

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

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

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,

Having regard to the Opinion of the European Economic and Social Committee⁽¹⁾,

Having regard to the Opinion of the Committee of the Regions⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 28 November 2006,

Whereas:

- (1) Groundwater is a valuable natural resource and as such should be protected from deterioration and chemical pollution. This is particularly important for groundwater-dependent ecosystems and for the use of groundwater in water supply for human consumption.
- (2) Groundwater is the most sensitive and the largest body of freshwater in the European Union and, in particular, also a main source of public drinking water supplies in many regions.
- (3) Groundwater in bodies of water used for the abstraction of drinking water or intended for such future use must be protected in such a way that deterioration in the quality of such bodies of water is avoided in order to reduce the level of purification treatment required in the production of drinking water, in accordance with Article 7(2) and (3) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁽⁴⁾.
- (4) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme⁽⁵⁾ includes the objective to achieve water quality levels that do not give rise to significant impacts on, and risks to, human health and the environment.
- (5) In order to protect the environment as a whole, and human health in particular, detrimental concentrations of harmful pollutants in groundwater must be avoided, prevented or reduced

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (6) Directive 2000/60/EC sets out general provisions for the protection and conservation of groundwater. As provided for in Article 17 of that Directive, measures to prevent and control groundwater pollution should be adopted, including criteria for assessing good groundwater chemical status and criteria for the identification of significant and sustained upward trends and for the definition of starting points for trend reversals.
- (7) Having regard to the need to achieve consistent levels of protection for groundwater, quality standards and threshold values should be established, and methodologies based on a common approach developed, in order to provide criteria for the assessment of the chemical status of bodies of groundwater.
- (8) Quality standards for nitrates, plant protection products and biocides should be set as Community criteria for the assessment of the chemical status of bodies of groundwater, and consistency should be ensured with Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources⁽⁶⁾, Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽⁷⁾, and Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽⁸⁾, respectively.
- (9) The protection of groundwater may in some areas require a change in farming or forestry practices, which could entail a loss of income. The Common Agricultural Policy provides for funding mechanisms to implement measures to comply with Community standards, namely through Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)⁽⁹⁾. With regard to groundwater protection measures, it will be the Member States' responsibility to choose their priorities and projects.
- (10) Groundwater chemical status provisions do not apply to high naturally-occurring levels of substances or ions or their indicators, contained either in a body of groundwater or in associated bodies of surface water, due to specific hydro-geological conditions, which are not covered by the definition of pollution. Equally, they do not apply to temporary, spatially-limited changes in flow direction and chemical composition, which are not regarded as intrusions.
- (11) Criteria should be established for the identification of any significant and sustained upward trends in pollutant concentrations and for the definition of the starting point for trend reversal, taking into account the likelihood of adverse effects on associated aquatic ecosystems or dependent terrestrial ecosystems.
- (12) Member States should, where possible, use statistical procedures, provided they comply with international standards and contribute to the comparability of results of monitoring between Member States over long periods.
- (13) In accordance with the third indent of Article 22(2) of Directive 2000/60/EC, Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution by certain dangerous substances⁽¹⁰⁾ is to be repealed with effect from 22 December 2013. It is necessary to ensure the continuity of the protection provided

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

by Directive 80/68/EEC with regard to measures aimed at preventing or limiting both direct and indirect inputs of pollutants into groundwater.

