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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	13918/18; WK 13661/18 INIT
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Subject:	Drinking Water Directive (recast): Revised Presidency compromise text - comments from delegations

Following the last WPE meeting on the above proposal and the request for comments, delegations will find attached the comments received from BE, CZ, DK, DE, EE, EL, HR, IT, LV, HU, NL, PL, PT, SK, FI, SE and UK.

BELGIUM

Belgium has a **general scrutiny reservation** on the proposal. However, taking into account the comments provided by the European Commission, the Presidency and other Member States at the WPE on the 16th of November 2018, Belgium would like to express the following comments:

Recitals:
A recital explaining how this directive applies to **Food Business Operators**, taking into consideration the European Union Food Law, should be introduced.

Articles 2, 3-6:
Since a directive addresses Member States, Belgium has a strong objection on the use of the terms '**water supplier'** and calls for using **'water supplies**' instead, for subsidiarity reasons.

Article 2 (1):
Legionella being one of the parameters to be monitored, Belgium considers that **warm water** is included in the scope of the Directive. This is especially needed for water used for showering; even more with the development of closed-loop showers in the context of circular economy (the shower achieves savings by being a closed-loop, recirculating system, much in the same way that astronauts aboard the International Space Station re-use their waste water).
Belgium favors some amendments to the proposed definition of water intended for human consumption. Belgium recalls its earlier remarks on the need to further define what is meant by '**domestic purposes'**. Belgium considers that only water usages with a direct link or risk to human health should enter the scope of the definition. Water used for cleaning, toilet flushing or gardening for example should not fall under the definition of this Directive.
In addition, Belgium supports the changes proposed during the Working Party to add **'wells and boreholes**' in the art 2(1) a) but would suggest to refer to 'an individual supply'. This is missing at the moment in the current definition.
Text proposal:
Art. 2 (1). 'water intended for human consumption' shall mean:
(a) all water either in its original state or after treatment, intended for drinking, cooking, food preparation, ***washing-up, personal hygiene under which showering*** *or other domestic* ~~*purposes*~~ ***uses of water with risks for human health*** *in both public and private premises, regardless of its origin and whether it is supplied from a distribution network,* ***an individual supply****, from a tanker, or in bottles or containers;*
(b) all water used in any food business for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the competent national authorities are satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form;

Article 3 (4) - second paragraph:
It was explained, during the WPE, that **articles 7, 8 and 9** would not apply to water suppliers supplying less than 10m³ a day as an average or servicing fewer than 50 persons as part of a commercial or public activity. Belgium finds this approach inconsistent.
Indeed, these suppliers will have to respect article 11 which is linked with Annex II. **Part C of Annex II** explicitly refers to the supply risk assessment of article 9. Would this mean that Part C of Annex II would not apply to these supplies?

Furthermore, **note 4 in Table 1 of part B of annex II** allows Member States to define the frequency of sampling for group A and group B parameters. It is not clear whether this allows Member States to decide, for example, that pesticides don't need to be monitored for a given supply.

Part C of annex II and article 8.3 both assure this flexibility which is especially needed for these small supplies.
It needs to be cleared out that note 4 in Table 1 of Part B of Annex II can indeed be used as described above.

In all cases we need tools and options at hand in order to optimize the monitoring program for small supplies in order to avoid unnecessary costs.

Not applying articles 7, 8 and 9 to these small supplies would also contradict with the overall conclusion that the **risks in small supplies are considered the highest**.
This point could be sorted out by using the terms '**water supplies'**. With such approach, articles 7, 8 and 9 would then apply to all water supplies entering the scope of this Directive, leaving it up to Member States to decide who is responsible and to what extent.
***Note – article 3*:** For the sake of clarity, one could add a **paragraph number** for the provision on page 24 starting with the words: "*Water suppliers supplying less than 10m3 a day…"*

<u>Article 5.2.:</u>
In **paragraph 2**, Belgium considers that a reference should be made to **article 11** as well.
Part C parameters are indicator parameters and it is obvious that they should be monitored for the purposes described in article 11 and Annex II.
Belgium would also favor a provision that foresees **technical specifications** to:

- Assist Member States in the implementation of article 5, meaning the procedure and principles for deriving parametric values for newly identified parameters. This would harmonize the approaches between Member States.
- Specify exactly how certain parameters such as the parameters 'pesticides' and 'PFAS' should be interpreted.

These technical specifications could be drafted using the procedure described at article 19 (delegated acts). A similar approach is used in the draft regulation on water reuse (2018/0169) – at its article 5.3.
Belgium supports the **aim of paragraph 2** aiming a specifying the value and role of Part C parameters.
Belgium considers that **a similar provision for Part E parameters is needed**. Belgium appreciates the introduction of Part E parameters with marker values since it comes close to the concept of "*watch list parameters*" that Belgium calls for since the beginning of the discussion. However, the **deletion of the initially proposed 'marker value' can not be supported.** It is important to offer marker values to Member States in order to ensure a certain level of harmonization among Member States.

Furthermore, Belgium misses a clear framework on the **exact legal value of Part E parameters** with a marker values (*Have marker values the same status as parametric value? What happens when the marker values are exceeded?* → According to Belgium, marker values don't have the same status as parametric values. When marker values are exceeded, Member States should evaluate the relevance for human health and act in accordance to the identified risks. When a E-parameter is reported to be found above the marker value in drinking water across the EU, further scientific research at EU-level should be initiated and article 18 should be triggered).

Article 6:

- Article 6.1.(a) covers water supplied from distribution networks BUT NOT water coming from **individual wells or boreholes** (such as food operators with their own drinking water production). Belgium thinks that it is important that the point of compliance is defined for ALL waters included in the scope of this Directive.

- Article 6.1.(d) of the current Directive: In line with what is mentioned here above, Belgium also considers that the current Article 6.1.(d) (setting a point of compliance for **food-production undertaking**) should be kept in the revised Directive.

  Text proposal:

  1. The parametric values set in accordance with Article 5 for the parameters listed in Annex I, parts A and B, shall be complied with:

  (a) in the case of water supplied from a distribution network or ***an individual supply****, at the point, within premises or an establishment, at which it emerges from the taps that are normally used for human consumption;*

  …

  (d) in the case of water used in a food-production undertaking, at the point where the water is used in the undertaking

- Art. 6.1 (c): This provision is not clear and needs rewording.

Articles 7 – 8 – 9

Belgium considers that the text can be ameliorated. As stated earlier, Belgium misses a clear provision in article 9 on taking both preventive **and mitigative measures** in the supply chain. The current focus of article 9 is way too narrow and limited to monitoring and taking measures in relation to the source. The concept is off balance. Belgium considers that a reference should be made to the EN15975-2 in the article 9 instead of referring to the EN standard in Annex II that only deals with monitoring.
Belgium is currently working together with other Member States in order to send a common text proposal as soon as possible.

Article 10

Article 10: This article should be **revised in connection with article 10a**. Furthermore**, the scope of this article is very broad and challenging**. Belgium acknowledges the need for a focus on lead and Legionella. In, addition, there are many other risks possible in connection with the actual design, set up and maintenance of domestic distribution systems. The proposed article 10 doesn't offer **guidance to Member States on how to implement this article** (*for example: is compliance with EN1717 or EN800 perceived?*).

Article 10.1 (a): Belgium **can't support the deletion of the words 'in particular'.** Indeed, Belgium considers that a general analysis of the potential risks should also apply for non priority premises.
Article 10.2 (a): This article indirectly imposes a preventive approach to minimize **lead** exceedance at the tap (for example via systematical lead removal programs). Given the fact there is actually no 'safe' value for lead in drinking water, Belgium would support a more generic provision on a minimization principle for lead in drinking water.
Article 10a - 10MS proposal: Belgium calls for further constructive analysis of the 10MS proposal with an open mind. An ad hoc working group with representatives of the 4 or 10MS, the Presidency, the Commission and the legal service of the Council seems to be the way forward.

Article 11

(1) The wording is not applicable to **food businesses**. Reference should be made to both '*water consumed and used throughout the year…*'

Text proposal

*… Samples shall be taken so that they are representative of the quality of the water consumed **or used** throughout the year….*

(2) Since article 11 applies for food businesses with their own individual water supply, it is for Belgium essential that reference is made to the **HACCP-principle of art. 5 of Regulation (EC) No 852/2004**. The HACCP should be accepted as 'equivalent' to articles 7-8-9. As said before, it is essential that Member States can decide to remove one of the parameters from the list of parameters to be monitored in the case of water used for food production (including bottled waters production).
BE will send in a concrete text proposal in short term.

Belgium considers that a reference should be made to **ISO-standard** for the evaluation of the equivalence either in article 11 or in Annex III.
In addition Belgium calls for more clarity in order to better understand whether the mandatory **sampling frequencies set in annex II, part B, (2) do apply or not to the parameters watch list of Annex I, part E**.

Article 12

E-parameters are not addressed in this article on remedial action. What would be the correct and desired response when a marker value is exceeded? Do we follow the same approach as for part C-parameters? Belgium considers that the same approach as the one taken for part C-parameters is appropriate.
Text proposal
*12. 6. In the event of non-compliance with either the parametric **or maker values** or with the specifications set out in Annex I, Parts C and E, Member States shall consider whether that non-compliance poses any risk to human health. They shall take remedial action to restore the quality of the water where that is necessary to protect human health.*

Article 12bis

Belgium **supports** changes made to article 12bis on derogations.

