

The Impact of EU accession on Water Services Corporation

A report prepared by

EUROPA Research & Consultancy Services Ltd

for

Water Services Corporation

PART I
Conclusions
(EU Environmental Policy)

April 2000

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WATER SERVICES CORPORATION

Water Services Corporation

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Introduction

Terms of reference

This volume is part of a wider report on the impact of EU accession on the Water Services Corporation originally commissioned in April 1st 1999. The terms of reference are the following:

1. The need to update to the WSC report submitted in July 1996 and prepared by Richard Morris & Associates of Scotland entitled "European Union Water Directives Study".
2. The need for a study of the impact of EU membership on WSC through an assessment of the adoption by Malta of the *acquis communautaire*.
3. Proposals for reform in view of the adjustments rendered necessary by membership.
4. Proposals for a negotiating position to be adopted by WSC in view of accession negotiations.
5. Proposal of an implementation strategy, including a time frame to be followed by the Corporation between now and accession.
6. An implementation programme as a follow-up to the study.

The above constitute the terms of reference of this report.

The first phase

In an initial phase leading to the above, Europa Research & Consultancy Services was given the task to prepare and submit a research report covering the following parts, namely:

1. The need to update to the report submitted in July 1996 by Richard Morris & Associates of Scotland entitled "European Union Water Directives Study".
2. The need for a study of the impact of EU membership on WSC through an assessment of the adoption by Malta of the *acquis communautaire*. This section, which shall form the core of the report, shall include the following sections:
 - (a) Ramifications of the EU **Environment policy** (not covered in point 1);
 - (b) **EU incentives** and how to access them, including

community programmes and funding, both before and after accession:

- (c) EU **Public Procurement** rules;
- (d) EU rules on **Health & Safety at work**;
- (e) **Competition policy** and other issues.

3. Proposals for reform in view of the adjustments rendered necessary by membership.
4. Proposals for a negotiating position to be adopted by WSC in view of accession negotiations.

Submission of interim reports: Parts I to V

Throughout the year 1999, five interim reports were submitted to WSC covering points 1 and 2(a) to 2(e) above.

These reports were duly studied by the WSC in close consultation with Europa Research & Consultancy Services. Subsequently, WSC submitted its views and positions on the points raised in the said five reports.

Concluding reports

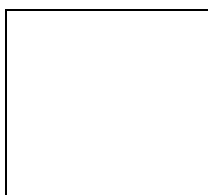
Taking into accounts WSC's submissions on each of the five interim reports, Europa Research & Consultancy is now submitting its final report on each of these reports. For clarity, the concluding report is again divided into five parts on the same lines of division as the interim reports. In this case, however, the concluding report will focus on points 3 and 4 above, namely, proposals for reform in view of the adjustments rendered necessary by membership accompanied with a proposals for a negotiating position and an implementation strategy to be adopted by WSC in view of accession negotiations.

How this report is divided

This volume constitutes the PART I of the concluding report and is being submitted in April 2000. It covers the area of the EU Environmental Policy. A further four reports, concluding Parts II to V will also be submitted.

This volume is divided into the following sections:

1. A brief summary of the key legislation and main points arising out of the interim report – Part I (EU Position);
2. A brief summary of WSC's position on the EU legislation (WSC position);
3. Proposals for reform and implementation (Reform & Implementation) (for the purposes of implementation, the official working



date of 1st January 2002 shall be adopted) and

4. Proposals for WSC's negotiating position (WSC Negotiating Position).

*Phase 2:
Meetings and
follow-up to
the report*

The submission of all five concluding reports shall be followed as necessary by information and debriefing meetings with the WSC officials in order to ensure that maximum utility is made out of the report leading to an effective follow-up strategy.

*Note on the
report*

This report does not attempt to constitute an academic study. Quite the contrary, it tries to tackle the issues in a practical manner diluting their complexities and presenting them in an intelligible and easy-to-read manner. To this end, technical references and footnotes have been kept to a minimum.

*Instructions
on how to
read the
report*

The report relies heavily on the use of margin notes to indicate the contents of each section or paragraph accordingly. This is done to enable easier reference and reading. All margins notes are listed in the content list and on the left-hand side of every paragraph. Reading through the margin notes one can quickly get an idea of the issues that are tackled in the report and cross-refer to different sections.

Working team

The team working on the project was led by Dr Joanna Drake and included Dr Mariosa Vella Cardona. Team members hold academic post-graduate training on EU affairs and an active involvement in lecturing and/or research contributions on the subject.