- (14) It is necessary to distinguish between hazardous substances, inputs of which should be prevented, and other pollutants, inputs of which should be limited. Annex VIII to Directive 2000/60/EC, listing the main pollutants relevant for the water environment, should be used to identify hazardous and non-hazardous substances which present an existing or potential risk of pollution.
- (15) Measures to prevent or limit inputs of pollutants into bodies of groundwater used for or intended for future use for the abstraction of water intended for human consumption, as referred to in Article 7(1) of Directive 2000/60/EC, should, in accordance with Article 7(2) of that Directive, include such measures as are necessary to ensure that under the water treatment regime applied, and in accordance with Community legislation, the resulting water will meet the requirements of Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption⁽¹¹⁾. Those measures may also include, in accordance with Article 7(3) of Directive 2000/60/EC, the establishment by Member States of safeguard zones of such size as the competent national body deems necessary to protect drinking water supplies. Such safeguard zones may cover the whole territory of a Member State.
- (16) In order to ensure consistent protection of groundwater, Member States sharing bodies of groundwater should coordinate their activities in respect of monitoring, the setting of threshold values, and the identification of relevant hazardous substances.
- (17) Reliable and comparable methods for groundwater monitoring are an important tool for assessment of groundwater quality and also for choosing the most appropriate measures. Articles 8(3) and 20 of Directive 2000/60/EC provide for the adoption of standardised methods for analysis and monitoring of water status and, where necessary, of guidelines on implementation including monitoring.
- (18) In certain circumstances, Member States should be authorised to grant exemptions from measures to prevent or limit the input of pollutants into groundwater. Any exemptions should be based on transparent criteria and be detailed in the river basin management plans.
- (19) The impact on the level of environmental protection and on the functioning of the internal market of different groundwater threshold values to be defined by the Member States should be analysed.
- (20) Research should be conducted in order to provide better criteria for ensuring groundwater ecosystem quality and protection. Where necessary, the findings obtained should be taken into account when implementing or revising this Directive. Such research, as well as dissemination of knowledge, experience and research findings, needs to be encouraged and funded.
- (21) It is necessary to provide for transitional measures to apply during the period between the date of implementation of this Directive and the date from which Directive 80/68/EEC is repealed.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (22) Directive 2000/60/EC sets out the requirement of controls including a requirement for prior authorisation of artificial recharge or augmentation of bodies of 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.
- (23) Directive 2000/60/EC includes in Article 11(2) and Part B of Annex VI on the programme of measures a non-exclusive list of supplementary measures which Member States may choose to adopt as part of the programme of measures, *inter alia*:
- legislative instruments,
 - administrative instruments, and
 - negotiated agreements for the protection of the environment.
- (24) The measures necessary for the implementation of this Directive should 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⁽¹²⁾.
- (25) In particular, it is necessary to follow the regulatory procedure with scrutiny as regards measures of general scope designed to amend non-essential elements of this Directive, *inter alia* by deleting some of those elements or by supplementing this Directive by adding new non-essential elements to it,

HAVE ADOPTED THIS DIRECTIVE:

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [OJ C 112, 30.4.2004, p. 40.](#)
- (2) [OJ C 109, 30.4.2004, p. 29.](#)
- (3) Opinion of the European Parliament of 28 April 2005 ([OJ C 45 E, 23.2.2006, p. 15](#)), Council Common Position of 23 January 2006 ([OJ C 126 E, 30.5.2006, p. 1](#)) and Position of the European Parliament of 13 June 2006 (not yet published in the Official Journal). European Parliament Legislative Resolution of 12 December 2006 (not yet published in the Official Journal) and Council Decision of 11 December 2006.
- (4) [OJ L 327, 22.12.2000, p. 1.](#) Directive as amended by Decision No 2455/2001/EC ([OJ L 331, 15.12.2001, p. 1](#)).
- (5) [OJ L 242, 10.9.2002, p. 1.](#)
- (6) [OJ L 375, 31.12.1991, p. 1.](#) Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1](#)).
- (7) [OJ L 230, 19.8.1991, p. 1.](#) Directive as last amended by Commission Directive 2006/85/EC ([OJ L 293, 24.10.2006, p. 3](#)).
- (8) [OJ L 123, 24.4.1998, p. 1.](#) Directive as last amended by Commission Directive 2006/50/EC ([OJ L 142, 30.5.2006, p. 6](#)).
- (9) [OJ L 277, 21.10.2005, p. 1.](#) Regulation as amended by Regulation (EC) No 1463/2006 ([OJ L 277, 9.10.2006, p. 1](#)).
- (10) [OJ L 20, 26.1.1980, p. 43.](#) Directive as amended by Directive 91/692/EEC ([OJ L 377, 31.12.1991, p. 48](#)).
- (11) [OJ L 330, 5.12.1998, p. 32.](#) Directive as amended by Regulation (EC) No 1882/2003.
- (12) [OJ L 184, 17.7.1999, p. 23.](#) Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11](#)).