



EUROPEAN UNION

THE EUROPEAN PARLIAMENT

THE COUNCIL

Brussels, 30 June 2000

**1997/0067(COD)
C5-0347/00**

PE-CONS 3639/00

**ENV 221
CODEC 513**

Subject: Directive 2000/ /EC of the European Parliament and of the Council of establishing
a framework for Community action in the field of water policy

Joint text
approved by the Conciliation Committee
provided for in Article 251(4) of the EC Treaty

DIRECTIVE 2000/ /EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular
Article 175(1) thereof,

Having regard to the proposal from the Commission ¹,

Having regard to the Opinion of the Economic and Social Committee ²,

Having regard to the opinion of the Committee of the Regions ³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁴, and in the light of
the joint text approved by the Conciliation Committee on

¹ OJ C 184, 17.6.1997, p. 20, OJ C 16, 20.1.1998, p. 14 and OJ C 108, 7.4.1998, p. 94.

² OJ C 355, 21.11.1997, p. 83.

³ OJ C 180, 11.6.1998, p. 38.

⁴ Opinion of the European Parliament of 11 February 1999 (OJ C 150, 28.5.1998, p. 419),
Council Common Position of (OJ C) (not yet published in the
Official Journal)) and Decision of the European Parliament of ((OJ C
) (not yet published in the Official Journal)).

Whereas:

(-1) Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such;

- (1) The conclusions of the Community Water Policy Ministerial Seminar in Frankfurt in 1988 highlighted the need for Community legislation covering ecological quality; the Council in its Resolution of 28 June 1988 ¹ asked the Commission to submit proposals to improve ecological quality in Community surface waters;
- (2) The declaration of the Ministerial Seminar on groundwater held at The Hague in 1991 recognised the need for action to avoid long-term deterioration of freshwater quality and quantity and called for a programme of actions to be implemented by the year 2000 aiming at sustainable management and protection of freshwater resources; in its Resolutions of 25 February 1992 ² and 20 February 1995 ³, 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 ⁴, as part of an overall policy on freshwater protection;
- (3) Waters in the Community are under increasing pressure from the continuous growth in demand for sufficient quantities of good quality water for all purposes; on 10 November 1995, the European Environment Agency in its report on "Environment in the European Union – 1995" 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;

¹ OJ C 209, 9.8.1988, p. 3.

² OJ C 59, 6.3.1992, p. 2.

³ OJ C 49, 28.2.1995, p. 1.

⁴ OJ L 20, 26.1.1980, p. 43. Directive as amended by Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48).

- (4) On 18 December 1995, the Council adopted conclusions requiring inter alia the drawing up of a new framework Directive establishing the basic principles of sustainable water policy in the European Union and inviting the Commission to come forward with a proposal;
- (5) 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;
- (6) On 9 September 1996 the Commission presented a proposal for a Decision of the European Parliament and of the Council on an action Programme for integrated protection and management of groundwater ¹; in that proposal the Commission pointed to the need to establish procedures for the regulation of abstraction of freshwater and for the monitoring of freshwater quality and quantity;
- (7) On 29 May 1995 the Commission adopted a Communication to the European Parliament and the Council on the Wise Use and Conservation of Wetlands, which recognised the important functions they perform for the protection of water resources;
- (8) It is necessary to develop an integrated Community policy on water;
- (9) 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 a European water policy;

¹ OJ C 355, 25.11.1996, p. 1.

- (10) As set out in Article 174 of the Treaty, the Community policy on the environment is to contribute to pursuit of the objectives of preserving, protecting and improving the quality of the environment, in prudent and rational utilisation of natural resources, and to be based on the precautionary principle and on the principles that preventive action should be taken, environmental damage should, as a priority, be rectified at source and that the polluter should pay;
- (11) Pursuant to Article 174 of the Treaty, in preparing its policy on the environment, the Community is to take account of available scientific and technical data, environmental conditions in the various regions of the Community, and the economic and social development of the Community as a whole and the balanced development of its regions as well as the potential benefits and costs of action or lack of action;
- (12) There are diverse conditions and needs in the Community which require different specific solutions; this diversity should be taken into account in the planning and execution of measures to ensure protection and sustainable use of water in the framework of the river basin; decisions should be taken as close as possible to the locations where water is affected or used; priority should be given to action within the responsibility of Member States through the drawing up of programmes of measures adjusted to regional and local conditions;
- (13) 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 the public, including users;

- (14) The supply of water is a service of general interest as defined in the Commission communication on Services of General Interest in Europe ¹;
- (15) Further integration of protection and sustainable management of water into other Community policy areas such as energy, transport, agriculture, fisheries, regional policy and tourism is necessary; this Directive should provide a basis for a continued dialogue and for the development of strategies towards a further integration of policy areas; this Directive can also make an important contribution to other areas of cooperation between Member States, inter alia, the European Spatial Development Perspective (ESDP);
- (15b) An effective and coherent water policy must take account of the vulnerability of aquatic ecosystems located near the coast and estuaries or in gulfs or relatively closed seas, as their equilibrium is strongly influenced by the quality of inland waters flowing into them. Protection of water status within river basins will provide economic benefits by contributing towards the protection of fish populations, including coastal fish populations;
- (16) Community water policy requires a transparent, effective and coherent legislative framework; the Community should provide common principles and the overall framework for action; this Directive should provide for such a framework and coordinate and integrate, and, in a longer perspective, further develop the overall principles and structures for protection and sustainable use of water in the Community in accordance with the principles of subsidiarity;
- (17) This Directive aims at maintaining and improving the aquatic environment in the Community; this purpose is primarily concerned with the quality of the waters concerned; control of quantity is an ancillary element in securing good water quality and therefore measures on quantity, serving the objective of ensuring good quality, should also be established;
- (18) The quantitative status of a body of groundwater may have an impact on the ecological quality of surface waters and terrestrial ecosystems associated with that groundwater body;

¹ OJ C 281, 26.9.1996, p. 3.

