included in that Directive;
- (c) criteria for selection of priority substances or groups of substances for examination of the risk they pose to the aquatic environment and the desirability of developing a specific Commission strategy for the control of emissions into the aquatic environment. Annex IX contains a list of such criteria;
- (d) the adoption of Community environmental quality standards under paragraph 4;
- (e) the adoption of Community emission limit values under Article 18 of Directive 96/61/EC;
- (f) a review of the relevant authorizations issued under Council Directive 91/414/EEC⁽²⁾ and Directive 97/.../EC of the European Parliament and of the Council⁽³⁾;
- (g) the adoption of measures under Council Directive 76/769/EEC⁽⁴⁾; or
- (h) the adoption of other appropriate measures at national or Community level.

4. Where a Commission strategy recommends the adoption of environmental quality standards applicable to the concentrations of certain pollutants in water, sediments or biota, the Commission shall propose the appropriate measures.

⁽¹⁾ OJ No L 84, 5. 4. 1993, p. 1.

⁽²⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽³⁾ Common position (EC) No 10/97 (OJ No C 69, 5. 3. 1997, p. 13).

⁽⁴⁾ OJ No L 262, 27. 9. 1976, p. 201.

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.

Article 23

Plans for future Community measures

1. Once a year, the Commission shall present to the Committee referred to in Article 25 an indicative plan of measures having an impact on water legislation which it intends to propose in the near future, including any emerging from the strategies developed under Article 21. The Commission shall make the first such presentation by 31 December 1999.
2. The Commission will review this Directive by 31 December 2013 and will propose any necessary amendments to it.

Article 24

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.
2. For the purpose of transmission and processing of data, including statistical and cartographic data, technical formats for the purpose of paragraph 1 may be adopted in accordance with the procedures laid down in Article 25.

*Article 25***Committee**

The Commission shall be assisted by a Committee composed of the representatives of the Member States and chaired by the representative of the Commission.

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

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 26***Repeals**

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, and
- Directive 80/68/EEC.

*Article 27***Implementation**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1999 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 28***Penalties**

Member States shall lay down the system of penalties for breaching the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify those measures to the Commission no later than the date set out in Article 27 (1), and shall notify any subsequent amendment thereto as soon as possible.

*Article 29***Entry into force**

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

*Article 30***Addressees**

This Directive is addressed to the Member States.

ANNEX I

INFORMATION REQUIRED FOR THE LIST OF COMPETENT AUTHORITIES

As required under Article 3 (7), the Member States shall provide the following information on all competent authorities within each of its river basin districts as well as within each international river basin district in which they participate:

- i. name and address of the competent authority — the official name and address of the authority established under Article 3 (2);
- ii. name and title of correspondent — the name and official title of the official to whom all correspondence should be addressed;
- iii. geographical coverage of the river basin district — the names of the main rivers within the river basin district together with a precise description of the position of the terrestrial and maritime frontiers of the river basin district. This information should as far as possible be available for introduction into the Geographic Information System (GIS) and/or the Geographic Information System of the Commission (Gisco);
- iv. legal status of competent authority — a description of the legal status of the competent authority and, where relevant, a summary or copy of its statute, founding treaty or equivalent legal document;
- v. responsibilities — a description of the legal and administrative responsibilities of each competent authority and of its role within each river basin district;
- vi. membership — where the competent authority acts as a coordinating body for other competent authorities, a list is required of these bodies together with a summary of the institutional relationships established in order to ensure coordination in a legally binding way of the measures required under this Directive;
- vii. international relationships — where a river basin district covers the territory of more than one Member State or includes the territory of non-Member States, a summary is required of the institutional relationships established in order to ensure coordination in a legally binding way of the measures required under this Directive.

ANNEX II

ANALYSIS OF THE CHARACTERISTICS OF THE RIVER BASIN DISTRICT

1. The technical specifications shall establish methods for an analysis of the characteristics of river basin district listed in Article 5 (1) and for economic analyses of water use as required by Article 7 (1).
2. The technical specifications shall include a common format for the presentation of the analysis of characteristics of the river basin district and of the economic analysis of water use, and common rules on the amount of information to be included in the summary required as part of the river basin management plan.

The information provided should as far as possible be available for introduction into the Geographic Information System (GIS) and/or the Geographic Information System of the Commission (Gisco).

The collection of information by competent authorities shall be coordinated with the authorities responsible for statistics in Member States in conformity with Community legislation on statistics and in particular with Council Regulation (EC) No 2223/96⁽¹⁾ and Council Regulation (EC) No 58/97⁽²⁾.

⁽¹⁾ OJ No L 310, 30. 11. 1996, p. 1.

⁽²⁾ OJ No L 14, 17. 1. 1997, p. 1.

