

Directive 2006/118/EC of the European Parliament and
of the Council of 12 December 2006 on the protection
of groundwater against pollution and deterioration

Article 1

Purpose

1 This Directive establishes specific measures as provided for in Article 17(1) and (2) of Directive 2000/60/EC in order to prevent and control groundwater pollution. These measures include in particular:

- a criteria for the assessment of good groundwater chemical status; and
- b criteria for the identification and reversal of significant and sustained upward trends and for the definition of starting points for trend reversals.

2 This Directive also complements the provisions preventing or limiting inputs of pollutants into groundwater already contained in Directive 2000/60/EC, and aims to prevent the deterioration of the status of all bodies of groundwater.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply in addition to those laid down in Article 2 of Directive 2000/60/EC:

- 1) 'groundwater quality standard' means an environmental quality standard expressed as the concentration of a particular pollutant, group of pollutants or indicator of pollution in groundwater, which should not be exceeded in order to protect human health and the environment;
- 2) 'threshold value' means a groundwater quality standard set by Member States in accordance with Article 3;
- 3) 'significant and sustained upward trend' means any statistically and environmentally significant increase of concentration of a pollutant, group of pollutants, or indicator of pollution in groundwater for which trend reversal is identified as being necessary in accordance with Article 5;
- 4) 'input of pollutants into groundwater' means the direct or indirect introduction of pollutants into groundwater as a result of human activity;
- 5) 'background level' means the concentration of a substance or the value of an indicator in a body of groundwater corresponding to no, or only very minor, anthropogenic alterations to undisturbed conditions;
- 6) 'baseline level' means the average value measured at least during the reference years 2007 and 2008 on the basis of monitoring programmes implemented under Article 8 of Directive 2000/60/EC or, in the case of substances identified after these reference years, during the first period for which a representative period of monitoring data is available.

Article 3

Criteria for assessing groundwater chemical status

1 For the purposes of the assessment of the chemical status of a body or a group of bodies of groundwater pursuant to Section 2.3 of Annex V to Directive 2000/60/EC, Member States shall use the following criteria:

- a groundwater quality standards as referred to in Annex I;
- b threshold values to be established by Member States in accordance with the procedure set out in Part A of Annex II for the pollutants, groups of pollutants and indicators of pollution which, within the territory of a Member State, have been identified as contributing to the characterisation of bodies or groups of bodies of groundwater as being at risk, taking into account at least the list contained in Part B of Annex II.

The threshold values applicable to good chemical status shall be based on the protection of the body of groundwater in accordance with Part A, points 1, 2 and 3 of Annex II, having particular regard to its impact on, and interrelationship with, associated surface waters and directly dependent terrestrial ecosystems and wetlands and shall *inter alia* take into account human toxicology and ecotoxicology knowledge.

2 Threshold values can be established at the national level, at the level of the river basin district or the part of the international river basin district falling within the territory of a Member State, or at the level of a body or a group of bodies of groundwater.

3 Member States shall ensure that, for bodies of groundwater shared by two or more Member States and for bodies of groundwater within which groundwater flows across a Member State's boundary, the establishment of threshold values is subject to coordination between the Member States concerned, in accordance with Article 3(4) of Directive 2000/60/EC.

4 Where a body or a group of bodies of groundwater extends beyond the territory of the Community, the Member State(s) concerned shall endeavour to establish threshold values in coordination with the non-Member State(s) concerned, in accordance with Article 3(5) of Directive 2000/60/EC.

5 Member States shall establish threshold values pursuant to paragraph 1(b) for the first time by 22 December 2008.

All threshold values established shall be published in the river basin management plans to be submitted in accordance with Article 13 of Directive 2000/60/EC, and including a summary of the information set out in Part C of Annex II to this Directive.

6 Member States shall amend the list of threshold values whenever new information on pollutants, groups of pollutants, or indicators of pollution indicates that a threshold value should be set for an additional substance, that an existing threshold value should be amended, or that a threshold value previously removed from the list should be re-inserted, in order to protect human health and the environment.

Threshold values can be removed from the list when the body of groundwater concerned is no longer at risk from the corresponding pollutants, groups of pollutants, or indicators of pollution.

Any such changes to the list of threshold values shall be reported in the context of the periodic review of the river basin management plans.

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7 The Commission shall publish a report by 22 December 2009 on the basis of the information provided by Member States in accordance with paragraph 5.

Article 4

Procedure for assessing groundwater chemical status

1 Member States shall use the procedure described in paragraph 2 to assess the chemical status of a body of groundwater. Where appropriate, Member States may group bodies of groundwater in accordance with Annex V to Directive 2000/60/EC when carrying out this procedure.