EU Environmental Policy

Water Quality

Introduction As explained in the introduction, this document follows up on Part I of the WSC report which had updated the 1996 report commissioned by WSC to Richard Morris & Associates of Scotland and focuses on:

1. Council Directive 91/676/EEC
2. Council Directive 98/83/EC
3. Council Directive 80/68/EC as amended by Council Directive 90/565 and 91/692
4. The proposed Water Framework Directive
5. Other directives

In the case of each of the above directives, this document is divided in the following sections:

- A brief summary of the key legislation and main points arising out of the interim report – Part I (**EU Position**);
- A brief summary of WSC's position on the EU legislation (**WSC position**);
- Proposals for reform and implementation (**Reform & Implementation**) (for the purposes of implementation, the official working date of 1st January 2002 shall be adopted) and
- Proposals for WSC's negotiating position (**WSC Negotiating Position**).

1. Council Directive concerning the protection of waters against pollution caused by nitrates from agricultural sources

EU Position

*Council
Directive
91/676/EEC*

The objective of this Directive is to reduce or prevent water pollution caused or induced by nitrates from agricultural sources. In fact, this Directive recognises that water pollution by nitrates has been worsened by the introduction of intensive farming methods, with increased use of chemical fertilisers and higher concentrations of animals in smaller areas. To this effect, Member States are obliged to identify on their territory:

- surface waters and groundwater affected or which could be affected by pollution from nitrogen compounds, in accordance with the procedure and criteria set out in the

Directive;

- vulnerable zones which contribute to pollution.

Member States are also obliged to establish codes of good agricultural practice to be implemented by farmers on a voluntary basis, as defined in Annex II to the same Directive. Member States must also establish and implement action programmes in respect of vulnerable zones. These must include the measures prescribed in the codes of good agricultural practice and measures:

- to limit the spreading on land of any fertiliser containing nitrogen;
- to set limits for the spreading of livestock effluent.

Furthermore, the Directive authorises Member States to take additional measures or to reinforce the action programmes in order to attain the objectives of the Directive. They are also obliged to monitor water quality, applying standardised reference methods to measure the nitrogen compound content.

WSC Position

*WSC's
present
position*

In accordance with the WSC ACT 1991 as it stands to date, WSC is entitled to issue regulations to define "nitrate sensitive areas" and to provide for the monitoring of groundwater.

WSC is not, however, responsible for establishing and implementing codes of good practice or other matters relating to agriculture.

Furthermore, no regulations exist presently which implement Council Directive 91/676/EEC though they may be issued under the WSC Act 1991.

Reform & Implementation

*Proposals for
reform*

The implementation of this Directive would, at least in so far as WSC is concerned (other obligations such as the establishment of a code of good agricultural practice could devolve upon the State) entail the adoption of the following measures:

- **a definition of nitrate sensitive areas.** On the basis of information provided by WSC, one could perhaps safely state that this should not pose great problems. In fact, a preliminary investigation which has been carried out has established that nearly all of Malta (with the exception of

blue clay outcrops) could be classified as nitrate sensitive. Nonetheless, a more detailed investigation would be required. It is assumed that such action may be taken within a reasonable time period, well ahead of accession.

- a **monitoring programme for nitrates** has to be established. It is assumed that such action may be taken within a reasonable time period, well ahead of accession.
- **prescribed reports have to be prepared.** Again, it is assumed that such action may be taken within a reasonable time period, well ahead of accession.
- a **legal notice** ensuring compliance with the Directive must be issued. This legal notice needs to be **drafted** and passed through the normal procedures for it to be brought into effect. WSC would need to bring this matter to the attention of Ministry of Economic Services (MES) in order to establish which entity shall have the task of drafting and pushing through the said legal notice. It is assumed that such action may be taken within a reasonable time period, well ahead of accession.
- Furthermore, it might be apt to point out that it is highly probable, that in view of accession, the WSC Act could be amended in the sense that the **regulatory role of WSC removed.** This would essentially mean that regulatory functions such as the one being presently considered under Council Directive 91/676/EEC would fall within the hands of the new regulator, typically, a new authority which would be responsible for Malta's water resources (and perhaps other resources too). **In this report, it is being assumed that the drafting of such legislation shall be within the responsibility of the Ministry which shall be entrusted with responsibility over the above-mentioned regulator. This means that on this matter, the WSC would need to await the appropriate political decisions to be taken by cabinet on the setting up of such an authority/regulator. Again, this action would need to be taken ahead of accession.**

As far as costs are concerned, on the basis of information provided by WSC's officers, the costs for implementing this Directive, in so far as WSC is concerned, should be minimal (less than Lm10,000 per annum) since it mainly involves the monitoring for nitrates - an exercise which WSC is already presently carrying out. In fact, it has been affirmed by WSC's officers that in-house expertise would be sufficient to define the nitrate sensitive areas as required by the Directive and this at a

cost of approximately Lm 3,500. What would be required in addition to current practices is some minor additional monitoring together with the drafting of prescribed reports.