- (19) The Community and Member States are party to various international agreements containing important obligations on the protection of marine waters from pollution, in particular the Convention on the Protection of the Marine Environment of the Baltic Sea Area, signed in Helsinki on 9 April 1992 and approved by Council Decision 94/157/EC ¹, the Convention for the Protection of the Marine Environment of the North-East Atlantic, signed in Paris on 22 September 1992 and approved by Council Decision 98/249/EC ², and the Convention for the Protection of the Mediterranean Sea Against Pollution, signed in Barcelona on 16 February 1976 and approved by Council Decision 77/585/EEC ³, and its Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources, signed in Athens on 17 May 1980 and approved by Council Decision 83/101/EEC ⁴; this Directive is to make a contribution towards enabling the Community and Member States to meet those obligations;
- (20) This Directive is to contribute to the progressive reduction of emissions of hazardous substances to water;
- (21) Common principles are needed in order to coordinate Member States' efforts to improve the protection of Community waters in terms of quantity and quality, to promote sustainable water use, to contribute to the control of transboundary water problems, to protect aquatic ecosystems, and terrestrial ecosystems and wetlands directly depending on them, and to safeguard and develop the potential uses of Community waters;
- (21a) Good water quality will contribute to secure the drinking water supply for the population;

¹ OJ L 73, 16.3.1994, p. 19.

² OJ L 104, 3.4.1998, p. 1.

³ OJ L 240, 19.9.1977, p 1.

⁴ OJ L 67, 12.3.1983, p. 1.

- (22) Common definitions of the status of water in terms of quality and, where relevant for the purpose of the environmental protection, quantity should be established; environmental objectives should be set to ensure that good status of surface water and groundwater is achieved throughout the Community and that deterioration in the status of waters is prevented at Community level;
- (23) Member States should aim to achieve the objective of at least good water status by defining and implementing the necessary measures within integrated programmes of measures, taking into account existing Community requirements; where good water status already exists, it should be maintained; for groundwater, in addition to the requirements of good status, any significant and sustained upward trend in the concentration of any pollutant should be identified and reversed;
- (23a) The ultimate aim of this Directive is to achieve the elimination of priority hazardous substances and contribute to achieving concentrations in the marine environment near background values for naturally occurring substances;
- (24) Surface waters and groundwaters are in principle renewable natural resources; in particular, the task of ensuring 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; such time-lag for improvement should be taken into account in timetables when establishing measures for the achievement of good status of groundwater and reversing any significant and sustained upward trend in the concentration of any pollutant in groundwater;
- (25) In aiming to achieve the objectives set out in this Directive, and in establishing a programme of measures to that end, Member States may phase implementation of the programme of measures in order to spread the costs of implementation;

- (26) In order to ensure a full and consistent implementation of this Directive any extensions of timescale should be made on the basis of appropriate, evident and transparent criteria and be justified by the Member States in the River Basin Management Plans;
- (27) In cases where a body of water is so affected by human activity or its natural condition is such that it may be infeasible or unreasonably expensive to achieve good status, less stringent environmental objectives may be set on the basis of appropriate, evident and transparent criteria, and all practicable steps should be taken to prevent any further deterioration of the status of waters;
- (28) There may be grounds for exemptions from the requirement to prevent further deterioration or to achieve good status under specific conditions, if the failure is the result of unforeseen or exceptional circumstances, in particular floods and droughts, or, for reasons of overriding public interest, of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, provided that all practicable steps are taken to mitigate the adverse impact on the status of the body of water;
- (29) The objective of achieving good water status should be pursued for each river basin, so that measures in respect of surface water and groundwaters belonging to the same ecological, hydrological and hydrogeological system are coordinated;
- (30) For the purposes of environmental protection there is a need for a greater integration of qualitative and quantitative aspects of both surface waters and groundwaters, taking into account the natural flow conditions of water within the hydrological cycle;

- (31) Within a river basin where use of water may have transboundary effects, the requirements for the achievement of the environmental objectives established under this Directive, and in particular all programmes of measures, should be coordinated for the whole of the River Basin District; for river basins extending beyond the boundaries of the Community, Member States should endeavour to ensure the appropriate coordination with the relevant non-Member States; this Directive is to 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, approved by Council Decision 95/308/EC¹ and any succeeding agreements on its application;
- (32) It is necessary to undertake analyses of the characteristics of a river basin and the impacts of human activity as well as an economic analysis of water use; the development in water status should be monitored by Member States on a systematic and comparable basis throughout the Community; this information is necessary in order to provide a sound basis for Member States to develop programmes of measures aimed at achieving the objectives established under this Directive;
- (33) Member States should identify waters used for the abstraction of drinking water and ensure compliance with Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption²;

¹ OJ L 186, 5.8.1995, p. 42.

² OJ L 229, 30.8.1980, p. 11. Directive as last amended by Directive 98/83/EC (OJ L 330, 5.12.1998, p. 32).

- (34) The use of economic instruments by Member States may be appropriate as part of a programme of measures; the principle of recovery of the costs of water services, including environmental and resource costs associated with damage or negative impact on the aquatic environment should be taken into account in accordance with, in particular, the polluter-pays principle; an economic analysis of water services based on long-term forecasts of supply and demand for water in the river basin district will be necessary for this purpose;
- (35) There is a need to prevent or reduce the impact of incidents in which water is accidentally polluted; measures with the aim of doing so should be included in the Programme of Measures;
- (36) 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;
- (37) For water quantity, overall principles should be laid down for control on abstraction and impoundment in order to ensure the environmental sustainability of the affected water systems;
- (38) Common environmental quality standards and emission limit values for certain groups or families of pollutants should be laid down as minimum requirements in Community legislation; provisions for the adoption of such standards at Community level should be ensured;

(39) Pollution through the discharge, emission or loss of priority hazardous substances must be ceased or phased out; the European Parliament and the Council should, on a proposal from the Commission, agree on the substances to be considered for action as a priority and on specific measures to be taken against pollution of water by those substances, taking into account all significant sources and identifying the cost-effective and proportionate level and combination of controls;

(39a) Considérant que l'identification de substances dangereuses prioritaires devrait tenir compte du principe de précaution, en particulier l'identification d'effets potentiellement négatifs découlant du produit et une évaluation scientifique du risque.

(40) Member States should adopt measures to eliminate pollution of surface water by the priority substances and progressively to reduce pollution by other substances which would otherwise prevent Member States from achieving the objectives for the bodies of surface water;

(41) To ensure the participation of the general public including users of water in the establishment and updating of river basin management plans, it is necessary to provide proper information of planned measures and to report on progress with their implementation with a view to the involvement of the general public before final decisions on the necessary measures are adopted;

(42) This Directive should 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;

(43) The Commission should present annually an updated plan for any initiatives which it intends to propose for the water sector;

(44) Technical specifications should be laid down to ensure a coherent approach in the Community as part of this Directive; criteria for evaluation of water status are an important step forward; adaptation of certain technical elements to technical development and the standardisation of monitoring, sampling and analysis methods should be adopted by committee procedure; to promote a thorough understanding and consistent application of the criteria for characterisation of the river basin districts and evaluation of water status, the Commission may adopt guidelines on the application of these criteria;

(44a) The measures necessary for the implementation of this directive shall be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁾;

OJ C 184, 17.7.1999, p. 23.