2 A body or a group of bodies of groundwater shall be considered to be of good chemical status when:

- a the relevant monitoring demonstrates that the conditions set out in Table 2.3.2 of Annex V to Directive 2000/60/EC are being met; or
- b the values for the groundwater quality standards listed in Annex I and the relevant threshold values established in accordance with Article 3 and Annex II are not exceeded at any monitoring point in that body or group of bodies of groundwater; or
- c the value for a groundwater quality standard or threshold value is exceeded at one or more monitoring points but an appropriate investigation in accordance with Annex III confirms that:
 - (i) on the basis of the assessment referred to in paragraph 3 of Annex III, the concentrations of pollutants exceeding the groundwater quality standards or threshold values are not considered to present a significant environmental risk, taking into account, where appropriate, the extent of the body of groundwater which is affected;
 - (ii) the other conditions for good groundwater chemical status set out in Table 2.3.2 in Annex V to Directive 2000/60/EC are being met, in accordance with paragraph 4 of Annex III to this Directive;
 - (iii) for bodies of groundwater identified in accordance with Article 7(1) of Directive 2000/60/EC, the requirements of Article 7(3) of that Directive are being met, in accordance with paragraph 4 of Annex III to this Directive;
 - (iv) the ability of the body of groundwater or of any of the bodies in the group of bodies of groundwater to support human uses has not been significantly impaired by pollution.

3 Choice of the groundwater monitoring sites has to satisfy the requirements of Section 2.4 of Annex V to Directive 2000/60/EC on being designed so as to provide a coherent and comprehensive overview of groundwater chemical status and to provide representative monitoring data.

4 Member States shall publish a summary of the assessment of groundwater chemical status in the river basin management plans in accordance with Article 13 of Directive 2000/60/EC.

This summary, established at the level of the river basin district or the part of the international river basin district falling within the territory of a Member State, shall also include an explanation as to the manner in which exceedances of groundwater

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quality standards or threshold values at individual monitoring points have been taken into account in the final assessment.

5 If a body of groundwater is classified as being of good chemical status in accordance with paragraph 2(c), Member States, in accordance with Article 11 of Directive 2000/60/EC, shall take such measures as may be necessary to protect aquatic ecosystems, terrestrial ecosystems and human uses of groundwater dependent on the part of the body of groundwater represented by the monitoring point or points at which the value for a groundwater quality standard or the threshold value has been exceeded.

Article 5

Identification of significant and sustained upward trends and the definition of starting points for trend reversals

1 Member States shall identify any significant and sustained upward trend in concentrations of pollutants, groups of pollutants or indicators of pollution found in bodies or groups of bodies of groundwater identified as being at risk and define the starting point for reversing that trend, in accordance with Annex IV.

2 Member States shall, in accordance with Part B of Annex IV, reverse trends which present a significant risk of harm to the quality of aquatic ecosystems or terrestrial ecosystems, to human health, or to actual or potential legitimate uses of the water environment, through the programme of measures referred to in Article 11 of Directive 2000/60/EC, in order progressively to reduce pollution and prevent deterioration of groundwater.

3 Member States shall define the starting point for trend reversal as a percentage of the level of the groundwater quality standards set out in Annex I and of the threshold values established pursuant to Article 3, on the basis of the identified trend and the environmental risk associated therewith, in accordance with Part B, point 1 of Annex IV.

4 In the river basin management plans to be submitted in accordance with Article 13 of Directive 2000/60/EC, Member States shall summarise:

- a the way in which the trend assessment from individual monitoring points within a body or a group of bodies of groundwater has contributed to identifying, in accordance with Section 2.5 of Annex V to that Directive, that those bodies are subject to a significant and sustained upward trend in concentration of any pollutant or a reversal of that trend; and
- b the reasons for the starting points defined pursuant to paragraph 3.

5 Where necessary to assess the impact of existing plumes of pollution in bodies of groundwater that may threaten the achievement of the objectives in Article 4 of Directive 2000/60/EC, and in particular, those plumes resulting from point sources and contaminated land, Member States shall carry out additional trend assessments for identified pollutants in order to verify that plumes from contaminated sites do not expand, do not deteriorate the chemical status of the body or group of bodies of groundwater, and do not present a risk for human health and the environment. The results of these assessments shall be summarised in the river basin management plans to be submitted in accordance with Article 13 of Directive 2000/60/EC.

Article 6

Measures to prevent or limit inputs of pollutants into groundwater

1 In order to achieve the objective of preventing or limiting inputs of pollutants into groundwater, established in accordance with Article 4(1)(b)(i) of Directive 2000/60/EC, Member States shall ensure that the programme of measures established in accordance with Article 11 of that Directive includes:

- a all measures necessary to prevent inputs into groundwater of any hazardous substances, without prejudice to paragraphs 2 and 3. In identifying such substances, Member States shall in particular take account of hazardous substances belonging to the families or groups of pollutants referred to in points 1 to 6 of Annex VIII to Directive 2000/60/EC, as well as of substances belonging to the families or groups of pollutants referred to in points 7 to 9 of that Annex, where these are considered to be hazardous;
- b for pollutants listed in Annex VIII to Directive 2000/60/EC which are not considered hazardous, and any other non-hazardous pollutants not listed in that Annex considered by Member States to present an existing or potential risk of pollution, all measures necessary to limit inputs into groundwater so as to ensure that such inputs do not cause deterioration or significant and sustained upward trends in the concentrations of pollutants in groundwater. Such measures shall take account, at least, of established best practice, including the Best Environmental Practice and Best Available Techniques specified in the relevant Community legislation.