Negotiating Position

In view of the above, it is proposed that WSC should have no difficulty in adopting this directive and that no specific requests for negotiations, including transitional periods, need to be made.

2. Council Directive on the quality of water intended for human consumption

EU Position

Council
Directive
98/83/EC

The objective of this Directive is to define the essential quality standards which water intended for human consumption must meet. In fact, this Directive has repealed Council Directive 80/778/EC on the same subject and it has essentially adapted the 1980 Directive to scientific and technical progress.

The Directive is intended to protect human health by laying down health and purity requirements which must be met by drinking water within the Community. It applies to all water intended for human consumption (supplied from a distribution network, from a tanker, or in bottles or containers or used in the food sector) apart from natural mineral waters and waters which are medicinal products.

In terms of the Directive, Member States are obliged to ensure that such drinking water:

- does not contain any concentration of micro-organisms, parasites or any other substance which constitutes a potential human health risk;
- meets the minimum requirements (microbiological and chemical parameters and those relating to radioactivity) laid down by the Directive.

Member States are obliged to take any other action needed in order to guarantee the health and purity of water intended for human consumption.

In particular, Member States must lay down the parametric values corresponding **at least** to the values set out in the Directive. Where parameters are not set out in the Directive, limit values must be laid down by the Member States if necessary to protect health. Furthermore, it might be apt to

point out that the parameters provided by the Directive may be grouped into three categories:

- mandatory microbiological parameters;
- mandatory chemical parameters; and
- indicator parameters.

In so far as the indicator parameters are concerned, the Directive provides that the values need be fixed by Member States only for monitoring purposes and for the purpose of taking remedial action, if necessary to protect human health. In fact, the Directive obliges Member States to regularly monitor the quality of water intended for human consumption by using the methods of analysis specified in the Directive, or equivalent methods. For this purpose they shall determine the sampling points and draw up monitoring programmes.

Where the parametric values are not attained, the Member States concerned are to ensure that the corrective action needed is taken as quickly as possible in order to restore water quality. Regardless of compliance, or otherwise, with the parametric values, Member States shall prohibit the distribution of drinking water or shall restrict its use and shall take any action needed where that water constitutes a potential human health hazard. Consumers are to be informed of any such action.

The Directive provides the Member States with scope to provide for exemptions from the parametric chemical values up to a maximum value, provided that:

- the exemption does not constitute a human health hazard;
- there is no other reasonable means of maintaining the distribution of drinking water in the area concerned;
- the exemption must be as restricted in time as possible and not exceed three years (it being possible to renew the exemption for two further three-year periods).

Any exemption granted must be accompanied by a detailed justification except if the Member State concerned feels that failure to meet the limit value is not serious and may be quickly remedied. Water sold in bottles or containers may not be exempted.

Any Member State granting an exemption must inform the following thereof:

- the population affected;

- the Commission within a two-month period if the exemption covers the distribution of more than 1000 m³ per day on average, or supplies for more than 5,000 persons.

In terms of the Directive, Member states are obliged to ensure **full compliance with the Directive by the year 2003** though the time period is lengthened for compliance with the parametric values of certain specified chemicals such as trihalomethanes and lead.

At least every five years, the Commission is to re-examine the parameters laid down by the Directive in the light of scientific and technical progress. It will be assisted in that process by a Committee comprising representatives of the Member States. Every three years Member States are to publish a report on the quality of drinking water for its consumers.

WSC Position

WSC's
present
position

The current Maltese regulator of drinking water quality is the Malta Standardisation Authority, as defined under the Food, Drugs and Drinking Water ACT. However, in practice, it appears that it is the Health Department that is actually currently acting as regulator. A Food Safety ACT has also been proposed which once more legally establishes the Health Department as the regulator of drinking water. Hence, in so far as the quality of water intended for human consumption is concerned, WSC is merely and wholly **acting as operator**. However, one should emphasise that these comments apply only to the water **supplied** by WSC either via pipes or tankers (not water **produced** by WSC via reverse osmosis plants).