Article 13

BE is **dubitative with the deletion of article 13**. The question of access to water is important and is a topic of concern for all Member States. Belgium supported the last text proposal from the Presidency (WK 10855/2018) (*except for the obligation to promote all waters intended for human consumption - what would imply the promotion of bottled water as well*). Listening to the advice of the legal service of the Council, we also acknowledge that there might be problems with the legal basis for having an article 13 in this Directive. **Belgium would support exploring other options to address this topic in the Directive itself whilst ensuring sufficient flexibility and respect for subsidiarity**.

Article 14

Belgium **supports** the proposed changes to article 14 which are in line with our earlier comments. Belgium however still questions the feasibility and relevance of automatically giving consumers the information on the quality of drinking water (that would still be imposed by article 14.2). Belgium could better support an article imposing Member States to actively and automatically inform customers of the availability of the information and where to find it (websites, …).

Article 15

If article 13 is deleted (something Belgium doesn't support as mentioned here above), this Directive would contain no provision on **access to water** anymore. In this context, Belgium finds it not evident to keep a reporting obligation for something that is not in anymore. If article 13 is deleted, it could be more appropriate to include in the recital on access to water a provision stating that Member States are invited to report their efforts to the Commission.
If the reporting obligation is kept as such, Belgium cannot accept the current wording since efforts on promotion should be focused on **promotion of tap water, not of all waters – including bottled water.**
Belgium would support the inclusion of a **reporting obligation on the outcome of the monitoring of E-parameters**. This reporting seems necessary in order to trigger further evaluation and harmonization at EU-level.

Article 16

Belgium **supports** its deletion.

Article 18

The proposed amendment is not clear and calls for a reformulation. Belgium questions whether a **reference to the outcome of the evaluation under article 17** wouldn't be sufficient and more correct.
Belgium would support further discussion with Member States on the acceptance of mandating the European Commission to **amend the list of E-parameters by delegated acts or implementing acts**. This would allow for a more flexible way to address the topic of chemicals of emerging concern. The status of the E-parameters would allow such a procedure in our view. This mandate could be included in article 18.2.

Annex I

Belgium maintains a **scrutiny reservation** on the proposed changes. We need more time to consult our experts. First reading indicates that the proposed changes follow the recommendations of the WHO so we do not expect much problems here.

Some comments can already be made at this stage:

- **Somatic coliphages** are still included in the proposal as A-parameter. Based on the input of the WHO and other Member States, Belgium thinks that this parameter should be considered as an **indicator parameter**. This would also be in line with the conclusions of the European Microbiology Expert Group which concludes that : "*somatic coliphages should be defined as operational parameter, used in fecal characterization of the water source (risk assessment) and - depending on the type of treatment - for process validation*".

- The limits for the **parameters that are linked to a disinfection treatment should not apply to bottled spring water**, since disinfection is forbidden for these types of water (according to directive 2009/54/EC). Bottled spring waters complying with the parametric values for chlorate, chlorite, haloacetic acids of trihalomethanes of this Directive will not comply with Directive 2009/54/EC. This can create problems for official controls and for the intra-EU trade.

- **Part B – chlorate**: The note needs to be changed. Problems with chlorate are not limited to the use of chlorine dioxide. Belgium recalls its initial text proposal for the note on the parameter chlorate. A similar note for chlorite seems adequate.

  Text proposal:
  Chlorate - note: When required to guarantee the disinfection of the water, a higher parametric value with a maximum of 0.70 mg/l can be accepted for short term periods. The value shall be met, at the latest, by 5 years after entry into force
  This parameter should be absent in bottled spring water as referred to in Directive 2009/54/EC.

- The proposed values for **antimony, boron** can be accepted.

- Belgium acknowledges that **lead** should be banned to the maximum in drinking water. Despite the period of 10 year that is foreseen, **Belgium cannot support a reduction of the parametric value for lead to 5 µg/l.** The uncertainty of having a stable market in the EU for materials enabling a Parametric Value of 5 µg/l is too big at this stage. Belgium would however support the introduction of a **target** value of 5 µg/l **at the point of supply**.

- **PFAS parameter** is transferred to E-parameters while **PFOS and PFOA** are introduced as Part B parameters. Belgium maintains a **scrutiny reservation** on these changes.

  Some preliminary remarks:
  - The **proposed values of 4 and 0.4 µg/l seem high** and not in line with the most recent scientific knowledge. The outcome of the recent revision by EFSA could be used here when made available.
  - **PFAS shift to E-parameters** : Belgium recognizes the difficulties encountered with this parameter with respect to the analytical challenges and the difficulties in the identification of the relevant compounds. These two aspects support a shift to E-parameters. However, the fast-growing literature and regulatory opinions under REACH consider that the entire group of PFAS is problematic. This would support keeping PFAS as B-parameters.

➔ Belgium considers that PFAS is an example of a parameter where technical specifications – see BE proposal under article 5 – would be of great help. These technical specifications, amended when needed, could follow up the fast growing insight and knowledge. Making use of this technical specifications would allow us to keep PFAS in this Directive as B-parameters.

- **Part C - note 4 - aggressive water**: would it be possible to include a formula here on how the evaluate this?

- **Part E**: As stated earlier, Belgium welcomes the use of the terminology ' *watch list'* but considers important to keep the concept of **marker values** for E-parameters (and parametric value for A-B and C parameters). Given the uncertainty on the relevance for human health and the fact that very limited information is available, marker values set at EU-level would be very supportive to Member States.

Annex II

- **Table 1**: BE considers that **Note 4** should not be applicable to water supply zones supplying **between 10 and 100 m³/day**.

- **Table 1**: Note 4 refers to article 3 (2) (b) which is only applicable to water supply from a distribution network (and not to water used in Food Business Operators producing food and bottled waters). Therefore Belgium considers that **Note 4 should refer to the whole article 3** (2) (and not only 3 (2) (b)).

- **Part B and Part C**: An important aspect for Belgium is a **correct framework in which article 9 implies a full supply risk assessment not limited to optimizing monitoring programs.** Belgium considers therefore that the **title of Part C of annex II should be changed**.

- **Part B and Part C**: Belgium also calls for a **reference to the HACCP-concept** of article 5 of Regulation 852/2004. It is essential to use HACCP-concept for the food businesses using their own drinking water production as a basis for a risk based adaptation of their monitoring program in order to avoid an overlap in the legislation at the EU-level. BE will send a text proposal as soon as possible.

Annex III

- Considering that some changes are needed, Belgium maintains a scrutiny reservation on Annex III. Belgium is currently working with other Member States in order to send a common text proposal as soon as possible.

CZECH REPUBLIC

Czech Republic (CZ) welcomes the second Revised Presidency compromise text of 9. 11. 2018 (ref. no. 13918/18) as it represents substantial improvement in most parts of the proposal and takes into account many suggestions and objections of the Member States, including CZ. However, revised text still does not cover all our concerns, as further described below:

- Recital 8 (sentence *"...second, a possibility for the water supplier to adapt monitoring to the main risks..."*): this characterization of purpose of risk assessment is in strong contradiction with the WHO approach "Water Safety Plan (WSP)" mentioned in previous sentence of recital: the main goal of risk assessment is preventive approach to all possible site-relevant risks, to make water more safe, and not just the issue of monitoring scope – this is only secondary benefit. See also comment on Article 9. Better possible wording of recital 8 could be: *"second, a possibility for the water supplier to ~~adapt monitoring to the main risks~~* ***prevent foreseen hazards and increase water safety and supply reliability****"*.
- Recital 19 (sentence *"To that end, the indicator parameters of Directive 98/83/EC that did not provide health-related information should be replaced by on-line information on those parameters."*): The wording does not reflect the recent change made in Annex I – indicators parameters (Part C of Annex I) have been returned in the text, not excluded.
- Article 2, para 1: CZ agrees with revised definition of water intended for human consumption, but proposes to include also „well" in point a), because water may be distributed not only through distribution system, tanker, or bottle, but also directly from well or borehole.
- Article 4, para 1 (b): Satisfactory organoleptic requirements (taste, odour…) should also be included in minimum requirements as it is the primary sign of water quality for consumers. This requirement relates also to the new Article 5 para 2 – taste, odour and other parameters from Annex I, Part C are not just for monitoring purposes, but these are important indicators of water quality and acceptability. Drinking water has to be acceptable for consumers (in terms of taste, odour, colour…) and not just to be monitored for the sake of compliance with indicators. Para 1.(b) could therefore be adjusted as follows:
    - *1.(b) it meets the minimum requirements set out in Annex I, Parts A, B and D,* ***and its basic organoleptic qualities such as odour, taste, colour and turbidity are acceptable to consumer****;*
- Article 6, para 1 (c): If water supplied from a distribution network should comply at the taps in premises (which do not fall within the responsibility of water supplier) as required in Article 6, para 1 (a), bottled water, including bottled spring water, should comply not only at the time of bottling, but also at the point (and time) of sale to consumers.
- Article 9: CZ supports the changes made (especially para 1 addressing whole chain of supply from source to tap), but it should be stressed there, that primary purpose of supply risk assessment is preventive approach to all site-relevant risks (including all core parameters!), and not just the issue of monitoring scope. Therefore, the end of para 4 should be as follows:

- *"On the basis of the supply risk assessment, Member States shall ensure that water suppliers take the necessary measures **to control all unacceptable risks identified**, ~~as foreseen under Article 8(5)~~."*