ANNEX III

REVIEW OF THE ENVIRONMENTAL IMPACT OF HUMAN ACTIVITY

1. The technical specifications shall include a common format for the presentation of the review of the environmental impact of human activity and for common rules on the amount of information to be included in the summary required as part of the river basin management plan.

The collection of information by competent authorities shall be coordinated with the authorities responsible for statistics in Member States in conformity with Community legislation on statistics and in particular with Council Regulation (EC) No 2223/96 of 25 June 1996⁽¹⁾ and Council Regulation (EC) No 58/97 of 18 December 1996⁽²⁾.

In case the technical specifications indicate more than one method, it must be ensured that such methods lead to comparability of results.

2. The technical specifications shall establish methods for estimating the extent and location of point source pollution by the substances listed in Annex VIII and shall be based on information gathered under, *inter alia*, the following Directives, but may include additional requirements:
 - i. Article 9 and 15 of the Integrated Pollution Prevention and Control Directive (96/61/EC)⁽³⁾;
 - ii. Article 11 of the Dangerous Substances Directive (76/464/EEC)⁽⁴⁾;and
 - iii. Article 15 and 17 of the Urban Waste Water Treatment Directive (91/271/EEC)⁽⁵⁾.
3. The technical specifications shall establish methods for estimating the extent and the location of diffuse pollution of the substances listed in Annex VIII.
4. The technical specifications shall establish methods for identifying those individual bodies of water which are susceptible to the point source and diffuse source pollution identified under sections 2 and 3 above.
5. The technical specifications shall establish methods for estimating the volume of:
 - i. abstractions for drinking water;
 - ii. abstractions for agricultural uses;
 - iii. abstractions for industrial uses; and
 - iv. other abstractions.
6. The technical specifications shall establish methods for estimating water abstractions:
 - i. total annual demand;
 - ii. seasonal variations in demand; and
 - iii. the efficiency of water use.

⁽¹⁾ OJ No L 310, 30. 11. 1996, p. 1.

⁽²⁾ OJ No L 14, 17. 1. 1997, p. 1.

⁽³⁾ OJ No L 257, 10. 10. 1996, p. 26.

⁽⁴⁾ OJ No L 129, 18. 5. 1976, p. 23.

⁽⁵⁾ OJ No L 135, 21. 5. 1991, p. 40.

ANNEX IV

PROTECTED AREAS

1. The register of protected areas required under Article 9 shall include, where relevant for the purpose of water protection, the following types of protected areas:
 - i. areas designated for the abstraction of water intended for human consumption under Article 8;
 - ii. areas designated for the protection of economically significant aquatic species;
 - iii. bodies of water designated as recreational waters, including areas designated as bathing waters under the Bathing Water Directive (76/160/EEC)⁽¹⁾;
 - iv. nutrient sensitive areas, including areas designated as vulnerable zones under the Nitrates Directive (91/676/EEC)⁽²⁾ and areas designated as sensitive areas under the Urban Waste Water Treatment Directive (91/271/EEC)⁽³⁾; and
 - 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)⁽⁴⁾ and the Birds Directive (79/409/EEC)⁽⁵⁾.
2. The summary of the register required as part of the river basin management plan shall include maps indicating the location of each protected area and a description of the Community, national or local legislation under which they have been designated. In the case of bodies of water designated under Article 8, the summary shall include details of the environmental quality standards adopted and the expected treatment regime.

⁽¹⁾ OJ No L 31, 5. 2. 1976, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1991, p. 1.

⁽³⁾ OJ No L 135, 21. 5. 1991, p. 40.

⁽⁴⁾ OJ No L 206, 22. 7. 1992, p. 7.

⁽⁵⁾ OJ No L 103, 25. 4. 1979, p. 1.

ANNEX V

MONITORING OF SURFACE WATER STATUS AND GROUNDWATER STATUS

For surface waters

1. The technical specifications for the monitoring of ecological status of surface waters shall establish methods for:
 - i. monitoring of all significant bodies of surface water and representative monitoring of all other bodies of surface water;
 - ii. monitoring of the physico-chemical, biological and physical characteristics of the water body, including quantitative aspects, including dynamic elements such as seasonal variations and long-term natural fluctuations, with most importance being afforded to the biological characteristics;
 - iii. the presentation of monitoring results in a common format or model based on the degree of deviation from natural ecological status or, in the case of artificial water bodies, the degree of deviation from their maximum ecological potential;
 - iv. the use of five classes for the presentation of ecological status, of which the top two classes will be 'high ecological status' and 'good ecological status'.

2. The technical specifications for monitoring of the chemical status of surface waters shall establish methods for:
 - i. monitoring of all surface waters identified under section 4 of Annex III as being susceptible to point source or diffuse source pollution by the substances listed in Annex VIII;
 - ii. the use of five classes for the presentation of chemical status of which the top two classes will be 'high chemical status' and 'good chemical status'.