In fact, one could say that the current position is briefly as follows:

The Health Department samples for and regularly sends WSC summaries of monitoring activities which take place for chlorides, nitrates and fluorides. It also samples regularly for certain microbiological parameters. WSC also samples for a number of parameters regularly. In fact, samples are currently collected from sources, reservoirs and selected points in villages (mainly police stations).

Reform & Implementation

Proposals for
reform

On the basis of information supplied by WSC's officers, one can state that currently there is **insufficient data available to WSC** in order to establish compliance with the parameters outlined in Directive 98/83 – this with the exception of nitrate.

This is particularly so since samples currently available have not been collected from consumers' taps as required by the Directive. Moreover, certain parameters have been tested for in sources, where they could (though unlikely) have been introduced via the distribution system.

A number of actions have been identified as being necessary in order to ensure compliance with this Directive:

- Primarily, on the basis of information supplied, WSC is already currently re-sampling on the basis of this directive for a water analysis in accordance with the requirements of this Directive at an accredited laboratory. Results should be made available by mid-October 2000 though they may not be conclusive. Furthermore, additional sampling may also be required for pesticides and radioactivity.
- Discussions have already been held between the Health department and WSC as to the need to establish health – risk values for the indicator parameters highlighted in the Directive. However, it seems that WSC is still currently awaiting feedback from the Health Department.
- A correction program will also need to be identified and implemented if and when it is established that the current risk values fall outside the parameters laid out in the Directive.

As far as costs are concerned, it is premature at this stage to estimate costs pending the results of the sampling study, and the subsequent **correction programme** design. Nonetheless, one can safely state that the necessary **expenditure could be high**. This particularly in view of the fact that some 35% of all water produced by WSC contains more nitrates than the maximum allowable by the Directive. **On the basis of information given by WSC, this would essentially mean that a capital investment of Lm6,000,000 and around Lm2,000,000 running costs would be necessary to ensure compliance with the Directive by deslination.** Furthermore, it is estimated that (on the basis of the recently commissioned scan) costs of the monitoring program would be in the region of Lm70,000 per annum.

On the basis of the above assessment and the large expenditure involved, it appears that Malta would not be able to comply with this Directive in time by 1st January 2003 and that a specific implementation plan dedicated to this Directive which goes beyond this date would be

required.

For this reason, Malta may need to request a transitional period beyond this date for the full implementation of this Directive, owing to the large expenditure involved. The extent of this transitional period depends on the conclusions of the results of the actions indicated above.

It must also be pointed out that in the event of accession on this date, Malta would be eligible to participation in the EU's Structural and Cohesion Funds. The latter dedicates funds for environmental and transport projects provided that such projects enable beneficiary countries to align themselves to the acquis. Clearly, an investment of the nature outlined in this section would qualify for assistance under the Cohesion Fund or even under the European Regional Development Fund. This means that WSC may seek to leave full compliance with this Directive to a post-accession stage in order to be able to benefit from the Structural and Cohesion Funds.

However, before accession, WSC ought to be in a position to show that it has undertaken the necessary study which maps out the 'correction programme' and expenditure involved in attaining compliance. This would serve as a framework for requesting the transitional period and indeed for determining the exact length of the said transition.

Negotiating Position

WSC's negotiating position on this Directive should be that:

- (a) WSC will prepare a detailed working plan on implementing the Directive, along with the costs involved and a time-frame for implementation;
- (b) Owing to the prospective large expenditure involved, WSC will not be in a position to align itself with the acquis with regards to this Directive by 1st January 2003 and therefore, the Maltese government should seek a transitional period on the basis of the time-frame indicated in the above-mentioned detailed working plan.

3. Council Directive on the protection of groundwater against pollution caused by certain dangerous substances

EU Position

Council
Directive
80/68/EC as
amended by
Council
Directive
90/565 and
91/692

The objective of this Directive is to combat pollution by harmonising the laws of the Member States on the discharge of certain dangerous substances into groundwater and by establishing systematic monitoring of the quality of such water.

In fact, the purpose of this Directive is to prevent the discharge of certain toxic, persistent and bioaccumable substances into groundwater. The following are excluded;

- Discharges of domestic effluents from isolated dwellings;
- Discharges containing substances listed in directive 80/68/EEC in very small quantities and concentrations;
- Discharges of matter containing radioactive substances.

There are two lists of dangerous substances drawn up for the protection of groundwater:

- Direct discharge of substances in list I is prohibited;
- Discharge of substances in list II must be limited.