- Article 10: It is not entirely clear from the text whether all requirements on domestic distribution risk assessment relate to priority premises only or to all premises. It is also not clear what "general analysis" means - identification of general risks of domestic distribution?
- **CZ fully supports alternative proposal of Article 10a by 10 member states. PRES text does not sufficiently address the issue of safety of materials (products) in contact with drinking water.**
- Article 15, para 1 (b) (i): Sensitive data such as information on abstractions points should not be publicly available due to the public safety risk.
- Article 22bis, para 2: CZ continues to believe that water suppliers should be obliged to monitor new parameters listed in para 1 already during transitional period, otherwise they will not have necessary data when the transition period is finished. Monitoring of disinfection by-products (chlorite, chlorate, and haloacetic acids) cannot be substituted by any monitoring of raw water quality in water bodies as these by-products are created during water treatment done by water suppliers.
- Annex I, Part B, parameter "Somatic coliphages": The bacteriophages are not indicators of water contamination by enteric virus but indicators of the effectiveness of treatment (viral elimination). Therefore, the parameter "somatic coliphages" should be included in a list of indicator parameters (Annex I, part C) and should be removed from the list of microbiological parameters in Annex I, part A. The analysis of this parameter is a useful tool to indicate the effectiveness of treatment. Therefore, the screening of somatic coliphages should be limited to assessment the effectiveness of treatment and disinfection processes (the utilization of this indicator in the frame of risk assessment and as operational parameter if faecally polluted raw water is used for drinking water production).
- Annex I, Part B, parameter "chlorate": The note is not correct, the main source of chlorate is not chloride dioxide, but old sodium or calcium hypochlorite.
- Annex I, Part B, parameter "HAAs": The note should be specific and add word "chemical" to disinfection *("…measured only when **chemical** disinfection treatment… is applied"*). This by-product cannot be created when disinfection by UV is applied.
- Annex I, Part B, parameter "PFOA/PFOS": Proposed relaxed limit values for PFOA (Perfluorooctanoic acid) and PFOS (Perfluorooctane sulfonate) seem not to be sufficiently protecting human health due to the PFASs toxicity. CZ believes that that there should be two sum parameters: a) parametric value 0,1 ug/L for sum 'PFASs of concern' (cPFASs); b) parametric value 0,5 ug/L for sum of other PFASs (according to definition of OECD (2018). Furthermore, a technical guidance should be developed with a list of these 'PFASs of concern', together with the analytical methods that are available to identify them. This technical guidance should be adopted by delegated act, following the entry into force of the Drinking Water Directive, and periodically updated.

- Annex I, C: possible text-editing error - introductory sentence *"Parameters relevant for the domestic distribution risk assessment"* is not relevant under part C, it should be moved to the beginning of part D of Annex I.
- Annex I, Part B or C: The Czech Republic has repeatedly raised a concern regarding a serious gap in determination of water safety as specified in Article 4 and Annex I, which sets only maximum acceptable level of elements of toxicological concerns, but fails to reflect minimum necessary or desirable level of essential elements. Water without any minerals (distilled, osmotic etc.), which is now in compliance with Annex I, is much more hazardous for consumers if consumed regularly than water containing most of regulated toxic substances. Negative health impact of drinking low mineral drinking water is much bigger than impact of all other regulated toxicological chemicals in drinking water. As desalination and softening is more and more used, minimum amount of beneficial essential elements like magnesium, calcium or bicarbonates, and minimum level of total dissolved solids should be defined in desalinated or softened water to prevent deterioration of health of population. This requirement is founded on scientific knowledge and is supported by many epidemiological studies done in many different countries as well as by the WHO publications. **CZ strongly believes that this aspect needs to be addressed in the Directive** and is ready to discuss possible formulations.
- Annex II, Part B: *"E. coli and enterococci are considered ´core parameters´ and may not be subject to a supply risk assessment…"* - This statement is completely inaccurate. The sentence needs to be rephrased in the sense that "no reduction of monitoring of these core parameters is allowed". Hazards associated with these parameters should be subject of supply risk assessment to prevent quality and health problems. See the comments on Article 9 above.
- Annex II, Part B, table 1: The table needs to be amended in order in order for note 3 to be correct. E.g. for column Group A: 4 for the first 1000 m^3/d + 3 for each additional 1000 m^3/d and part thereof of the total volume. In current version, the example calculation in note 3 is not relevant to the table.

DENMARK

Art 2:
Warm water: DK is firmly opposed to having water for showering and therefore warm water in the scope of the DWD. It is not considered as such in the Danish legislation. The thresholds for substances in drinking water are based on a "tolerable daily intake". The daily intake is (presumably), primarily consisting of cold water and not water from the shower or warm tap water.

Art 3.4
The text marked in yellow should be deleted as this provision already exists in the regulation on hygiene and foodstuffs.
Furthermore, art 3.4 exempts the small water suppliers from the derogations set out in art 12bis. DK suggests either to add the reference to 12bis in the last sentence, or delete the that part of para 4:

3.4 Food business operators as defined under Article 3(3) of Regulation (EC) No 178/2002 that act as water suppliers shall only be subject to Articles 1, 2, 3, 4, 5, 6 and 11 of this Directive, ~~provided their water supply is subject to relevant obligations under the procedures on hazard analysis and critical control point principles and remedial actions under relevant Union legislation on food.~~

~~Water suppliers supplying less than 10m3 a day as an average or servicing fewer than 50 persons as part of a commercial or public activity shall only be subject to Articles 1, 2, 3, 4, 5, 6, 8, 9, 11 and 12~~ [or add "and 12bis"]~~ of this Directive, as well as relevant Annexes.~~

Art. 8:

Since the parameters listed in Part E of Annex I are only present in surface water, DK would like to have a note in both art 8.1.iv and in Part E of Annex I stating that:

"these parameters needs not to be measured unless the water originates from or is influenced by surface water".

Artikel 12 bis

DK can support the changes made to art 12bis

Article 14

DK strongly opposes the suggested changes in art 14 and the related Annex IV.

First of all, DK supports the Commission's ambition of increasing transparency for the consumers – the suggested changes does the exact opposite.

Second – in regard to recital 19 - The up-to-date information should not only include results from the monitoring programmes, but also additional information that the public may find useful. DK finds that information about energy efficiency and water leakage is very useful for consumers since they pay for the water and thereby also for the water leaked into the group. Water suppliers have the responsibility not wasting this limited resource and more transparency will create incentive to perform better which will benefit both consumers and the environment.

Article 16
Support deletion of article with reference to the Aarhus Convention

Annex 1 part B og E:

We will have to take a scrutiny reserve on the elements related to PFOS, PFOA and PFAS

In Part E, a note should be added to the parameters beta-estradiol, bisphenol a and nonylphenol: "these parameters needs not to be measured/watched unless the water originates from or is influenced by surface water".

Annex 2 part A og B:

Part A: Turbidity: DK only monitor for turbidity 1-4 times per year for the large water suppliers. Essentially because turbidity does not entail any health issues. Therefore, DK does not find it proportional to have a monitoring frequency on turbidity in this drinking water directive.

Were we to have a monitoring frequency, once per trimester would be more than sufficient for the larger water suppliers.

Part B:

Denmark generally supports that the monitoring frequencies are aligned with the requirements in the existing drinking water directive. This approach also corresponds with the introduction of a more risk based drinking water safety in COM's proposal. Logically, it should be possible to reduce the obligatory samplings as a result of the risk based approach.

Having said this, Denmark cannot support the requirement in Table 1 and Note 4 of small water supplies under 10 m3 per day to analyze for core parameters at least once per year. Under the existing directive from 1998 this frequency is decided by Member States, and this should also be the case in the future.

As a consequence, Denmark cannot support the proposal for small water supplies between 10 and 100 m^3 per day to analyze for Group A and B parameters once per year. This requirement is also new and does not correspond with the strengthening of the risk based approach in COM's proposaL.

Stellungnahme Deutschland
im Nachgang zur Sitzung der RAG Umwelt am
16. November 2018 in Brüssel
(Stand 22.11.2018)

Entwurf der EU-Kommission zur Revision der EG-Trinkwasserrichtlinie

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)
doc. COM/2017)753 final + ADD 1– 2018/070 (COD),
Presidency compromise text 10634/18 + ADD 1 und Presidency discussion note

Zu Artikel 2 Nummer 1 Buchstabe a (Presidency discussion note):
Warmwasser:
Deutschland hält Regelungen für Warmwasser für wichtig und hat daher in der nationalen Trinkwasserverordnung warmes Wasser bzgl. gesundheitlicher Aspekte miterfasst. Bezüglich des Geltungsbereichs fehlt aus Sicht DEU immer noch eine Klarstellung, ob die Wasserversorgung in Fahrzeugen in den Geltungsbereich der Richtlinie fällt.

Materialien im Kontakt mit Wasser für den menschlichen Gebrauch
DEU verweist auf den vorliegen Vorschlag für einen neuen Artikel 10a, der von insgesamt 10 MS vorgelegt wurde.

Presidency compromise text 10634/18 + ADD 1
Insbesondere wegen der äußerst kurzen Frist wird allgemeiner Prüfvorbehalt eingelegt. DEU verweist nochmals auf die bereits vorgelegte Liste der Punkte, die noch nicht ausreichend diskutiert wurden. Die vorläufige Einschätzung des aktuell vorgelegten Kompromisstextes stellt sich wie folgt dar:

Erwägungsgründe:
Die Erwägungsgründe sollten nach Formulierung der Position des Rates nochmals aufgerufen werden, wenn der Inhalt des verfügenden Teils der Richtlinie klar ist, und auf Vollständkeit, Richtigkeit und Konsistenz hin überprüft werden.