For groundwaters

3. The technical specifications for the monitoring of the quantitative status of groundwater shall establish methods for:
 - i. monitoring of all groundwaters used for the abstraction of water and representative monitoring of other groundwaters;
 - ii. monitoring of the quantity of groundwater, including dynamic elements such as seasonal variations, long-term natural fluctuations, the abstraction rate (including indirect abstractions) and the recharge rate;
 - iii. monitoring of the impact of changes in groundwater characteristics on the ecological status of associated surface water bodies and on associated terrestrial ecosystems;
 - iv. selection of indicators, including natural conditions, for the characterization of the quantitative status of groundwaters with a view to identification of 'good quantitative status'.
4. The technical specifications, monitoring of the chemical status of groundwater shall establish methods for:
 - i. monitoring of all groundwaters identified under section 4 of Annex III as being susceptible to point source or diffuse source pollution by the substances listed in Annex VIII;
 - ii. monitoring at a range of depths;
 - iii. selection of indicators, including natural conditions, for the characterization of the qualitative status of groundwaters with a view to the identification of parameters for 'good qualitative status'.
5. The overall status of any individual groundwater body shall be based on the lower of the two assessments made under sections 3 and 4 above.

For surface waters and groundwaters

6. The technical specifications shall be established recognizing that different methods of monitoring will be appropriate depending on the nature of the body of water, its location and, for surface waters, the aspect of its ecological status which is being examined; and that the technical specifications will have to be flexible to allow the development and refinement of monitoring techniques whilst assuring the comparability of results between different methods and over time.

The technical specifications shall establish monitoring and analysis methods, including criteria for location of sampling stations and frequency as well as quality control systems.

In case the technical specifications indicate more than one method for a specific purpose, it shall be ensured that such methods are leading to comparability of results.

The technical specifications shall include quality assurance provisions and provisions for a common format for the presentation of the results of the monitoring of surface waters and groundwaters and common rules on the amount of information to be included in the summary required as part of the river basin management plan.

ANNEX VI

LISTS OF MEASURES TO BE INCLUDED WITHIN THE PROGRAMMES OF MEASURES

PART A

The following is a list of those pieces of Community legislation which, together with national or local legislation, make up the baseline measures to be included in the programmes of measures under Article 13 (3) (a):

- i. The Bathing Water Directive (76/160/EEC)⁽¹⁾;
- ii. The Birds Directive (79/409/EEC)⁽²⁾;
- iii. The Drinking Water Directive (80/778/EEC)⁽³⁾;
- iv. The Major Accidents (Seveso) Directive (82/501/EEC)⁽⁴⁾;
- v. The Environmental Impact Assessment Directive (85/37/EEC)⁽⁵⁾;
- vi. The Sewage Sludge Directive (86/278/EEC)⁽⁶⁾;
- vii. The Urban Waste Water Treatment Directive (91/271/EEC)⁽⁷⁾;
- viii. The Plant Protection Products Directive (91/414/EEC)⁽⁸⁾;
- ix. The Nitrates Directive (91/676/EEC)⁽⁹⁾;
- x. The Habitats Directive (92/43/EEC)⁽¹⁰⁾;
- xi. The Integrated Pollution Prevention Control Directive (96/61/EC)⁽¹¹⁾;
- xii. Other relevant legislation.

PART B

The following is a non-exclusive list of supplementary measures which Member States within each river basin district may choose to adopt as part of the programme of measures required under Article 13 (4):

- i. legislative instruments;
- ii. administrative instruments;
- iii. economic or fiscal instruments;
- iv. negotiated environmental agreements;
- v. emission controls;
- vi. codes of good practice;
- vii. abstraction controls;
- viii. demand management measures, *inter alia* promotion of adapted agricultural production such as low water requiring crops in areas affected by drought;
- ix. efficiency and re-use measures, *inter alia* promotion of water efficient technologies in industry and water saving irrigation techniques;

⁽¹⁾ OJ No L 31, 5. 2. 1976, p. 1.

⁽²⁾ OJ No L 103, 25. 4. 1979, p. 1.

⁽³⁾ OJ No L 229, 30. 8. 1980, p. 11.

⁽⁴⁾ OJ No L 230, 5. 8. 1982, p. 1.

⁽⁵⁾ OJ No L 175, 5. 7. 1985, p. 40.

⁽⁶⁾ OJ No L 181, 8. 7. 1986, p. 6.

⁽⁷⁾ OJ No L 135, 21. 5. 1991, p. 40.

⁽⁸⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽⁹⁾ OJ No L 375, 31. 12. 1991, p. 1.

⁽¹⁰⁾ OJ No L 206, 22. 7. 1992, p. 7.

⁽¹¹⁾ OJ No L 257, 10. 10. 1996, p. 26.