(45) The implementation of this Directive is to achieve a level of protection of waters at least equivalent to that provided in certain earlier acts, which should therefore be repealed once the relevant provisions of this Directive have been fully implemented;

(46) The provisions of this Directive take over the framework for control of pollution by dangerous substances established under Directive 76/464/EEC¹; that Directive should therefore be repealed once the relevant provisions of this Directive have been fully implemented;

(47) Full implementation and enforcement of existing environmental legislation for the protection of waters should be ensured; it is necessary to ensure the proper application of the provisions implementing this Directive throughout the Community by appropriate penalties provided for in Member States' legislation; such penalties should be effective, proportionate and dissuasive,

¹ OJ L 129, 18.5.1976, p. 23; Directive as amended by Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

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

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

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

(c) aims at enhanced protection and improvement of the aquatic environment inter alia through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;

(ca) ensures the progressive reduction of pollution of groundwater and prevents its further pollution, and

(d) contributes to mitigating the effects of floods and droughts

and thereby contributes to:

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

– a significant reduction in pollution of groundwater;

- t – the protection of territorial and marine waters, and

– achieving the objectives of relevant international agreements, including those which aim to prevent and eliminate pollution of the marine environment, by Community action under Article 16(2a) to cease or phase out discharges, emissions and losses of priority hazardous substances, with

the ultimate aim of achieving concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances.

Article 2

Definitions

For the purposes of this Directive the following definitions shall apply:

- 1) "Surface water" means inland waters, except groundwater; transitional waters and coastal waters, except in respect of chemical status for which it shall also include territorial 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) "Inland water" means all standing or flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of territorial waters is measured.
- 4) "River" means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course.
- 5) "Lake" means a body of standing inland surface water.
- 6) "Transitional waters" are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows.
- 7) "Coastal water" means surface 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 up to the outer limit of transitional waters.

- 8) "Artificial water body" means a body of surface water created by human activity.
- 9) "Heavily modified water body" means a body of surface water which as a result of physical alterations by human activity is substantially changed in character, as designated by the Member State in accordance with the provisions of Annex II.
- 10) "Body of surface water" means a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water.
- 11) "Aquifer" means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater.
- 12) "Body of groundwater" means a distinct volume of groundwater within an aquifer or aquifers.
- 13) "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.
- 14) "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).
- 15) "River Basin District" means the area of land and sea, made up of one or more neighbouring river basins together with their associated groundwaters and coastal waters, which is identified under Article 3(1) as the main unit for management of river basins.
- 16) "Competent Authority" means an authority or authorities identified under Article 3(2) or 3(3)
- 17) "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.
- 18) "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".

- 19) "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.
- 20) "Good groundwater status" means the status achieved by a groundwater body when both its quantitative status and its chemical status are at least "good".
- 21) "Ecological status" is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with Annex V.
- 22) "Good ecological status" is the status of a body of surface water, so classified in accordance with Annex V.
- 23) "Good ecological potential" is the status of a heavily modified or an artificial body of water, so classified in accordance with the relevant provisions of Annex V.
- 24) „Good surface water chemical status“ means the chemical status required to meet the environmental objectives for surface waters established in Article 4(1)(a), that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the environmental quality standards established in Annex IX and under Article 16(5), and under other relevant Community legislation setting environmental quality standards at Community level.
- 25) "Good groundwater chemical status" is the chemical status of a body of groundwater, which meets all the conditions set out in table 2.3.2 of Annex V.
- 26) "Quantitative status" is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions.
- 27) "Available groundwater resource" means the long term annual average rate of overall recharge of the body of groundwater less the long term annual rate of flow required to achieve the ecological quality objectives for associated surface waters specified under Article 4, to avoid any significant diminution in the ecological status of such waters and to avoid any significant

damage to associated terrestrial ecosystems.

28) "Good quantitative status" is the status defined in table 2.1.2 of Annex V.

28a) „Hazardous substances“ means substances or groups of substances that are toxic, persistent and liable to bio-accumulate; and other substances or groups of substances which give rise to an equivalent level of concern;

28aa) "Priority substances" means substances identified in accordance with Article 16(2) and listed in Annex X. Among these substances there are «priority hazardous substances» which means substances identified in accordance with Article 16(2a) and (4) for which measures have to be taken in accordance with Article 16(1) and 16(6).

29) "Pollutant" means any substance liable to cause pollution, in particular those listed in Annex VIII.

(29a) "Direct discharge to groundwater" means discharge of pollutants into groundwater without percolation throughout the soil or subsoil.

30) "Pollution" means the direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment.

31) "Environmental objectives" means the objectives set out in Article 4.

32) "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.

32a) „Combined approach“ means the control of discharges and emissions into surface waters according to the approach set out in Article 10;

- 33) "Water intended for human consumption" has the same meaning as under Directive 80/778/EEC, as amended by Directive 98/83/EC.
- 34) "Water services" means all services which provide, for households, public institutions or any economic activity :
- (a) abstraction, impoundment, storage, treatment and distribution [...] of surface water or groundwater;
- (b) [...] waste water collection and treatment facilities which subsequently discharge into surface water.
- 35) "Water use" means water services together with any other activity identified under Article 5 and Annex II having a significant impact on the status of water.

This concept applies for the purposes of Article 1 and of the economic analysis carried out according to Article 5 and Annex III, point (b).

- 36) "Emission limit values" means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during any one or more periods of time. Emission limit values may also be laid down for certain groups, families or categories of substances, in particular for those identified under Article 16.

The emission limit values for substances shall normally apply at the point where the emissions leave the installation, dilution being disregarded when determining them. With regard to indirect releases into water, the effect of a waste water treatment plant may be taken into account when determining the emission limit values of the installations involved, provided that an equivalent level is guaranteed for protection of the environment as a whole and provided that this does not lead to higher levels of pollution in the environment.

- 37) "Emission controls" are controls requiring a specific emission limitation, for instance an emission limit value, or otherwise specifying limits or conditions on the effects, nature or other

characteristics of an emission or operating conditions which affect emissions. Use of the term "emission control" in this Directive in respect of the provisions of any other Directive shall not be held as reinterpreting those provisions in any respect.