Verfügender Teil:
DEU begrüßt insbesondere die Vorschläge zu den Artikeln 12bis, 13, 14 in Verbindung mit Anhang IV und 16.

Artikel 2
Nummer 7: Die Streichung der Beispiele in Nummer 7 wird begrüßt. Es wird vorgeschlagen vor den Wörtern"for public use" das Wort „insbesondere" einzufügen, da auch in anderen Trinkwasserversorgungsbereichen viele Verbraucher einem Gesundheitsrisiko ausgesetzt sein können. Es sollte den MS überlassen bleiben, dies für sich selbst zu definieren. Die Streichung von Nummer 8 und die Verlagerung in die Erwägungsgründe werden ausdrücklich begrüßt. Dort wäre auf das Protokoll über Wasser und Gesundheit in Europa als das Instrument zu verweisen, unter dem die MS den Zugang zu Trinkwasser vereinbart haben.

Artikel 3
Absatz 2: Es fehlt eine Ermächtigungsgrundlage für die Möglichkeit zur Abweichung im Not-, Katastrophen- und Verteidigungsfall. Daher wird ein neuer Buchstabe c vorgeschlagen:

> „c) (Neu): Wasser für den menschlichen Gebrauch im Not-, Krisen- oder Katastrophenfall, bei dessen Verwendung die zuständigen Behörden überzeugt sind, dass die Wasserqualität keine Schädigung der menschlichen Gesundheit der betroffenen Verbraucher besorgen lässt. Für den Verteidigungsfall gelten gesonderte nationale Regelungen."

Begründung: Da es für den Verteidigungsfall gesonderte und spezifische nationale Bestimmungen gibt (z.B. ist dies in Deutschland nicht die Trinkwasserverordnung, sondern das Wassersicherstellungsgesetz und die auf dieser Grundlage erlassenen Verordnungen) und die Qualitätsanforderungen im Verteidigungsfall in Deutschland deutlich herabgesetzt sind (siehe 1. WasSV § 3 Abs. 2 in Eskalationsstufen bis zu einer möglichen gesundheitlichen Schädigung), benötigt DEU dringend eine Herausnahme des Verteidigungsfalls aus den ansonsten sachgerechten Vorschriften der EG-Trinkwasserrichtlinie.

Nummer 4:
Erster Absatz (food business): Der vorliegende Wortlaut ist nicht präzise genug („Food business operators … that act as water suppliers…."). Danach würde die Versorgung des Pausenraums oder der Kantine im Lebensmittelunternehmen mit eigenem Brunnen nicht dazu führen, dass die Wasserversorgung wie jede andere mit Abgabe an Verbraucher überwacht würde, was aber der Fall sein müsste. Hier müsste mindestens hinter „that act as water suppliers" durch „im Rahmen der Lebensmittelherstellung" ergänzt werden. Artikel 12bis muss darüber hinaus auch Anwendung finden.

Zweiter Absatz (gewerbliche oder öffentliche, sehr kleine Wasserversorgungen):
Bei Wasserversorgungen kleiner 10 Kubikmeter pro Tag (gewerblich oder öffentlich) sollte der Mitgliedstaat entscheiden, durch wen (Inhaber der Wasserversorgung oder lokal zuständige Behörde) und in welchem Umfang eine Risikobewertung durchgeführt wird.

Artikel 5:
Wie schon wiederholt zuvor angemerkt, fehlt der Gesundheitsbezug zu Nummer 1. Der letzte Satz von Nummer 3 muss gesondert als Nummer 4 geführt werden: „4. The values set under number 1 and 3 shall, as a minimum, satisfy the requirements of article 4 (1)(a)". Damit ist sichergestellt, dass auch unter Nummer 1 aufgeführte Werte nicht gesundheitlich bedenklich sein dürfen, z.B. wenn durch andere Belastungspfade der TDI (Total Daily Intake) bereits zum Teil ausgeschöpft ist und für Trinkwasser eine geringere Allokation zur Anwendung kommen muss. In diesem Fall müssen (und nicht nur „dürfen") national geringere Werte festgelegt werden.

Artikel 6:
Nummer 1 Buchstabe b: Hier fehlt die Nennung von „storage tanks“, das ist nicht dasselbe wie „tanker“. DEU schlägt die Ergänzung eines Buchstaben d vor:

> (d) in the case of water intended for use as an ingredient in food production, at the point at which it emerges from the taps that are normally used for human consumption or, when a domestic treatment for the purposes of this Directive is conducted, at the point at which the treatment is finished.
>
> *[Recital 3 to be adapted]*

Diese Ergänzung ist für die Lebensmittelindustrie sehr wichtig, da oft eine Trinkwasseraufbereitung durchgeführt wird, um dem Wasser (noch auf der Trinkwasserseite entsprechend den dort geltenden Anforderungen) für die Verwendung zur Herstellung eines Lebensmittels besondere Eigenschaften zu verleihen.
Nummer 3, Buchstabe a: DEU widerspricht der freien Wahl, die durch die Verknüpfung „and/or“ ermöglicht wird:

> „ other measures (such as appropriate treatment techniques are taken to change the nature or properties of the water before it is supplied so as to reduce or eliminate the risk of the water not complying with the parametric values after supply”.

Nicht die Wasserqualität hat sich nach den Materialien zu richten, sondern es sind Materialien zu verwenden, die für die vor Ort bestehenden Wasserqualitäten geeignet sind. Eine Aufbereitung sollte hier nur in Frage kommen, wenn alle anderen Möglichkeiten ausgeschöpft sind.

Artikel 7 bis 9:
DEU plädiert für die Verwendung der Begriffe, so wie sie von der WHO und in der einschlägigen DIN/ISO/EN eingeführt sind: hazard analysis („statt hazard assessment“) und „risk assessment“. Abweichungen würden zu Verwirrung führen, zumal der Text an anderer Stelle auf diese Regelwerke verweist.
Entsprechend schlägt DEU folgende Überschriften für die Artikel vor:

> Article 8: Risk-based approach to bodies of water
> Article 9: Risk-based approach to the supply chain

Darüber hinaus besteht ein Prüfvorbehalt. Davon abgesehen wird die Watchlist in Annex I Teil E sowie die Streichung der pauschalen Monitoringvorgaben für endokrine Substanzen begrüßt.
Es fehlt die Einrichtung eines Gremiums zur Beratung einheitlicher Bewertungskriterien (Orientierungswerte) für emerging substances.

Artikel 10:
DEU wiederholt seinen Vorschlag zu Artikel 10. Insbesondere ist nicht verständlich, warum die unter Nummer 2 Buchstaben a bis f aufgeführten Maßnahmen nur bei Feststellung eines Risikos im speziellen Einzelfall durchgeführt werden sollen, wie Verbraucherinformation, Fortbildungsmaßnahmen für Installateure, Präventivmaßnahmen gegen Legionellen etc. Die technisch einwandfreie Planung, Errichtung und der Betrieb der Trinkwasser-Installation werden bislang nicht angesprochen. Dies ist nicht nachvollziehbar, insbesondere als Europäische Normen dazu bereits existieren.

DEU schlägt vor, die Einführung eines **Minimierungsgebotes für Blei** anstelle einer Senkung des Parameterwertes zu diskutieren, da die vergangenen 20 Jahre gezeigt haben, dass eine Parameterwertsenkung das Problem nicht löst (s. nachfolgende mögliche Ergänzung des Artikels 10 - wie er von DEU vorgeschlagen wurde - und entsprechender Erwägungsgrund).

„Article 10 [text proposal DEU]
Requirements for domestic distribution systems
The construction or refurbishment of domestic distribution systems in buildings that are being constructed or refurbished shall comply with the provisions of EN 806 and EN 1717. Additional and extended requirements for the setting up and operation of the domestic distribution system may be laid down in national norms or the set of national technical standards.
[Proposal for discussion: The Member States shall establish programmes for the early substitution of components made of lead in existing domestic distribution systems.]

The Member States shall ensure that the parameters stipulated in Annex I Part C are regularly tested for in buildings and facilities that are assumed to involve the greatest human health risk. The test results shall be shared with the competent authority immediately and without special request.

The Member States shall ensure that, where problems with the domestic distribution system are identified, especially in case of human illness or non-compliance with parametric values that are due to the domestic distribution system, the building or facility is subjected to a risk assessment and appropriate risk control measures are initiated in response."

[To be discussed: new Recital: Components made of lead in domestic distribution systems should be substituted as soon as possible when this is economically reasonable. As far as existing domestic distribution systems in buildings are refurbished, the components made of lead have to be substituted by materials which comply with Article 10a. In order to accelerate this process Member States shall establish programmes to promote the refurbishment of domestic distribution systems containing components consisting of lead. The aim is to minimise the lead content of drinking water as far as possible, independent of the parametric value of this directive or potentially stricter values set by member states and independent of the incidence of exceedances of these values.]

Artikel 11:
Prüfvorbehalt
Davon abgesehen sollte ein Minimierungsgebot für die Kontamination durch Aufbereitungschemikalien aufgenommen werden.

Artikel 12:
Prüfvorbehalt

Artikel 12bis:
DEU begrüßt den neuen Vorschlag. Redaktioneller Hinweis zu Nummer 6: Zwischen „3“ und „a member state“ fehlt ein Komma.

Artikel 13:
Die Streichung wird begrüßt.

Artikel 14:
Die Textänderungen werden begrüßt.