All indirect discharges of substances in list I and all direct or indirect discharges of substances in list II are subject to authorisation. Such authorisation:

- Is granted after an investigation into the receiving environment;
- Is granted for a limited period and subject to regular review;
- Lays down the conditions that have to be met for discharges. If they have not been or cannot be met, the authorisation is withdrawn or refused.

Monitoring of compliance with these conditions and of the effects of discharges on groundwater is the responsibility of the competent authorities of the Member States.

The directive also makes provision for:

- Exceptions under certain conditions to the ban on discharges of substances in list I;
- Special rules for artificial recharges of groundwater intended for public water supplies;
- An inventory of authorisations granted and
- A procedure for communicating information between Member States in the event of discharges into transfrontier groundwater.

It may be apt to point out that the Framework Directive which at the moment is still in proposal stage and which is discussed down below will repeal Council Directive

80/68/EEC discussed above.**WSC Position**

*WSC's
present
position*

In terms of the WSC Act, 1991, WSC is entitled to issue regulations to prohibit and regulate discharge and to provide for the monitoring of groundwater. Nonetheless, it may be apt to point out that as alluded to above, this ACT could be revised and the regulatory role of WSC removed. Obviously, this function would then pass on to the newly established regulator.

**Reform &
Implementation**

*Proposals for
reform*

As things stand at present, this Directive would entail the adoption of a number of actions on the part of WSC, namely:

- To issue regulations to prohibit and regulate the direct discharge of certain substances into groundwater.

It is assumed that WSC itself need not take the initiative in drafting and preparing these regulations since the matter ought to be left to the newly-established regulator once an authority to this effect is duly established. However, it is clear that WSC has already mastered a useful expertise in this area and therefore its contribution to this process will evidently be helpful.

- The preparation of a plan of action to control indirect discharge. Technical advice may be beneficial in this area; Again, it is felt that this action ought to be part of the responsibility of the newly-established regulator. In any case, technical assistance in this area may be provided from other member states and a request for such assistance under the 'administrative and technical assistance' and 'twinning' programme may be submitted in order to obtain such assistance. This would be funded under Malta's pre-accession funds.

- The issue of regulations to cover the disposal of waste. Again, it is felt that this action ought to be part of the responsibility of the newly-established regulator.

**Negotiating
Position**

On the basis of the fact that all regulatory functions will soon be passed on to a newly-established authority responsible for Malta's water resources, it is felt that WSC need not press for any specific negotiating requests, including transitional periods. On the other hand, WSC would benefit from an early publication and enforcement of the necessary regulatory measures and therefore should agree that the necessary

action be duly taken in time for accession.

4. Proposal for a Council Directive establishing a framework for community action in the field of water policy – the Framework Directive.

EU Position

*The proposed
Water
Framework
Directive*

The aim of this proposed Directive is to provide a Community framework for water protection in accordance with a common approach and aims on the basis of basically common principles.

This proposed Directive concerns surface fresh water, estuaries, coastal waters and groundwater within the Community. It lays down environmental quality standards at Community level for a certain number of pollutants that are listed in the Annex. Other environmental quality standards are laid down by the Member States for water abstracted for drinking purposes. Nevertheless, it does not lay down limit values for pollutant emissions, but coordinates the application of those required by other legal texts.

The proposal is thus intended to protect the available water resources in the long term by introducing:

- Water management via water-catchment basins;
- An assessment of the characteristics of each water-catchment area;
- Monitoring of the chemical, ecological and/or quantitative state of surface waters and groundwater in each water-catchment basin;
- Monitoring of the protected areas within each water-catchment basin;
- Pollution-measurement programmes, including mandatory and optional measurements;
- Incorporation of all of the above factors in a water-catchment basin management plan, as described in the annex;
- Public consultation on this management plan.

More detailed programmes and management plans concerning specific aspects of water management may be added to the management plans.

The proposal provides for specific measures to be adopted by the Member States where the environmental quality standards are no longer met or where there is accidental pollution (floods, fire-fighting agents, by-products of fires, pollutant

leaks).

Furthermore, the proposal requires the Member States to take action in order that the price of water reflects the total cost of all the services linked with water use (operation, maintenance, equipment services, investment, future extensions) together with the costs arising from the environment and the depletion of resources. However, the proposed Directive also allows Member States to exempt water service providers from this requirement on the basis of certain specified grounds.

Finally, the proposed Directive also makes provision for a procedure of notification and exchanges of information between the Member States and the Commission and the European Environment agency.