Article 3

Coordination of administrative arrangements 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 identified and assigned to the nearest or most appropriate River Basin District. Coastal waters shall be identified and assigned to the nearest or most appropriate River Basin District or Districts.
2. Member States shall ensure the appropriate administrative arrangements, including the identification of the appropriate competent authority, for the application of the rules of this Directive within each River Basin District lying within their territory.
3. Member States shall ensure that a river basin covering the territory of more than one Member State is assigned to an international River Basin District. At the request of the Member States involved, the Commission shall act to facilitate the assigning to such international River Basin Districts.

Each Member State shall ensure the appropriate administrative arrangements, including the identification of the appropriate competent authority, for the application of the rules of this Directive within the portion of any international River Basin District lying within its territory.

4. Member States shall ensure that the requirements of this Directive for the achievement of the environmental objectives established under Article 4, and in particular all programmes of measures are coordinated for the whole of the River Basin District. For international River Basin Districts the Member States concerned shall together ensure this coordination and may, for this purpose, use existing structures stemming from international agreements. At the request of the Member States involved, the Commission shall act to facilitate the establishment of the programmes of measures.

5. Where a River Basin District extends beyond the territory of the Community, the Member State or Member States concerned shall endeavour to establish appropriate coordination with the relevant non-Member States, with the aim of achieving the objectives of this Directive throughout the River Basin District. Member States shall ensure the application of the rules of this Directive within their territory.
6. Member States may identify an existing national or international body as competent authority for the purposes of this Directive.
7. Member States shall identify the competent authority by the date mentioned in Article 23.
8. 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 at the latest 6 months after the date mentioned in Article 23. For each competent authority the information set out in Annex I shall be provided.
9. Member States shall inform the Commission of any changes to the information provided according to paragraph 8 within three months of the change coming into effect.

Article 4

Environmental objectives

1. In making operational the programmes of measures specified in the River Basin Management

Plans:

(a) for surface waters

(i) Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water, subject to the application of paragraphs 5 and 6 and without prejudice to paragraph 7;

(ii) Member States shall protect, enhance and restore all bodies of surface water, subject to the application of subparagraph (iii) for artificial and heavily modified bodies of water, with the aim of achieving good surface water status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 3 and to the application of paragraphs 4, 5 and 6 and without prejudice to paragraph 7;

(iii) Member States shall protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving good ecological potential and good surface water chemical status at the latest 15 years from the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 3 and to the application of paragraphs 4, 5 and 6 and without prejudice to paragraph 7;

(iv)

Member States shall implement the necessary measures in accordance with Article 16(1) and 16(6), with the aim of progressively reducing pollution from priority substances and ceasing or phasing out emissions, discharges and losses of priority hazardous substances, without prejudice to the relevant international agreements referred to in Article 1 for the parties concerned;

(b) for groundwater

(i) Member States shall implement the necessary measures to prevent or limit the input of pollutants into groundwater and the deterioration of the status of all bodies of groundwater, subject to the application of paragraphs 5 and 6 and without prejudice to paragraph 7 of this Article and subject to the application of Article 11(3)(g);

(ii) Member States shall protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge of groundwater, with the aim of achieving good groundwater status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 3 and to the application of paragraphs 4, 5 and 6 and without prejudice to paragraph 7 of this Article and subject to the application of Article 11(3)(g);

(iii) Member States shall implement the necessary measures to reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity in order to progressively reduce pollution of groundwater

Measures to achieve trend reversal shall be implemented in accordance with paragraphs (2), (4) and (5) of Article 16a, taking into account the applicable standards set out in relevant Community legislation, subject to the application of paragraphs 5 and 6 and without prejudice to paragraph 7.

(c) for Protected Areas

Member States shall achieve compliance with any standards and objectives [...] at the latest 15 years after the date of entry into force of this Directive, unless otherwise specified in the Community legislation under which the individual Protected Areas have been established.

2. Where more than one of the objectives under paragraph 1 relates to a given body of water, the most stringent shall apply

2a. Member States may designate a body of surface water as artificial or heavily modified, when:

(a) the changes to the hydromorphological characteristics of that body which would be necessary for achieving good ecological status would have significant adverse effects on:

i) the wider environment;

ii) navigation, including port facilities, or recreation;

iii) activities for the purposes of which water is stored, such as drinking water supply, power generation or irrigation;

iv) water regulation, flood protection, land drainage; or

v) other equally important sustainable human development activities.

(b) the beneficial objectives served by the artificial or modified characteristics of the water body cannot, for reasons of technical feasibility or disproportionate costs, reasonably be achieved by other means, which are a significantly better environmental option.

Such designation and the reasons for it shall be specifically mentioned in the River Basin Management Plans required under Article 13 and reviewed every 6 years.

3. The deadlines established under [...] paragraph 1 may be extended for the purposes of phased achievement of the objectives for bodies of water providing that no further deterioration occurs in the status of the affected body of water when all of the following conditions are met:

(a) Member States determine that all necessary improvements in the status of bodies of water cannot reasonably be achieved within the timescales set out in that paragraph for at least one of the following reasons:

(i) the scale of improvements required can only be achieved in phases exceeding the timescale, for reasons of technical feasibility;

(ii) completing the improvements within the timescale would be disproportionately expensive;

(iii) natural conditions do not allow timely improvement in the status of the body of water.

(b) Extension of the deadline, and the reasons for it, are specifically set out and explained in the River Basin Management Plan required under Article 13;

(c) Extensions shall be limited to a maximum of 2 [...] further updates of the River Basin Management Plan except in cases where the natural conditions are such that the objectives cannot be achieved within this period. [...]

(d) A summary of the measures required under Article 11 which are envisaged as necessary to bring the bodies of water progressively to the required status by the extended deadline, the reasons for any significant delay in making these measures operational, and the expected timetable for their implementation are set out in the River Basin Management Plan. A review of the implementation of these measures and a summary of any additional measures shall be included in updates of the River Basin Management Plan.

4. Member States may aim to achieve less stringent environmental objectives than those required under paragraph 1 [...] for specific bodies of water when they are so affected by human activity, as determined in accordance with Article 5(1), or their natural condition is such that the achievement of

these objectives would be infeasible or disproportionately expensive, and all the following conditions are met:

(a) the environmental and socio-economic needs served by such human activity cannot be achieved by other means, which are a significantly better environmental option not entailing disproportionate costs;

(b) Member States ensure,

- for surface water, the highest ecological and chemical status possible is achieved, given impacts that could not have reasonably been avoided due to the nature of the human activity or pollution;

- for groundwater, the least possible changes to good groundwater status, given impacts that could not have reasonably been avoided due to the nature of the human activity or pollution;

(c) no further deterioration occurs in the status of the affected body of water;

(d) the establishment of less stringent environmental objectives, and the reasons for it, are specifically mentioned in the River Basin Management Plan required under Article 13 and those objectives are reviewed every 6 years.