Artikel 15:
Prüfvorbehalt, nach erster Einschätzung Tendenz zur Zustimmung zu neuem Präs-Text. Die Vorbehalte zum alten Text bleiben bestehen.

Artikel 16:
Die Streichung wird begrüßt. Prüfvorbehalt zum Erwägungsgrund 27. Dazu eine vorläufige Anmerkung: „Gesundheit“ muss vor „Umwelt“ genannt werden, das die Aussage ansonsten Artikel 1 der Richtlinie widerspricht.

Artikel 17:
Die Streichung in Nummer 2 Buchstabe b wird begrüßt. Die Vorbehalte zum alten Text bleiben bestehen.

Artikel 18:
Prüfvorbehalt

Artikel 19:
Prüfvorbehalt

Artikel 20:
Prüfvorbehalt

Artikel 22bis:
Zustimmung

Anhang I,
Teil A:
Die Parameter Clostridium perfringens und ihre Sporen sowie insbesondere die somatischen Coliphagen sind nicht hier, sondern in Teil C (Indikatorparameter) aufzuführen.

Parameter	Parametric value	Unit	**Notes**
~~*Clostridium perfringens* **including spores**~~	~~**0**~~	~~Number/100 ml~~	~~**This parameter needs not to be measured unless the water originates from or is influenced by surface water.**~~
~~Coliform bacteria~~	~~**0**~~	~~Number/100 ml~~	
Enterococci	0	Number/100 ml	
Escherichia coli (E. coli)	0	Number/100 ml	
~~Heterotrophic plate counts (HPC) 22~~[e]	~~No abnormal change~~		
~~**Somatic coliphages**~~	~~**0**~~	~~**Number/100 ml**~~	
~~Turbidity~~	~~<1~~	~~NTU~~	

Teil B:
Halocetic acids (HAAs) – Die Abkürzung mit dem Plural-S ist sprachlich unscharf und wissenschaftlich nicht gebräuchlich. Die Ergänzung trifft überdies fachlich nicht zu, wenn z.B. UV-Desinfektion eingesetzt wird. Es sollte genau benannt werden, bei Anwendung welcher Desinfektionsmittel auf diesen Parameter hin zu untersuchen ist.

Bor: Prüfvorbehalt

Chrom: Prüfvorbehalt

Bei **Chlorat** sollte nur kurzfristig aus seuchenhygienischen Gründen ein Wert von 0,7 mg/l zugelassen sein. Dieser Wert sollte jedoch unabhängig vom eingesetzten Desinfektionsmittel anwendbar sein.
Uran: Prüfvorbehalt

Blei: Zur Diskussion vorgeschlagen: Anstelle der Senkung des Parameterwertes wird ein Minimierungsgebot vorgeschlagen (Details s. Ausführungen zu Art. 10).

Nickel, Kupfer, Blei: Die Wiederaufnahme der alten Anmerkung 3 über den Wochenmittelwert ist dringend notwendig zur gerichtsfesten Feststellung einer Grenzwertüberschreitung.

Die Verschiebung von **PFOA** und **PFOS** auf die watch list wird begrüßt, da – trotz bekannter erheblicher Toxizität mancher Verbindungen – sowohl die Kenntnislücken noch erheblich sind als auch eine geeignete Überwachungsmethode für die Summe der PFOS noch entwickelt werden muss. Allerdings sollte die Definition erweitert werden, um über die Perfluor-Substanzen hinaus auch die Polyfluorierten Substanzen zu erfassen; ferner erfasst die Definition n = 1 auch die (deutlich weniger toxische) Trifluoressigsäure.
⇨ Als geeignetere **Definition** schlägt DEU vor: **CnHxFy-R with x+y = 2n+1 and n > 1**

Begrüßt wird die Korrektur des Tippfehlers für Microcystin-LR.

Teil C:
Redaktionell: Die Überschrift von Teil D ist hier nach Vorne gerutscht.
Zur Tabelle:
Die Parameter Clostridium perfringens und ihre Sporen sowie insbesondere die somatischen Coliphagen sind hier aufzunehmen. Ferner ist für somatische Coliphagen der Wert auf 50 PfU/100 ml anzuheben, und beide sind mit „Notes“ zu versehen, in denen die Funktion ihrer Überwachung erläutert wird.

Parameter	Parametric value	Unit	**Notes**
***Clostridium perfringens* including spores**	**0**	**Number/100 ml**	**Notes x and y**
Coliform bacteria	0	Number/100 ml	
Heterotrophic plate counts (HPC) 22°	No abnormal change		
Somatic coliphages	**50 PfU (for raw water)**	**Number/100 ml**	**Note z**

Note x: This parameter is to be regularly measured if water originates from or is influenced by surface water. If it is found in raw water, it is to be analysed after steps of the treatment train in order to determine log removal by the barriers in place and thus to assess whether the risk of breakthrough of parasite spores (Cryptosporidia and Giardia) is sufficiently under control.

Note y: This parameter is to be measured in finished drinking water if it is chlorinated.

Note z: This parameter is to be regularly measured if water originates from or is influenced by surface water. If it is found in raw water at concentrations > 50 PfU /100 ml, it is to be analysed after steps of the treatment train in order to determine log removal by the barriers in place and thus to assess whether the risk of breakthrough of pathogenic viruses is sufficiently under control.

Begründung: Viele enterale Viren sowie Parasiten sind als hochinfektiös anzusehen, und eine angemessene hygienische Sicherheit könnte nur durch ihre Abwesenheit in 10^4 – 10^6 Litern Trinkwasser nachvollziehbar belegt werden. Die Untersuchung derart großer Wasservolumina ist jedoch nicht realisierbar. Daher muss ein indirekter Weg beschritten werden, indem durch regelmäßige Überwachung des Rohwassers die maximalen Virenkonzentrationen erfasst werden und im Rahmen der Risikobewertung geprüft wird, ob die Eliminationsleistung der Barrieren in der Trinkwassergewinnung (Boden- und Sedimentpassage oder Aufenhalt in der Talsperre) sowie in der Aufbereitung (insbesondere Filtrationsverfahren) als Schutz vor einer Übertragung von Vireninfektionen ausreicht. Da somatische Coliphagen immer vorkommen, wenn humanpathogene Viren vorkommen, eignen sie sich als Indikator hierfür.
Ebenso eignen sich Clostridium perfringens und seine Sporen als Indikator für die Ermittlung der Eliminationsleistung gegenüber Parasitendauerformen. Darüber hinaus sind Clostridium perfringens und seine Sporen ein probater Indikator für chlorresistente Bakterien sowie für etwas länger zurückliegende fäkale Kontaminationen.

Teil D:
Überschrift: s. oben
Änderung der Überschrift: ~~Parametric value~~ **technical action value**
Begründung:

- Für Legionellen kann kein medizinisch begründeter Grenzwert angegeben werden; damit ist die Abgrenzung einer ungefährlichen Situation von einer, bei der eine Gesundheitsgefährdung erwartet wird, nicht möglich. Es handelt sich lediglich um einen empirischen Wert, dessen Überschreitung anzeigt, dass günstige Bedingungen für eine Vermehrung von Legionellen bestehen. Daher sollte dies auch in der Wahl des Begriffes der TWRL berücksichtigt werden (Angabe als „technical action value“).

Streichung der Note:

~~In case the parametric value <1000/l is not met for *Legionella*, resampling for *Legionella pneumophila* shall be done. If *Legionella pneumophila* is not present, the parametic value for *Legionella* is <10 000/l~~

Begründung:

- Eine Unterscheidung der Parameterwerte von Legionella und *Legionella pneumophila* wird nachdrücklich abgelehnt. Zum einen sind auch andere Legionellenarten (z. B. L. anisa) Krankheitserreger mit nachgewiesenen Infektionen, zum anderen zeigt ein Nachweis von Legionella spec. in der Trinkwasser-Installation eine generelle Gefährdung durch einen mikrobiellen Bewuchs an. Unabhängig von der Spezies gilt der Nachweis von Legionellen als eindeutiger Hinweis auf Gesundheitsgefahren durch vermeidbare technische Mängel in der Trinkwasser-Installation. Daher sollte der einzuhaltende Technische Maßnahmenwert auf <1000 Legionellen/l festgelegt werden.

Teil E:
Die Verlagerung der endokrinen Substanzen und der perfluorierten Verbindungen in eine „watch list" wird begrüßt.

Anhang II,
Teil B:
Nummer 1, Gruppe A-Parameter, letzter Satz zu „core parameters" „may not be subject to a supply risk assessment": Diese Vorgabe wäre fatal. Selbverständlich müssen diese Parameter bei einer Risikobewertung mit betrachtet werden. Die Untersuchungshäufigkeit darf lediglich nicht verringert werden. Sie muss je nach Ergebnis der Risikobewertung gegebenenfalls sogar erhöht werden oder Messungen an bestimmten Stellen der Wasserversorgung durchgeführt werden.

Nummer 2, Tabelle 1:
Die Einteilung der **Kategorien** wird in ihrer Tendenz begrüßt. DEU schlägt für die zweite und dritte Kategorie für die Gruppe A erneut folgende **Häufigkeiten** vor, da die vorgeschlagenen Frequenzen als hygienisch zu unsicher angesehen werden.

>10 – ≤ 100	A	**4**	B	1
> 100 – ≤ 1 000	A	**12**	B	1
|> 1000 - ≤ 10 000	A	**12 +** ….	…..	