WSC Position

WSC's present position

As alluded to above, at present the Directive is still in proposal stage and has not yet become legislation within the EU. In fact, whilst a common position on the draft directive was adopted by the Council of Ministers on the 22nd. October 1999¹, the European Parliament rejected the approach adopted by the Council which in its opinion “waters down environmental standards while delaying the ensuing obligations for Member States”. In fact, the European Parliament took a more stringent approach by extending the definition of dangerous substances and the list of pollutants found in the draft directive. It has also sought to impose stricter obligations on Member States by decreasing the compliance periods as agreed upon by the Council. The Commission, on its part, subscribed to over 70 amendments proposed by Parliament but opposed the extension of the definition of dangerous substances.

Until this proposed Directive is adopted, it does not form part of the *acquis communautaire* and therefore, is not an immediate concern for WSC, particularly in the light of the steps already being taken by WSC in pursuit of the previously-discussed Directive.

Reform & Implementation

Proposals for reform

In the event of adoption of this framework Directive, more than anything else, it is the obligation of Member States to ensure a full cost recovery for all costs for services provided for water uses that may cause concern to WSC as this is not the present Maltese position. However, one has to bear in mind that the proposed Directive also makes a number of exceptions to the general rule in the form of derogations which Member

¹ OJ C 343, 30.11.1999.

States may give to water service providers. Two of the grounds enlisted, on the basis of which such a derogation may be granted may be of particular interest to WSC, these being:

- **To allow a basic level of water use for domestic purposes at an affordable price;**
- **To take account of a specific geographical or climatic situation of a region eligible for assistance pursuant to Objectives 1, 5b and 6 of the Structural Funds.**

Both the above exceptions may be said to be sufficiently wide to enable WSC room to manoeuvre on the issue of recovering costs. Thus WSC should bear these two possibilities in mind when negotiating with the Maltese Government for the purposes of the adopting Malta's position on this Directive.

Negotiating Position

Since this proposal is not yet part of the *acquis communautaire*, no negotiating stand needs to be taken at this stage.

5. Council Directives on urban waste water, quality of bathing water, quality of fresh waters and on the quality of shellfish water.

EU Position

Other directives

There are a number of other Directives all dealing with water quality but which are not of immediate concern to WSC. Thus the following brief comments will suffice:

1. **Council Directive 91/271/EEC concerning urban waste water treatment:**

The objective of this Directive is to harmonise measures on urban waste water treatment throughout the Community. In fact, the Directive concerns the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from certain industrial sectors. Its aim is to protect the environment from any adverse effects due to discharge of such waters.

2. **Council Directive 76/170 concerning the quality of bathing water;**

3. **Council Directive 78/659 on the quality of fresh waters needing protection or improvement to support fish life;**

4. **Council directive 79/923 on the quality required of shellfish water.**

In the case of Council Directive 76/464 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, it may be apt to point out that the measures found in this directive which were relative to groundwater (and which were of interest to WSC) have been repealed by Council Directive 80/68 which has already been considered above. Otherwise, this Directive refers to coastal water which is not the responsibility of WSC and to surface water.

WSC Position

WSC's present position

The directive on urban waste water treatment does not pose any undue concern to WSC owing to the fact that it is being taken into consideration by the drainage department. Similarly, the provisions in the following Directives have been identified as not falling under the responsibility of WSC:

WSC is in actual fact presently enabled by the WSC Act to issue regulations to prohibit and regulate discharge and to provide for the monitoring of surface water. However, as already alluded to above, this Act could be revised and the **regulatory role of WSC removed**. This function would then obviously pass over to the newly established regulator. Meanwhile, of course, it would be wise to monitor the situation in this regard and certainly during the transitory phase.

Three other related Directives dealing with surface water – **Council Directive 75/440 on the quality required of surface water intended for the abstraction of drinking water;** **Council Directive 77/795 on the exchange of information on surface water and Council Directive 79/869 on methods of measurement and frequencies of sampling of surface water** – have all been identified as being of no particular import to WSC. This, owing to the fact, that these Directives deal with surface water intended for the abstraction of drinking water – a practice that is not followed in Malta.

Reform & Implementation

Proposals for reform

In view of the above, no action or implementation measures need to be taken by WSC.

Negotiating Position

Since the directives referred to in this section are of no direct

relevance to WSC, there appears to be no need for WSC to adopt a negotiating stand in their regard. Nor is there any reason for WSC to object to their implementation before or by the date of accession.