5. Temporary deterioration in the status of bodies of water shall not be in breach of the requirements of this Directive if this is the result of [...] circumstances of natural cause or force majeure which are exceptional or could not reasonably have been foreseen, in particular extreme floods and prolonged droughts, or the result of circumstances due to accidents which could not reasonably have been foreseen, when all of the following conditions have been met:

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

(b) the conditions under which circumstances are exceptional or could not reasonably have been foreseen may be declared, including the adoption of the appropriate indicators, are stated in the River Basin Management Plan;

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

(d) the effects of the [...] circumstances which are exceptional or could not reasonably have been foreseen are reviewed annually and, subject to the reasons set out in paragraph 3(a), all practicable measures are taken with the aim of restoring the body of water to its status prior to the effects of those circumstances as soon as reasonably practicable; and

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

6. Member States will not be in breach of this Directive when:

- failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential or to prevent deterioration in the status of a body of surface water or groundwater [...] is the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater [...], or
- failure to prevent deterioration from high status to good status of a body of surface water is the result of new sustainable human development activities

and all the following conditions are met:

(a) all practicable steps are taken to mitigate the adverse impact on the status of the body of water;

(b) the reasons for those modifications or alterations are specifically set out and explained in the River Basin Management Plan required under Article 13 and the objectives are reviewed every 6 years.

(c) the reasons for those modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the objectives set out in paragraph 1 are outweighed by the benefits of the new modifications or alterations to human health, the maintenance

of human safety or to sustainable development; and

(d) the beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.

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

8. Steps must be taken to ensure that the application of the new provisions, including the application of paragraphs 2a, 3, 4, 5 and 6, guarantee at least the same level of protection as the existing Community legislation.

Article 5

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

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

- an analysis of its characteristics,
- a review of the impact of human activity on the status of surface waters and on groundwater,
and
- an economic analysis of water use

is undertaken according to the technical specifications set out in Annexes II and III and that it is completed at the latest four years after the date of entry into force of this Directive.

2. The analyses and reviews mentioned under paragraph 1 shall be reviewed, and if necessary updated at the latest 13 years after the date of entry into force of this Directive and every six years thereafter.

Article 6

Register of Protected Areas

1. Member States shall ensure the establishment of a register or registers of all areas lying within each River Basin District which have been designated as requiring special protection under specific Community legislation for the protection of their surface water and groundwater or for the conservation of habitats and species directly depending on water. They shall ensure that the register is completed at the latest 5 years after the date of entry into force of this Directive.
2. The register or registers shall include all bodies of water identified under Article 7(1) and all Protected Areas covered by Annex IV.
3. For each River Basin District, the register or registers of Protected Areas shall be kept under review and up to date.

Article 7

Waters used for the abstraction of drinking water

1. Member States shall identify, within each River Basin District:
 - all bodies of water used for the abstraction of water intended for human consumption providing more than 10m³ a day as an average or serving more than fifty persons, and
 - those bodies of water intended for such future use.

Member States shall monitor, in accordance with Annex V, those bodies of water which according to Annex V, provide more than 100m³ a day as an average.

2. For each body of water identified under paragraph 1, in addition to meeting the objectives of Article 4 in accordance with the requirements of this Directive, for surface water bodies including the quality standards established at Community level under Article 16, Member States shall ensure that under the water treatment regime applied, and in accordance with Community legislation, the resulting water will meet the requirements of Directive 80/778/EEC as amended by Directive 98/83/EC.

3. Member States shall ensure the necessary protection for the bodies of water identified with the aim of avoiding deterioration in their quality in order to reduce the level of purification treatment required in the production of drinking water. Member States may establish safeguard zones for those bodies of water.

Article 8

Monitoring of surface water status, groundwater status and protected areas

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:

(i) the volume and level or rate of flow to the extent relevant for ecological and chemical status and ecological potential; and

(ii) the ecological and chemical status and ecological potential;

– for groundwaters such programmes shall cover monitoring of the chemical and quantitative status;

– for protected areas the above programmes shall be supplemented by those specifications contained in Community legislation under which the individual protected areas have been established.

2. These programmes shall be operational at the latest six years after the date of entry into force of this Directive unless otherwise specified in the legislation concerned. Such monitoring shall be in accordance with the requirements of Annex V.

2a. Technical specifications and standardised methods for analysis and monitoring of water status shall be laid down in accordance with the procedure laid down in Article 20.

Article 9

Recovery of costs for water services

1. Member States shall take account of the principle of recovery of the costs of water services, including environmental and resource costs, having regard to the economic analysis conducted according to Annex III, and in accordance in particular with the polluter pays principle.

Member States shall ensure by 2010

- that water pricing policies provide adequate incentives for users to use water resources efficiently, and thereby contribute to the environmental objectives of this Directive;

- an adequate contribution of the different water uses, disaggregated into at least industry, households and agriculture, to the recovery of the costs of water services, based on the economic analysis conducted according to Annex III and taking account of the polluter pays principle.

Member States may in doing so have regards to the social, environmental and economic effects of the recovery as well as the geographic and climatic conditions of the region or regions affected.

2. Member States shall report in the River Basin Management Plans on the planned steps towards implementing paragraph 1 which will contribute to achieving the environmental objectives of this Directive and on the contribution made by the various water uses to the recovery of the costs of water services.

3. Nothing in this Article shall prevent the funding of particular preventative or remedial measures in order to achieve the objectives of this Directive.

4. Member States shall not be in breach of this Directive if they decide in accordance with established practices not to apply the provisions of paragraph 1, second sentence, and for that purpose the relevant provisions of paragraph 2, for a given water use activity, where this does not compromise the purposes and the achievement of the objectives of this Directive. Member States shall report the reasons for not fully applying paragraph 1, second sentence in the River Basin Management Plans.

