



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 March 2014
(OR. en)**

7240/14

ENV 223

COVER NOTE

From:	European Commission
date of receipt:	25 February 2014
To:	General Secretariat of the Council
No. Cion doc.:	D031851-01
Subject:	Commission Directive ../.../EU of XXX amending Annex II to Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration

Delegations will find attached document D031851-01.

Encl.: D031851-01



Brussels, **XXX**
D031851/01
[...](2013) **XXX**

COMMISSION DIRECTIVE/.../EU

of XXX

**amending Annex II to Directive 2006/118/EC of the European Parliament and of the
Council on the protection of groundwater against pollution and deterioration**

(Text with EEA relevance)

COMMISSION DIRECTIVE/EU

of **XXX**

amending Annex II to Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration¹, and in particular Article 8 thereof,

Whereas:

- (1) Based on the first review under Article 10 of Directive 2006/118/EC, not enough information is available to set new groundwater quality standards in Annex I to that Directive for any pollutants, but technical adaptations in accordance with Article 8 of that Directive are necessary in its Annex II.
- (2) Common principles for the determination of background levels need to be applied in order to improve the comparability of threshold values.
- (3) There is considerable potential for nitrogen and phosphorus in groundwater to present a eutrophication risk to associated surface waters and to directly dependent terrestrial ecosystems. Besides nitrates, already included in Annex I to Directive 2006/118/EC, and ammonium, included in Annex II to that Directive, nitrites, as a contributor to total nitrogen, and total phosphorus, either as such or as phosphates, should also be considered by Member States when establishing threshold values.
- (4) The need to obtain and respond to new information on other substances posing a potential risk should be acknowledged. Therefore, a watch list for pollutants of groundwater should be established under the Common Implementation Strategy for Directive 2000/60/EC of the European Parliament and of the Council² to increase the availability of monitoring data on substances posing a risk or potential risk to bodies of groundwater, and thereby facilitate the identification of substances, including emerging pollutants, for which groundwater quality standards or threshold values should be set.

¹ OJ L 372, 27.12.2006, p. 19.

² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

- (5) The information provided by Member States on the pollutants and indicators for which threshold values have been established, in particular as regards the methodologies related to groundwater chemical status assessment, proved insufficient in the first river basin management plans to enable proper understanding and comparison of the results. The relevant requirements regarding the information to be provided should be clarified and complemented in order to ensure the transparency of that assessment. The information provided would also facilitate comparison of the chemical status assessment results across the Member States and contribute to a potential future harmonisation of methodologies for establishing groundwater threshold values.
- (6) Directive 2006/118/EC should therefore be amended accordingly.
- (7) The measures provided for in this Directive are in accordance with the opinion of the Committee under Article 9 of Directive 2006/118/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 2006/118/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 months from the date of entry into force at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission
The President*