Die **Fußnote 3** muss - wie schon zur letzten Sitzung von DEU bemerkt - einen Hinweis darauf enthalten, dass das Beispiel für Gruppe A-Parameter gilt, die Beispielrechnung ist ansonsten unklar und führt zur Verwirrung. **„…as follows: e.g. Group A 4300 m³/d= 16….."**. Dies ist unabhängig von der Übernahme der von DEU vorgeschlagenen Häufigkeiten. Die Beispielrechnung muss bei Übernahme des DEU-Vorschlags dann auch angepasst werden, das Ergebnis ist 24 (anstatt 16).

Die **Fußnote 4** sollte sich **nur auf die Kategorie < 10 Kubikmeter pro Tag** beziehen. Sie ist darüber hinaus noch nicht eindeutig genug formuliert hinsichtlich dessen, was zum Ausdruck gebracht werden soll. DEU schlägt daher folgende Ergänzung vor:
*Note 4: Without prejudice to exemptions applied by Member States under Article 3(2)(b), Member States shall lay down the minimum sampling frequency **of parameters belonging to group A and B**, provided that core parameters are monitored at least once per year.*

Die **Fußnote 5** wird nicht unterstützt. Gerade für kleine Wasserversorgungsanlagen sollte eine Reduktion aufgrund der Risikobewertung vorgenommen werden, und nicht pauschal ohne Prüfung des Einzelfalls. Die betroffenen Verbraucher haben das gleiche Recht auf sicheres Trinkwasser wie die von größeren Wasserversorgungsanlagen versorgten Verbraucher. Hinweis: Die Ausführung ist darüber hinaus nicht nachvollziehbar. Sie besagt, dass eine Reduzierung vorgenommen werden darf, wenn nachteilige Veränderungen erwartet werden.

Anhang III,
Teil B:
Fußnote 4 zu Tabelle 1: Die Wörter „trueness, precision and“ müssen gestrichen werden, da diese Kenndaten in der Tabelle nicht mehr vorkommen.

Teil C supply risk assessment:
Ergänzen um Punkt 5: “The frequency of monitoring of microbiological parameters in Annex I Part A and Part C may not be reduced. “
Begründung:

> Bereits für Geruch sowie für Indikatorparameter ohne numerischen Wert (Koloniezahl bei 22°C) ist eine Reduzierung auf Grundlage einer Risikobewertung nicht möglich. Für mikrobiologische Parameter aus Anhang I Teil A und Teil C erscheint wegen der vielfältigen möglichen Störeinflüsse im Versorgungsgebiet und des gegebenenfalls hohen Schadensausmaßes kein Szenario denkbar, bei dem im gesamten Wasserversorgungsgebiet auf eine geringere als die vorgegebene Untersuchungshäufigkeit reduziert werden kann, weshalb ihre Reduzierung nach der TWRL nicht möglich sein sollte.

Teil D sampling methods:
Unter Nummer 3 “pneumophila” streichen: „**Samples for *Legionella* in domestic distribution systems shall be taken at risk points for proliferation of and/or exposure to *Legionella* ~~*pneumophila”.*~~**
Begründung s.o.

Anhang IV:
Die Ergänzung zu Stagnationswasser in Nummer 6 wird ausdrücklich begrüßt.

Ohne Zuordnung:
Folgende Ergänzung ist an geeigneter Stelle vorzunehmen (abhängig von der zukünftigen Ausgestaltung von Anforderungen an die Trinkwasser-Installation in Artikel 10):

„Para X. Article 2 paragraph 7 of Regulation (EU) No 528/2012 shall apply to all biocidal products used for the disinfection of water in the scope of this Directive.“*

* Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products

Objective: Without this amendment there is no legal basis for applying the provisions for disinfection chemicals to individual drinking water wells or other non public water supplies, because the biocides regulation overrules national law.

ESTONIA

Proposal for Article 10a on materials in contact with drinking water

The answers given by 10MS do not clearly answer our questions regarding the administrative burden to the industry and the state supervision.

1. It is explained that the proposed provisions on materials are not covered by the CPR and, on the other hand, it is understood that the CPR should define who will test those materials. It is also argued that the essential characteristics of DWD should be introduced by CEN into a product standard to which Member States can lay down requirements. As the Commission rightly claims, this is a hybrid approach, and creates ambiguity.

2. It is unclear whether the conformity of the materials of products not covered under CPR is verified against the DWD requirements and how it is verified. The same question applies to products in the scope of the CPR, which do not have a harmonized standard. Consequently, there is still a lack of clarity regarding the tasks of the state supervision. For example, the national Technical Regulatory Authority monitors the construction products, but in accordance with the requirements of the CPR regulation. Chemical safety of materials (REACH regulation) is supervised by the Health Board. Bearing in mind the proposal of 10 MS, it is likely that the resources needed to carry out state supervision will increase to monitor the materials that are in contact with drinking water. However, the 10MS proposal does not exactly indicate how the supervision activities are foreseen.

3. If it is assumed that the management of the list of compliant materials is self-sufficient, then it directly refers to the fact that it is planned to charge fees from the industry for the inclusion of materials to the central list of materials. A similar obligation is to add chemicals to the ECHA database, but in this case, the administrative burden from it would be disproportionately high considering the small size of the business sector under question. Hence, in the interests of small and medium-sized innovative companies, the principle of self-sufficiency can certainly not be supported.

In conclusion, if the proposal is further developed bearing in mind the aforementioned questions, we are ready to consider the arguments again.

Possible solution/proposal could be:

One solution for defining materials in contact with drinking water would be the following. We could set an **obligation in the DWD**, that in the case of construction products (intended for use in contact with drinking water) that are in conformity with a harmonized standard (hEN) or the European Technical Assessment (ETA), the **essential characteristic** about the release of substances (or substances which would otherwise be harmful) into drinking water, **shall be declared** as part of the characteristics mentioned in Regulation (EU) 305/2011 Annex I p 3e, within the meaning of point 4 of Article 2 of the same Regulation (EU) 305/2011.

To this end, it is likely that the relevant harmonized standards and the European Assessment Documents (EAD) will need to be supplemented. This obligation stemming from the DWD would be transposed to the construction products legislation of the Member States, which regulate, inter alia, the nationally required essential characteristics that are to be declared. The DWD shall set a list of hazardous materials agreed between Member States, which should not be present in products that come into contact with drinking water. The relevant information to check the conformity of a product shall be provided in the declaration of performance. Using a product that is compliant and safe is the responsibility of the developer or constructor. The manufacturer, importer or distributor of a product under the hEN or ETA is responsible for ensuring that the essential characteristic is certified (if so required in the standard). In that case, national supervisory authority will not have any new obligations, because currently the supervision of construction products is being carried out (among other things) by fulfilling the obligation to declare the essential characteristics required. The compliance of requirements of buildings is also supervised today. With the proposal, hEN and non-ETA products and non-construction products will remain outside the scope, which would be reasonable to avoid confusion and reduce the administrative burden of innovative small businesses.

Comments to the revised Presidency compromise text (document 13918/18)

The addition in recital 9:

„Where a Member States finds, via the hazard assessment, that a parameter is not present in a given abstraction area (for instance because that substance never occurs in groundwaters or surface waters), then the Member State should inform the relevant water suppliers and may allow them to decrease the monitoring frequency for that parameter, or remove that parameter from the list of parameters to be monitored, without carrying out a supply risk assessment."

This is a fundamental principle of the risk assessment principle and it certainly will optimize the assessment of water supply risks by water suppliers, but we find that the correct place for this addition is not in recital 9 but in Article 9 instead, which regulates the assessment of water supply risks.

Art 6.2 wording is as follows:

„In the case of water covered by paragraph 1(a), Member States shall be deemed to have fulfilled their obligations under this Article and under Articles 4 and 12(2) where it can be established that non-compliance with the parametric values set in accordance with Article 5 is due to the domestic distribution system or the maintenance thereof except in priority premises covered by Article 10."

This restricts the current approach according to which the water supplier has fulfilled its obligations if the water meets the requirements at the connection point. By the proposed solution given, the task of the water supplier is to ensure that water is compliant on the tap (not the connection point) in the priority premises. The water supplier lacks the right to operate and control the situation in a priority premise. Therefore, we don't support this approach.

Art 8.1 (and ANNEX 1 part E) – we don't agree with the added text:

„For parameters listed in Part E of Annex I to this Directive, Member States shall put in place monitoring requirements with regard to their potential presence in water intended for human consumption. The results of analysis should be communicated to the Commission in accordance with Article 15(1)(b).“

It goes beyond WHO's proposal. The WHO proposal is to monitor 17-beta-estradiol, nonylphenol and bisphenol only in surface water bodies that are affected by wastewater (because these substances are present in the environment because of wastewater). Therefore, this paragraph should be reworded according to the WHO Recommendation, because it is not reasonable to monitor each water body, where it is known that they are not affected by the wastewater.
As regards PFOS / PFAS, the WHO foresees monitoring rather from the tap, not from the water source. The limit values are still confirmed by WHO today, therefore it is currently not justified to regulate these substances or monitor them from the water bodies.

Art. 10 (2) (e) should be excluded from the text as an obligatory measure or should be set it as an option. Firstly, the directive regulating the quality of drinking water should not set up an obligation to organize training for plumbers and, secondly, it may not be the most effective measure or have no effect at all. It does not necessarily need to be a compulsory measure in a situation where another measure may have a better effect.