- x. construction projects;
- xi. desalination plants;
- xii. rehabilitation projects;
- xiii. artificial recharge of aquifers;
- xiv. educational projects;
- xv. research, development and demonstration projects;
- xvi. other relevant measures.

ANNEX VII

RIVER BASIN MANAGEMENT PLANS

1. River basin management plans shall cover the following elements:
 - i. a summary of the information provided to the Commission under Article 3 (7);
 - ii. a summary of the environmental objectives adopted under Article 4;
 - iii. a summary of the analysis of the characteristics of their river basin district required under Article 5;
 - iv. a summary of the review of the environmental impact of human activity required under Article 6;
 - v. a summary of the economic analysis of water use within the river basin district required under Article 7;
 - vi. a summary of the register of protected areas designated under Article 9;
 - vii. a summary of the results of the monitoring programmes carried out under Articles 10 and 11;
 - viii. a summary of the programme of measures adopted under Article 13, including:
 - a. for those measures described under Article 13 (3) (a), a description of the European Community, national or local legislation from which the measures derive, together with details of the way in which they have been, or will be, implemented within the river basin district;
 - b. a summary of the measures taken for the implementation of the charges for water use required under Article 12 and Article 13 (3) (b);
 - c. a summary of the measures taken under Article 13 (3) (c) to achieve the environmental quality standards established under Article 8 (2);
 - d. a summary of the measures taken under Article 13 (3) (d) for bodies of water with a chemical status below 'good';
 - e. details of the abstraction controls adopted under Article 13 (3) (e) and, where such controls have not been adopted, reasoned justification for the exemption;
 - f. details of the additional measures adopted under Article 13 (3) (f); and
 - g. details of the supplementary measures adopted under Article 13 (4);including, in each of the above cases, an identification of the individuals or organizations responsible for undertaking the various measures and a timetable for their intended implementation; and
 - ix. a summary of the measures taken under Article 19 to reduce the impact of accidental pollution incidents.

2. The first update of the river basin management plan and all subsequent updates shall also include:
 - i. a summary of any changes or updates since the publication of the previous version of the river basin management plan;
 - ii. an assessment of progress towards the achievement of the environmental objectives and an explanation for any environmental objectives which have not been reached;
 - iii. a summary of, and an explanation for, any measures foreseen in the earlier version of the river basin management plan which have not been undertaken; and
 - iv. a summary of any additional interim measures adopted under Article 14 since the publication of the previous version of the river basin management plan.
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.
5. The river basin management plans shall also include any recommendations for national or Community action adopted under Article 15.

ANNEX VIII

POLLUTANTS

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment.
 2. Organophosphorus compounds.
 3. Organotin compounds.
 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.
 5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances.
 6. Cyanides.
 7. Metals and their compounds.
 8. Arsenic and its compounds.
 9. Biocides and plant protection products.
 10. Material in suspension.
 11. Substances which contribute to eutrophication (in particular nitrates and phosphates).
 12. Substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as BOD, COD, etc.).
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ANNEX IX

CRITERIA FOR SELECTION OF PRIORITY SUBSTANCES OR GROUPS OF SUBSTANCES FOR EXAMINATION OF THE RISK THEY POSE TO THE AQUATIC ENVIRONMENT AND THE APPROPRIATENESS OF DEVELOPING A SPECIFIC COMMISSION STRATEGY FOR THE CONTROL OF EMISSION TO THE AQUATIC ENVIRONMENT

The substance or group of substances

1. has been shown to cause unacceptable effects in or there are strong indications of risk to the aquatic environment;
2. has been found widespread in one or more compartments of the aquatic environment;
3. reaches the aquatic environment from a diversity of sources through a diversity of pathways.

ANNEX X

ENVIRONMENTAL QUALITY STANDARDS

The 'quality objectives' established under the daughter Directives of the Dangerous Substances Directive (76/464/EEC)⁽¹⁾ shall be considered as environmental quality standards for the purposes of this Directive. They are established in the following Directives:

- i. the Mercury Discharges Directive (82/176/EEC)⁽²⁾;
- ii. the Cadmium Discharges Directive (83/513/EEC)⁽³⁾;
- iii. the Mercury Directive (84/156/EEC)⁽⁴⁾;
- iv. the Hexachlorocyclohexane Discharges Directive (84/491/EEC)⁽⁵⁾, and
- v. the Dangerous Substance Discharges Directive (86/280/EEC)⁽⁶⁾.

⁽¹⁾ OJ No L 129, 18. 5. 1976, p. 23.

⁽²⁾ OJ No L 81, 27. 3. 1982, p. 29.

⁽³⁾ OJ No L 291, 24. 10. 1983, p. 1.

⁽⁴⁾ OJ No L 74, 17. 3. 1984, p. 49.

⁽⁵⁾ OJ No L 274, 17. 10. 1984, p. 11.

⁽⁶⁾ OJ No L 181, 4. 7. 1986, p. 16.