

Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption

COUNCIL DIRECTIVE 2013/51/EURATOM

of 22 October 2013

laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 31 and 32 thereof,

Having regard to the proposal from the European Commission drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts in the Member States, in accordance with Article 31 of the Treaty establishing the European Atomic Energy Community,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the European Parliament,

Whereas:

- (1) The ingestion of water is one of the pathways of incorporation of radioactive substances into the human body. In accordance with Council Directive 96/29/Euratom<sup>(2)</sup>, the contribution to the exposure of the general public as a whole from practices which involve a risk from ionising radiation must be kept as low as reasonably achievable.
- (2) In view of the importance for human health of the quality of water intended for human consumption, it is necessary to lay down, at Community level, quality standards which have an indicator function and to provide for the monitoring of compliance with those standards.
- (3) Council Directive 98/83/EC<sup>(3)</sup> sets out indicator parameters relating to radioactive substances in Annex I, Part C and related monitoring provisions in Annex II thereto. However, those parameters fall within the scope of the basic standards defined in Article 30 of the Euratom Treaty.
- (4) The requirements for monitoring levels of radioactive substances in water intended for human consumption should therefore be adopted in specific legislation that ensures the uniformity, coherence and completeness of radiation protection legislation under the Euratom Treaty.
- (5) Since the Community is competent to adopt the basic safety standards for the protection of the health of workers and general public against the dangers arising from ionising radiations, the provisions of this Directive supersede those of Directive 98/83/EC as

regards the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.

- (6) As recognised by the Court of Justice in its case-law, the tasks imposed on the Community by Article 2(b) of the Euratom Treaty to establish uniform safety standards to protect the health of workers and of the general public do not preclude, unless explicitly stated in those standards, a Member State from providing for more stringent measures of protection. Since this Directive provides for minimum rules, Member States should be free to adopt or maintain more stringent measures in the field covered by this Directive, without prejudice to the free movement of goods in the internal market as defined by the case-law of the Court of Justice.
- (7) Parametric values should not be regarded as limit values. In the event that monitoring of water intended for human consumption indicates non-compliance with a parametric value, the Member State concerned should consider whether that poses a risk to human health which requires action and, where necessary, take remedial action to improve the quality of the water to a level which complies with the requirements for the protection of human health from a radiation protection point of view.
- (8) Monitoring of waters intended for human consumption put into bottles or containers intended for sale, other than natural mineral waters, for the purpose of checking whether the levels of radioactive substances comply with the parametric values laid down pursuant to this Directive, should be carried out in accordance with the principles of hazard analysis and critical control points (HACCP) as required by Regulation (EC) No 852/2004 of the European Parliament and of the Council<sup>(4)</sup> and without prejudice to the principles of official controls laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council<sup>(5)</sup>.
- (9) The general public should be adequately and appropriately informed of the quality of water intended for human consumption.
- (10) It is necessary to exclude from the scope of this Directive natural mineral waters and waters which are medicinal products, since special rules for those types of water have been established in Directive 2009/54/EC of the European Parliament and of the Council<sup>(6)</sup> and Directive 2001/83/EC of the European Parliament and of the Council<sup>(7)</sup>.
- (11) Each Member State should establish monitoring programmes to check that water intended for human consumption meets the requirements of this Directive.
- (12) The methods used to analyse the quality of water intended for human consumption should be such as to ensure that the results obtained are reliable and comparable.
- (13) Taking into consideration the large geographical variability in the natural occurrence of radon, the Commission adopted Recommendation 2001/928/Euratom<sup>(8)</sup>, which deals with the quality of water intended for human consumption regarding radon and long-lived radon decay products. It is appropriate to include these radionuclides in the scope of this Directive.

- (14) In order to maintain the high quality of water intended for human consumption in view of its importance for human health, it is necessary for Annexes II and III to be regularly updated in the light of scientific and technical progress.
- (15) While it is for Member States to define the sampling and analysis frequencies for water intended for human consumption put into bottles or containers intended for sale, it is advisable for those Member States required to monitor water intended for human consumption for radon or tritium or to establish the Indicative Dose (ID), to carry out sampling and analysis at least once per year,

HAS ADOPTED THIS DIRECTIVE:

- (1) [OJ C 24, 28.1.2012, p. 122.](#)
- (2) Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation ([OJ L 159, 29.6.1996, p. 1.](#))
- (3) Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption ([OJ L 330, 5.12.1998, p. 32.](#))
- (4) Regulation (EC) No 852/2004 of the European Parliament and of the Council of the 29 April 2004 on the hygiene of foodstuffs ([OJ L 139, 30.4.2004, p. 1.](#))
- (5) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, ([OJ L 165, 30.4.2004, p. 1.](#))
- (6) Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters ([OJ L 164, 26.6.2009, p. 45.](#))
- (7) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use ([OJ L 311, 28.11.2001, p. 67.](#))
- (8) Commission Recommendation 2001/928/Euratom of 20 December 2001 on the protection of the public against exposure to radon in drinking water supplies ([OJ L 344, 28.12.2001, p. 85.](#))