Article 10

The combined approach for point and diffuse sources

1. Member States shall ensure that all [...]discharges referred to in paragraph 2 into surface waters [...] are controlled according to the combined approach set out in this Article.
2. Member States shall ensure the establishment and/or implementation of:
 - (a) the emission controls based on Best Available Techniques; or
 - (b) the relevant emission limit values; or
 - (c) in the case of diffuse impacts the controls including, as appropriate, Best Environmental Practices;

set out in:

- Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control ¹,
- Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment ²,
- Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ³,
- the Directives adopted pursuant to Article 16 and Article 16a of this Directive,

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 135, 30.5.1991, p. 40. Directive as amended by Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p. 29).

³ OJ L 375, 31.12.1991, p. 1.

- the Directives listed in Annex IX,
- any other relevant Community legislation

at the latest 13 years after the date of entry into force of this Directive, unless otherwise specified in the legislation concerned.

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

Article 11

Programme of measures

1. Each Member State shall ensure the establishment for each River Basin District, or for the part of an International River Basin District within its territory, of a programme of measures, taking account of the results of the analyses required under Article 5, in order to achieve the objectives established under Article 4. Such programmes of measures may make reference to measures following from legislation adopted at national level and covering the whole of the territory of a Member State. Where appropriate, a Member State may adopt measures applicable to all River Basin Districts and/or the portions of International River Basin Districts falling within its territory.
2. Each programme of measures shall include the "basic" measures specified in paragraph 3 and, where necessary, "supplementary" measures.
3. "Basic measures" are the minimum requirements to be complied with and shall consist of:
 - (a) those measures required to implement Community legislation for the protection of water, including measures required under the legislation specified in Article 10 and in part A of Annex VI;
 - (b) measures deemed appropriate for the purposes of Article 9;

(ba) measures to promote efficient and sustainable water use in order to avoid compromising the achievement of the objectives specified in Article 4;

(c) measures to meet the requirements of Article 7, including measures to safeguard water quality in order to reduce the level of purification treatment required for the production of drinking water;

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

(da) controls, including a requirement for prior authorisation of artificial recharge or augmentation of groundwater bodies. The water used may be derived from any surface water or groundwater, provided that the use of the source does not compromise the achievement of the environmental objectives established for the source or the recharged or augmented body of groundwater. These controls shall be periodically reviewed and, where necessary, updated;

(e) for point source discharges liable to cause pollution, a requirement for prior regulation, such as a prohibition on the entry of pollutants into water, or for prior authorisation, or registration based on general binding rules, laying down emission controls for the pollutants concerned, including controls in accordance with Articles 10 and 16. These controls shall be periodically reviewed and, where necessary, updated;

(ea) for diffuse sources liable to cause pollution, measures to prevent or control the input of pollutants. Controls may take the form of a requirement for prior regulation, such as a prohibition on the entry of pollutants into water, prior authorisation or registration based on general binding rules where such a requirement is not otherwise provided for under Community legislation. These controls shall be periodically reviewed and, where necessary, updated.

(f) [...] for any other significant adverse impacts on the status of water identified under Article 5 and Annex II [...], in particular measures to ensure that the hydromorphological conditions of the

bodies of water are consistent with the achievement of the required ecological status or good ecological potential for bodies of water designated as artificial or heavily modified. Controls for this purpose may take the form of a requirement for prior authorisation or registration based on general binding rules where such a requirement is not otherwise provided for under Community legislation. Such controls shall be periodically reviewed and, where necessary, updated.

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

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

They may also authorise, specifying the conditions for:

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

which come into contact with groundwater. For these purposes, Member States may determine that such activities are to be treated as having been authorised provided that they are conducted in accordance with general binding rules developed by the Member State in respect of such activities,

– discharges of small quantities of substances for scientific purposes for characterisation, protection or remediation of water bodies limited to the amount strictly necessary for the purposes concerned, provided such discharges do not compromise the achievement of the environmental objectives established for that body of groundwater.

[...]

(h) in accordance with action taken pursuant to Article 16, measures to eliminate pollution of surface waters by those substances specified in the priority list agreed pursuant to Article 16(2) and to progressively reduce pollution by other substances which would otherwise prevent Member States from achieving the objectives for the bodies of surface waters as set out in Article 4;

(i) any measures required to prevent significant losses of pollutants from technical installations, and to prevent and/or to reduce the impact of accidental pollution incidents for example as a result of floods, including through systems to detect or give warning of such events including, in the case of accidents which could not reasonably have been foreseen, all appropriate measures to reduce the risk to aquatic ecosystems.

4. "Supplementary" measures are those measures designed and implemented in addition to the basic measures, with the aim of achieving the objectives established pursuant to Article 4. Part B of Annex VI contains a non-exclusive list of such measures.

Member States may also adopt further supplementary measures in order to provide for additional protection or improvement of the waters covered by this Directive, including in implementation of the relevant international agreements referred to in Article 1.

5. Where monitoring or other data indicate that the objectives set under Article 4 for the body of water are unlikely to be achieved, the Member State shall ensure that:

- the causes of the possible failure are investigated;
- relevant permits and authorisations are examined and reviewed as appropriate;
- the monitoring programmes are reviewed and adjusted as appropriate; and
- [...] additional measures as may be necessary in order to achieve those objectives are established, including, as appropriate, the establishment of stricter environmental quality standards following the procedures laid down in Annex V.

Where those causes are [...] the result of circumstances of natural cause or force majeure which are exceptional and could not reasonably have been foreseen, in particular extreme floods and prolonged droughts, the Member State may determine that additional measures are not practicable, subject to Article 4 (5).

6. In implementing measures pursuant to paragraph 3, Member States shall take all appropriate steps not to increase pollution of marine waters. Without prejudice to existing legislation, the application of measures taken pursuant to paragraph 3 may on no account lead, either directly or indirectly to increased pollution of surface waters. This requirement shall not apply where it would result in increased pollution of the environment as a whole.

7. The programmes of measures shall be established at the latest nine years after the date of entry into force of this Directive and all the measures shall be made operational at the latest twelve years after that date.

8. The programmes of measures shall be reviewed, and if necessary updated at the latest 15 years after the date of entry into force of this Directive 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 12

Issues which can not be dealt with at Member State level

1. Where a Member State identifies an issue which has an impact on the management of its water but can not be resolved by that Member State, it may report the issue to the Commission and any

other Member State concerned and may make recommendations for the resolution of it.