ANNEX I part B "Chemical Parameters". We believe that setting stricter limit values of chlorite and chlorate in Annex I is not justified. Setting the limit values should be consistent with the WHO recommendations. Excessive chloride content also manifests itself in taste and the health effects would occur in the case of significantly higher doses than "acceptable to consumers". Removing chlorides from water is a very costly process (by reverse osmosis) and can lead to an increase in production costs without having a positive health effect. We propose to set the WHO recommendation.

ANNEX I Part B – „lead". In line with written comments Estonia sent on 6.06.2018, specifically concerning lead, we are still of the view that a minimum of 15 years would be feasible for Estonia to conform to the new requirement. There are some lead pipes in parts of historical old town of Tallinn and replacing these pipes requires thorough planning and reconstruction.

ANNEX I part C – The specification regarding parameters is that in case of exceeding the limit value of the parameter, it is necessary to assess whether the exceedance of the limit value poses a health risk. However, there is no methodology for assessing the health risks of such substances.

GREECE

Greece would like to reiterate our previous comments regarding Article 13. For Greece the access to water constitutes an issue of great importance and a human right simultaneously, therefore we would like to keep this article "

"The Union and the MS have committed themselves, within their respective competences, to the Sustainable Development Goals, whilst recognising the primary responsibility of MS in the follow-up and review at national, regional and global levels of progress towards the SDGs. ~~*Some of the SDGs, including the right to water, do not fall within the Union's environment policy or the Union's social policy, which is limited and complementary in nature. Whilst bearing in mind the limits of Union competence, it is nevertheless appropriate to ensure that MS' continued commitment to the right to water should be in accordance with this Directive, whilst respecting the principle of subsidiarity.*~~ *"*

"Article 13

Access to water intended for human consumption

Member States shall make all efforts **in accordance with their national legislation** to ~~access to water intended for human consumption~~ **contribute in achieving equitable access to safe and affordable drinking water for all citizens by 2030 including** , ~~especially~~ for vulnerable and marginalised groups. The provision of access to water to vulnerable or marginalised groups, as defined in accordance with national law, shall respect the requirements of this Directive, including where such provision takes place without ~~direct recovery of costs to the extent permitted by~~ **prejudice to** Article 9 of Directive 2000/60. Member States shall also promote the use of water intended for human consumption on their territory."

This may include the following indicative measures:

(a) identifying people without access to water intended for human consumption and reasons for lack of access (such as belonging to a vulnerable and marginalised group), assessing possibilities to improve access for those people and informing them about possibilities of connecting to the distribution network or about alternative means to have access to such water;

(b) setting up and maintaining outdoors and indoors equipment for free access to water intended for human consumption in public spaces;

(c) promoting water intended for human consumption by:

(i) launching campaigns to inform citizens about the quality of such water;

(ii) encouraging the provision of such water in administrations and public buildings;

(iii) encouraging the free provision of such water in restaurants, canteens, and catering services.

Similar amendments should be considered also for Article 4 of the Proposal.

Article 4

General obligations

1. Without prejudice to their obligations under other ~~Community~~ Ö Union Õ provisions, Member States shall take the measures necessary **to achieve equitable access to safe and affordable drinking water for all citizens by 2030 and** to ensure that water intended for human consumption is wholesome and clean. For the purposes of the minimum requirements of this Directive, water intended for human consumption shall be wholesome and clean if it Ö meets all the following conditions Õ :

Justification:

Given that the EU has played an important role in shaping the 2030 Agenda and has committed to implement the SDGs both in its internal and external policies, it is of utmost importance to continue to play a leading role and revisit the EU legislation through an "SDGs lens". Hence, we propose to align the text with the SDG6 for equitable access to safe and affordable drinking water for all by 2030. This could serve as an opportunity to enhance the interlinkages between global developments and EU policies. Clean and accessible water for all is an essential part of the EU we want to have and has the potential to constitute an excellent paradigm for other countries.

Furthermore, the reference to "direct recovery of costs to the extent permitted by Art.9 of Directive 2000/60" in relation to access to water to vulnerable groups is misleading as it does not reflect accurately the content of Art.9 of Directive 2000/60 (that makes a much more general reference in the need for cost recovery and obviously not for every single social, national or geographic group of people).

The reinsertion on the text regarding possible measures offers some possible effective measures but without imposing any solutions, i.e. respecting the subsidiarity principle.

CROATIA

Art. 2 (1) (a)
In a view of a debate whether the definition of water intended for human consumption covers warm water as well, we, like number of other Member States, CION and the Council Legal Service, believe that this is already covered by the definition. However, for the sake of clarity of implementation, we believe that it is necessary to add a note "**determined at the point of compliance for warm water as well**" for the *Legionella* monitoring parameter.

Article 2 (8) and Article 13
The Republic of Croatia supports deletion of the definition of "vulnerable and marginalized groups" and deletion of Article 13 concerning access to water, deeming that this is solely a technical act that needs to regulate the issue of quality of water intended for human consumption as referred to in Article 1 of the Proposal. The Republic of Croatia recognizes the importance of the right of access to water and supports the good initiative to provide vulnerable and marginalized groups with greater access to drinking water, but does not deem appropriate to address this issue within the DWD.

Article 3 (4)
The Republic of Croatia supports deletion in Article 3, paragraph 4 (reference to the articles 8 and 9), but we still believe that the formulation of "commercial and public activities" is too broad, as includes all possible commercial activities and covers a very large number of small entities that are in no way related to water risks. Therefore, we feel that this part should be narrowed down to **"commercial and public activities that have an impact on human health"**.

Article 10a
The Republic of Croatia supports addressing the issues of materials in contact with water intended for human consumption within the DWD, and has already supported the new Article 10.a of the initiative of 10 Member States, but understands as well that there are issues to be dealt with. Certainly, we believe that this issue has to be resolved in a way that is legal, legally enforceable and equally binding by prescribing the minimum requirements that materials have to meet to be placed on the market.

Article 14
The Republic of Croatia supports deletions in Article 14, thus focusing on reporting related to water quality.

Article 15 (1) (a)
The Republic of Croatia sees vague and unclear formulation in Article 15, paragraph 1 (a) on "a data set containing information on the efforts…", given the deletion of Article 13.

Article 23
The Republic of Croatia continues to express serious concerns because Article 23 paragraph 2 does not cover the right for a third derogation in the transitional period for Republic of Croatia, and to which we have a legal right under Article 9 of the Directive 98/83/EC. During the discussion of the Proposal for a Directive, it was clearly recognized that the provision relates to the Republic of Croatia. Still, we believe it necessary to revise the text in order to have full legal certainty. Therefore, we propose changes of the Article 23 by revising paragraph 2, and adding paragraph 3, as follows:

2. Derogations granted by Member States **and the Commission** in accordance with Article 9 of Directive 98/83/EC that are still applicable ~~by [end-date for transposition of this Directive]~~ shall remain applicable until the end of their duration. They may not be renewed further".

3. Member states who have a right to third derogation granted by the Commission in accordance with Article 9 of Directive 98/83/EC, shall be allowed to remain this right after the entry into force of this Directive. Derogations granted shall remain applicable until the end of their duration. They may not be renewed further.

Our previously written comments contain detailed argumentation. The corresponding recital 16 should stay and be adapted in line with the proposed changes.

Annex I Part B

The Republic of Croatia also believes, as some other Member States, that the value set for chlorites and chlorates is adequate, but that certain flexibility should be allowed for other disinfectants except for chlorine dioxide, in particular taking into account the fact that water that is being tested at the point of compliance (tap) is the result of the use of various disinfectants when, for example, suppliers use subsequent chlorination on the network by different chemicals.

ITALY

Presidency discussion paper (WK 13661/2018)

Art. 2 (1) (a) - Water intended for human consumption

The DWD **covers also warm water**.

Art. 10a - Materials in contact with water intended for human consumption

Italy contributed to and therefore **fully endorses the proposal of art. 10a presented by the '10MS' on last 17 October**, which would guarantee the effective achievement of the objectives of the Directive.

Revised Presidency compromise proposal (13918/18)

Art. 13 - Access to water for human consumption

Consistently with the national position already expressed at Ministerial level last June, **the current text of the Presidency**, which does not mention the theme of access to water for all, **is not acceptable for Italy**.

We therefore demand the restoration of art. 13 as in the original formulation made by the European Commission.

Art. 11 – Monitoring

In paragraph 4 a) reference is made to the methods of microbiological analysis set out in Annex III but only with regard to the microbiological parameters included in Part A and not also to those in Part C and D. Since the same consideration has to be applied to the microbiological parameters included in Part C and in Part D, we propose the following **amendment:**

(a) "methods of analysis other than those specified in Annex III, Part A, **C* and D**** may be used (…)"
*** Coliform bacteria and Colony count 22°C; **Legionella**

Annex I - Part B

We consider the **parameter values established for PFOA and PFOS unacceptable** and **we also disagree with the elimination of the total PFAS parameter** (included in the "watch list" of Annex I part E, without indicating parametric values) for the following reasons:

(1) the use of long-chain PFAS (particularly PFOS and PFOA - banned/restricted substances) is being replaced by many other short-chain substances of the same class; almost 5,000 compounds (for which in some cases there are no adequate data to assess the risks) are included among the PFAS; therefore the proposal of setting parameters only for long-chain substances is not sufficiently protective for health;

(2) the *health-based* values proposed by WHO for PFOS and PFOA are not derived from the updated definition of WHO guideline values (the risk assessment by WHO is currently ongoing); the values are not updated to the latest risk assessment issued by many organizations; also, the draft EFSA opinion, currently under finalization, is reviewing bioaccumulation data and health effects (*eg.*. hypercholesterolemia, effects on immunological response) caused by exposure to PFAS, thus recalling the need to revise in a strict direction the for PFOS and PFOA;

(3) beside to the toxicological concerns, PFAS are persistent anthropogenic substances that should not be present in water intended for human consumption: the adoption of an "ethical" approach is therefore necessary, as the one established in drinking water and groundwater directives for other anthropogenic parameter classes such as pesticides.