For the purpose of establishing measures referred to in points (a) or (b), Member States may, as a first step, identify the circumstances under which the pollutants listed in Annex VIII to Directive 2000/60/EC, in particular essential metals and their compounds referred to in point 7 of that Annex, are to be considered hazardous or non-hazardous.

2 Inputs of pollutants from diffuse sources of pollution having an impact on the groundwater chemical status shall be taken into account whenever technically possible.

3 Without prejudice to any more stringent requirements in other Community legislation, Member States may exempt from the measures required by paragraph 1 inputs of pollutants that are:

- a the result of direct discharges authorised in accordance with Article 11(3)(j) of Directive 2000/60/EC;
- b considered by the competent authorities to be of a quantity and concentration so small as to obviate any present or future danger of deterioration in the quality of the receiving groundwater;
- c the consequences of accidents or exceptional circumstances of natural cause that could not reasonably have been foreseen, avoided or mitigated;
- d the result of artificial recharge or augmentation of bodies of groundwater authorised in accordance with Article 11(3)(f) of Directive 2000/60/EC;
- e in the view of the competent authorities incapable, for technical reasons, of being prevented or limited without using:
 - (i) measures that would increase risks to human health or to the quality of the environment as a whole; or
 - (ii) disproportionately costly measures to remove quantities of pollutants from, or otherwise control their percolation in, contaminated ground or subsoil; or

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- f the result of interventions in surface waters for the purposes, amongst others, of mitigating the effects of floods and droughts, and for the management of waters and waterways, including at international level. Such activities, including cutting, dredging, relocation and deposition of sediments in surface water, shall be conducted in accordance with general binding rules, and, where applicable, with permits and authorisations issued on the basis of such rules, developed by the Member States for that purpose, provided that such inputs do not compromise the achievement of the environmental objectives established for the water bodies concerned in accordance with Article 4(1)(b) of Directive 2000/60/EC.

The exemptions provided for in points (a) to (f) may be used only where the Member States' competent authorities have established that efficient monitoring of the bodies of groundwater concerned, in accordance with point 2.4.2 of Annex V to Directive 2000/60/EC, or other appropriate monitoring, is being carried out.

- 4 The competent authorities of the Member States shall keep an inventory of the exemptions referred to in paragraph 3 for the purpose of notification, upon request, to the Commission.

Article 7

Transitional arrangements

In the period between 16 January 2009 and 22 December 2013, any new authorisation procedure pursuant to Articles 4 and 5 of Directive 80/68/EEC shall take into account the requirements set out in Articles 3, 4 and 5 of this Directive.

Article 8

Technical adaptations

- 1 Parts A and C of Annex II and Annexes III and IV may be amended, in the light of scientific and technical progress, in accordance with the regulatory procedure with scrutiny referred to in Article 9(2), taking into consideration the period for reviewing and updating river basin management plans, as referred to in Article 13(7) of Directive 2000/60/EC.

- 2 Part B of Annex II may be amended, in accordance with the regulatory procedure with scrutiny referred to in Article 9(2), in order to add new pollutants or indicators.

Article 9

Committee procedure

- 1 The Commission shall be assisted by a committee.

- 2 Where reference is made to this paragraph, Article 5a (1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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Article 10

Review

Without prejudice to Article 8, the Commission shall review Annexes I and II to this Directive by 16 January 2013, and thereafter every six years. Based on the review, it shall, if appropriate, come forward with legislative proposals, in accordance with the procedure laid down in Article 251 of the Treaty, to amend Annexes I and/or II. In its review and in preparing any proposal, the Commission shall take account of all relevant information, which might include the results of the monitoring programmes implemented under Article 8 of Directive 2000/60/EC, of Community research programmes, and/or of recommendations from the Scientific Committee on Health and Environmental Risks, Member States, the European Parliament, the European Environment Agency, European business organisations and European environmental organisations.

Article 11

Evaluation

The report by the Commission provided for under Article 18(1) of Directive 2000/60/EC shall for groundwater include an evaluation of the functioning of this Directive in relation to other relevant environmental legislation, including consistency therewith.

Article 12

Implementation

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 16 January 2009. 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 reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 13

Entry into force

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

Article 14

Addressees

This Directive is addressed to the Member States.