2. The Commission shall respond to any report or recommendations from Member States within a period of six months.

Article 13

River Basin Management Plans

1. Member States shall ensure that a River Basin Management Plan is produced for each River Basin District lying entirely within their territory.
2. In the case of an international River Basin District falling entirely within the Community, Member States shall ensure coordination with the aim of producing a single International River Basin Management Plan. Where such an international River Basin Management Plan is not produced, Member States shall produce River Basin Management Plans covering at least those parts of the international River Basin District falling within their territory to achieve the objectives of this Directive.
3. In the case of an international River Basin District extending beyond the boundaries of the Community, Member States shall endeavour to produce a single River Basin Management Plan, and, where this is not possible, the plan shall at least cover the portion of the international River Basin District lying within the territory of the Member State concerned.
4. The River Basin Management Plan shall include the information detailed in Annex VII.
5. River Basin Management Plans may be supplemented by the production of more detailed programmes and management plans for sub-basin, sector, issue, or water type, to deal with particular aspects of water management. Implementation of these measures shall not exempt Member States from any of their obligations under the rest of this Directive.
6. River Basin Management Plans shall be published at the latest nine years after the date of entry into force of this Directive.
7. River Basin Management Plans shall be reviewed and updated at the latest 15 years after the date of entry into force of this Directive and every six years thereafter.

Article 14

Public information and consultation

1. Member States shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the River Basin Management Plans. Member States shall ensure that, for each River Basin District, they publish and make available for comments to the public, including users:
 - (a) a timetable and work programme for the production of the plan, including a statement of the consultation measures to be taken, at least three years before the beginning of the period to which the plan refers;
 - (b) an interim overview of the significant water management issues identified in the river basin, at least two years before the beginning of the period to which the plan refers;
 - (c) draft copies of the River Basin Management Plan, at least one year before the beginning of the period to which the Plan refers.

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

2. Member States shall allow at least six months to comment in writing on those documents in order to allow active involvement and consultation.
3. Paragraphs 1 and 2 shall apply equally to updated River Basin Management Plans.

Article 15

Reporting

1. Member States shall send copies of the River Basin Management Plans and all subsequent

updates to the Commission and to any other Member State concerned within three months of their publication:

- (a) for River Basin Districts falling entirely within the territory of a Member State, all River Management Plans covering that national territory and published pursuant to Article 13;
- (b) for international River Basin Districts, at least the part of the River Basin Management Plans covering the territory of the Member State.

2. Member States shall submit summary reports of:

- the analyses required under Article 5; and
- the monitoring programmes designed under Article 8

undertaken for the purposes of the first River Basin Management Plan within 3 months of their completion.

3. Member States shall, within three years of the publication of each River Basin Management Plan or update under Article 13, submit an interim report describing progress in the implementation of the planned programme of measures.

Article 16

Strategies against pollution of water

1. The European Parliament and the Council shall adopt specific measures against pollution of water by individual pollutants or groups of pollutants presenting a significant risk to or via the aquatic environment, including such risks to waters used for the abstraction of drinking water. For those pollutants measures shall be aimed at progressively reducing and, for priority hazardous substances, as defined in Article 2 (28aa), at ceasing or phasing out discharges, emissions and losses. Such measures shall be adopted acting on the proposals presented by the Commission in accordance with the procedures laid down in the Treaty.

2. The Commission shall submit a proposal setting out a list of priority substances selected amongst those which present a significant risk to or via the aquatic environment. Substances shall be prioritised for action on the basis of risk to or via the aquatic environment, identified by:

- (a) risk assessment carried out under Council Regulation (EEC) No 793/93¹, Council Directive 91/414/EEC², and Directive 98/8/EC of the European Parliament and of the Council³; or
- (b) targeted risk-based assessment (following the methodology of Regulation (EEC) No 793/93) focusing solely on aquatic ecotoxicity and on human toxicity via the aquatic environment.

When necessary in order to meet the time-table laid down in paragraph 2(b), substances shall be prioritised for action on the basis of risk to or via the aquatic environment, identified by:

- (c) a simplified risk-based assessment procedure based on scientific principles taking particular account of:
 - (i) evidence regarding the intrinsic hazard of the substance concerned, and in particular its aquatic ecotoxicity and human toxicity via aquatic exposure routes; and
 - (ii) evidence from monitoring of widespread environmental contamination; and
 - (iii) other proven factors which may indicate the possibility of widespread environmental contamination, such as production or use volume of the substance concerned, and use patterns.

2a. The Commission's proposal shall also identify the priority hazardous substances. In doing so, the Commission shall take into account the selection of substances of concern undertaken in relevant Community legislation regarding hazardous substances or relevant international agreements.

¹ OJ L 84, 5.4.1993, p. 1.

² OJ L 230, 19.8.1991, p. 1. Directive as last amended by Directive 98/47/EC (OJ L 191, 7.7.1998, p. 50).

³ OJ L 123, 24.4.1998, p. 1.

2b. The Commission shall review the adopted list of priority substances at the latest four years after the date of entry into force of this Directive and at least every four years thereafter, and come forward with proposals as appropriate.

3. In preparing its proposal, the Commission shall take account of recommendations from the Scientific Committee on Toxicity, Ecotoxicity and the Environment, Member States, the European Parliament, the European Environment Agency, Community research programmes, international organisations to which the Community is a party, European business organisations including those representing small and medium-sized enterprises, European environmental organisations, and of other relevant information which comes to its attention.

4. For the priority substances [...], the Commission shall submit proposals of controls for:

- the progressive reduction of discharges, emissions and losses of the substances concerned, and, in particular
- the cessation or phasing out of discharges, emissions and losses of the substances as identified in accordance with paragraph 2a, including an appropriate timetable for doing so. The timetable shall not exceed 20 years after their identification in accordance with the provisions of this Article. These controls shall aim to achieve such cessation or phasing out.

In doing so it shall identify the appropriate cost-effective and proportionate level and combination of product and process controls for both point and diffuse sources and take account of Community-wide uniform emission limit values for process controls. Where appropriate, action at Community level for process controls may be established on a sector-by-sector basis. Where product controls include a review of the relevant authorisations issued under Directive 91/414/EEC and Directive 98/8/EC, such reviews shall be carried out in accordance with the provisions of those Directives. Each proposal for controls shall specify arrangements for their review, updating and for assessment of their effectiveness.

5. The Commission shall submit proposals for quality standards applicable to the concentrations of the priority substances in surface water, sediments or biota.

6. The Commission shall submit proposals, in accordance with paragraphs 4 and 5, and at least for emission controls for point sources and environmental quality standards within two years of the inclusion of the substance concerned on the priority list. For substances included in the first priority list, in the absence of agreement at Community level six years after the date of entry into force of this Directive, Member States shall establish environmental quality standards for these substances for all surface waters affected by discharges of those substances, and controls on the principal sources of such discharges, based *inter alia* on consideration of all technical reduction options. For substances subsequently included in the priority list, in the absence of agreement at Community level, Member States shall take such action five years after the date of inclusion in the list.

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

8. In preparing its proposals under paragraphs 4 and 5, the Commission shall also review all the Directives listed in Annex IX. It shall propose, by the deadline in paragraph 6, a revision of the controls in Annex IX for all those substances which are included in the priority list and shall propose the appropriate measures including the possible repeal of the controls under Annex IX for all other substances.

All the controls in Annex IX for which revisions are proposed shall be repealed by the date of entry into force of those revisions.

9. The priority list of substances mentioned in paragraphs 2 and 2a proposed by the Commission shall, on its adoption by the European Parliament and the Council, become Annex X to this Directive. Its revision mentioned in paragraph 2b shall follow the same procedure.

Article 16a

Strategies to prevent and control pollution of groundwater

1. The European Parliament and the Council shall adopt specific measures to prevent and control groundwater pollution. Such measures shall be aimed at achieving the objective of good groundwater chemical status in accordance with Article 4 b), and shall be adopted acting on the

proposal presented, within two years after the entry into force of this Directive, by the Commission in accordance with the procedures laid down in the Treaty.

2. In proposing measures the Commission shall have regard to the analysis carried out according to Article 5 and Annex II. Such measures shall be proposed earlier if data are available and shall include:

a) criteria for assessing good groundwater chemical status, in accordance with Annex II.2.2 and Annex V 2.3.2 and 2.4.5;

b) criteria for the identification of significant and sustained upward trends and for the definition of starting points for trend reversals to be used in accordance with Annex V 2.4.4.

3. Measures resulting from the application of paragraph 1 shall be included in the programmes of measures required under Article 11.

4. In the absence of criteria adopted under paragraph 2 at Community level, Member States shall establish appropriate criteria at the latest five years after the date of entry into force of this Directive.

5. In the absence of criteria adopted under paragraph 4 at national level, trend reversal shall take as its starting point a maximum of 75% of the level of the quality standards set out in existing Community legislation applicable to groundwater.

Article 17

Commission Report

1. The Commission shall publish a report on the implementation of this Directive at the latest 12 years after the date of entry into force of this Directive and every six years thereafter, and shall submit it to the European Parliament and to the Council.

2. The Report shall include the following:

- (a) a review of progress in the implementation of the Directive;
- (b) a review of the status of surface water and groundwater in the Community undertaken in coordination with the European Environment Agency;
- (c) a survey of the River Basin Management Plans submitted in accordance with Article 15, including suggestions for the improvement of future plans;
- (d) a summary of the response to each of the reports or recommendations to the Commission made by Member States pursuant to Article 12;
- (e) a summary of any proposals, control measures and strategies developed under Article 16;
- (f) a summary of the responses to comments made by the European Parliament and the Council on previous implementation reports.

3. The Commission shall also publish a report on progress in implementation based on the summary reports that Member States submit under Article 15(2), and submit it to the European Parliament and the Member States, at the latest 2 years after the dates referred to in Articles 5 and 8.

4. The Commission shall, within three years of the publication of each report under paragraph 1, publish an interim report describing progress in implementation on the basis of the interim reports of the Member States as mentioned in Article 15(3). This shall be submitted to the European Parliament and to the Council.

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

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

Article 18

Plans for future Community measures

1. Once a year, the Commission shall for information purposes present to the Committee referred to in Article 20 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 proposals, control measures and strategies developed under Article 16. The Commission shall make the first such presentation at the latest 2 years after the date of entry into force of this Directive.
2. The Commission will review this Directive at the latest 19 years after the date of its entry into force and will propose any necessary amendments to it.

Article 19

Technical adaptations to the Directive

1. Annexes I, III and section 1.3.6 of Annex V may be adapted to scientific and technical progress in accordance with the procedures laid down in Article 20, taking account of the periods for review and updating of the River Basin Management Plans as referred to in Article 13. Where necessary, the Commission may adopt guidelines on the implementation of Annexes II and V in accordance with the procedures laid down in Article 20.
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 20.

Article 20

Regulatory committee

1. The Commission shall be assisted by a committee (hereinafter referred to as "the Committee").

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 21

Repeals and transitional provisions

1. The following shall be repealed with effect from 7 years after the date of entry into force of this Directive:

- 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 freshwater in the Community ²,
- Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking waters in the Member States ³.

2. The following shall be repealed with effect from 13 years after the date of entry into force of this Directive:

- Council Directive 78/659/EEC of 18 July 1978 on the quality of freshwaters needing protection or improvement in order to support fish life ⁴,

¹ OJ L 194, 25.7.1975, p. 26. Directive as last amended by Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48).

² OJ L 334, 24.12.1977, p. 29. Decision as last amended by the 1994 Act of Accession.

³ OJ L 271, 29.10.1979, p. 44. Directive as last amended by the 1994 Act of Accession.

⁴ OJ L 222, 14. 8.1978, p. 1. Directive as last amended by the 1994 Act of Accession.

- Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters ¹,
- Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances ²,
- Directive 76/464/EEC, with the exception of Article 6, which shall be repealed with effect from the entry into force of this Directive.

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

- (a) the priority list adopted under Article 16 of this Directive shall replace the list of substances prioritised in the Commission Communication to the Council of 22 June 1982;
- (b) for the purposes of Article 7 of Directive 76/464/EEC, Member States may apply the principles for the identification of pollution problems and the substances causing them, the establishment of quality standards, and the adoption of measures, laid down in this Directive.

4. The environmental objectives in Article 4 and environmental quality standards established in Annex IX and pursuant to Article 16(5), and by Member States under Annex V for substances not on the priority list and under Article 16(6) in respect of priority substances for which Community standards have not been set, shall be regarded as environmental quality standards for the purposes of point 7 of Article 2 and Article 10 of Directive 96/61/EC.

5. Where a substance on the priority list adopted under Article 16 is not included in Annex VIII to this Directive or in Annex III to Directive 96/61/EC, it shall be added thereto.

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

¹ OJ L 281, 10.11.1979, p. 47. Directive as amended by Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48).

² OJ L 20, 26. 1.1980, p. 43.

Article 22

Penalties

Member States shall determine penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.

Article 23

Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest (.....) *. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the 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 governed by this Directive. The Commission shall inform the other Member States thereof.

Article 24

Entry into force

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

* Three years after the date of entry into force of this Directive.

Article 25

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