For the above reasons, Italy requires that the PFAS parameter is defined according to what is contained in the initial Commission's proposal, which identifies a parametric value for each individual PFAS and a cumulative value for the whole class.

Also in Part B, **we reiterate the intention of introducing a minimum parameter for some minerals** (*eg*. magnesium, or calcium) whose removal as a result of treatments such as softening or desalination could have health impacts; demineralised water also cause effects of relevant migration of biofilm and toxic substances due to aggressive water compared within the adduction and distribution networks.

We therefore propose the introduction of a minimum hardness parameter of 15° F for water coming from desalination or softening processes .

Annex I - Part D

The microbiological parameter ***Legionella*** is included but we have doubts about the corresponding note reported in the table.

Many European and US EPA studies show that a single sampling does not give a realistic estimation of infection risk and thus it may be not significant for *Legionella* risk assessment. It is known that the phenomenon of fluctuating emission levels of *Legionella* occurs in water systems. Moreover the risk of infection does not depend only on the percentage of positive samples and their bacterial load, but also on the species and serogroup. This means that implementation of corrective measures would be different depending on the day of sampling.

As *Legionella* infection is a growing challenge for public health even because of large fluctuations of its concentrations in drinking water systems, it has to be remarked that:

- the proposed cultivation standard method (EN ISO 11731) allows final results to be obtained after about 10 days
- *"resampling for Legionella pneumophila"* 10 days after the first sampling implies the collection of a totally different water sample
- lengthening of the time for obtaining the final response of analysis increases both health risks and costs.

For all the above, we suggest to establish a single parameter value for Legionella (<1000/L) and to replace the note in the table in Part D as follows:
"<u>The parametric value for Legionella is <1000/L, including all Legionella species".</u>

LATVIA

We are lodging a scrutiny reservation on whole text. Latvia`s general comments:

Article 8

Latvia maintains the previously expressed concerns on the current concept of hazard assessment. The concept of risk assessment has been changed significantly and currently "hazard assessment", "supply risk" and "domestic risk" are separated. It can no longer be carried out within the framework of one risk assessment done by the water supplier, since the concept of "hazard risk" is imposed as a national measure, where surface water and groundwater monitoring carried out by the state is of crucial importance. And these different risk assessment types have different execution periods and review periods. It may be suggested to go back to the previous more simple option or to remove the "hazard risk" from the DWD at all and transfer it to the 2000/60/EC (Water Framework Directive). The "Hazard Assessment" system (Article 8) is particularly complicated.

Article 10

Latvia in general supports Article 10 in the Commission's proposal. Latvia declares scrutiny reservation on the 10-MS proposal, too many uncertainties. Latvia has concerns about the costs of implementation and surveillance.

Annex II Part B

Table 1 in point 2 has been considerably improved however since the 19 September 2018 proposal (WK 10855/2018 INIT) sampling frequency for Group B parameters for water supply systems with volumes >100 ≤ 1000 and >1000 ≤10 000 m^3/d has been increased from 1 to 2 per year. We are still analysing the impact of these changes made and we have concerns that it again will result in unnecessary financial burden. For example for a system with volume >1000 ≤10 000 m^3/d samples of Group A parameters would already be taken 4 times including parameters set under specific circumstances (Annex II Part B Point 1 a (2nd point a)) and once for Group B parameters. If there would be an exceedance of any Group B parameters after the first sampling Article 12 non-compliance measures would have to be taken and repeated sampling would be carried out anyway if the risk to human health is possible. As we are not aware of explanation for this increase we would support sampling once per year for Group B parameters and then additionaly if necessary for only the exceeded parameters.

Annex IV

As regards the information to be provided to the public, Latvia would support the reduction of the amount of information to be provided specifically for small water supply systems, leaving obligations to inform only on the exceedances of parameter values and other information that relates to possible risk to human health.

HUNGARY

Comments on Preamble

Recital (9)

We consider the wording imprecise. The analysis of whether a pollutant may occur in the system (based on the hazard assessment of the source water) is already an important step of the supply risk assessment. Proposed text: "without further supply risk assessment"

Recitals (18) and (19)

We disagree with the deletions. The legislation to ensure access to adequate quality drinking water is considered to be necessary at least in the Preamble.In our view, the Drinking Water Directive is an appropriate legal form to support the right for drinking water at EU level. The directive should at least state the principle that Member States should assess the level of access in the country, identify groups that suffer from inequity and take steps to advance equal opportunities. To make use of already available international achievements, Hungary supports that in addition to the general principles, the Preamble to the Directive should refer to the Protocol on Water and Health as a tool to help Member States evaluate and combat equality as we have handled in our non-paper previously.

Porposal for wording:

„Member States assessing national situation in order to identify any (geographical, social, ethnic etc.) inequalities in access to drinking water, and plan their interventions accordingly. The Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes is a recognized multilateral instrument in the European region, which supports its Parties in achieving national targets related to water and health, including those related to equitable access to drinking water. Member States can make use of the guidance documents developed under the Protocol to assess the policy background[i] and the baseline situation on access to water[ii], and define the necessary actions[iii] to improve equitable access to all."

Recital (27) About the scope of the Directive, we support the word order to "protect human health and the environment", because health is the key focus of the directive.

Articles

Article 1

Scope of definition of water intended for human consumption

Hungary believes that warm water should be under the scope of the directive because of the Legionella and materials in contanct with drinking water provisions. Should there be a need for it, the scope of the definition might be limited to those provisions for that warm water is relevant.

(7) We ask confirmation that private hospitals are included in "public facilities".

Article 8

The results of the monitoring of the Water Framework Directive, which are sent every 6 years via the WISE system to COM (and more frequently to the EEA), should not be resubmitted to the COM under the requirements of the DWD. We recommend coordinating the reporting obligations arising from different EU directives and requested by the EEA.

Article 10 (2) c)

We do not agree with the deletion. Although it is rather complicated what suppliers can do to ensure the same water quality in the distribution system, it is important and useful to maintain the obligation, to reflect the shared responsibility between the suppliers and building operators.

Article 11

2 (a) We recommend deleting the reference to Table E. Parameters in Table E should only be monitored as part of the hazard assessment (according to Art 8), while the referenced Annex relates to compliance monitoring at the consumers' tap.

Article 13

We do not support the deletion of this article, we recommend a wording, which sets only general obligations, and MS's has possibility to define the detailed action plans.

Suggested text: Access to water intended for human consumption

"Without prejudice to Article 9 of Directive 2000/60/EC, Member States shall develop national programmes to improve access for all to water intended for human consumption and promote its use on their territory. National programmes shall include a situation assessment to identify groups without or with inadequate access to drinking water, including an analyses of the root causes of prevailing inequalities, and a national action plan with measures to reduce identified inequalities and promote the consumption of water intended for human consumption."

Article 15

(1) a) Member States should not be expected to report on the efforts to improve the access to water, while it is not a requirement under the Directive. We deem it necessary to include the obligation to take action towards better access. Reporting on progress towards universal access is also an obligation under SDG 6.1, which should not be replicated.

ANNEXES

Annex 1

We suggest modify the notes in the tables as below:

Part A Microbiological parameters

Parameter	Parametric value	Unit	**Notes**
Somatic coliphages	0	Number/100 ml	**This parameter needs not to be measured unless the water originates from or is influenced by surface water**.

Rationale: somatic coliphage is a surrogate indicator for viruses. However, the presence of viruses is unlikely in protected groundwater sources.

Part B Chemical parameters

Parameter	Parametric value	Unit	Notes
Chlorate	0,25	mg/l	**This parameter should only be measured when hypochlorite is used for treatment of water intended for human consumption.**
Chlorite	0,25	mg/l	**This parameter should only be measured when chlorine dioxide is used for treatment of water intended for human consumption.**
Haloacetic acids (HAAs)	80	µg/l	This paramenter shall be measured only when **chlorine-based** ~~disinfection~~ **treatment** of water intended for human consumption is applied. Sum of the following nine representative substances: monochloro-, dichloro-, and trichloro-acetic acid, mono- and dibromo-acetic acid, bromochloroacetic acid, bromodichloroacetic acid, dibromochloroaetic acid and tribromoacetic acid.

Rationale: all of the above parameters are disinfection by-products. Chlorate is formed as a degradation of hypochlorate, chlorite from chlorine-dioxide, and HAAs from all chlorine-based disinfectants. These parameters should only be monitored where relevant, i.e. were the parent compounds are used in treatment (for disifection, or in some cases for other purposes, e.g. break-point chlorination.

Part C

Oxidisability parameter is missing from the list of indicators.

Part D

Legionella: Note should be deleted. L. pneumophila and L. species cannot be unanimously determined in paralel using current standard methods. Resampling in every case of non-compliance is technically not feasible and does not provide additional public health value.

Annex 2

Part A

This limit value for turbidity cannot be achieved in the case of certain source waters and some water treatment. We recommend to apply this limit value only as an indicator of filtration technologies, the monitoring point in that case should be the water "ex-waterworks". Where filtration-based technology is not applied and at the consumers' tap we suggest to retain the former parametric value "no abnormal change".

Part B Table 1

We do not support to reduce group A monitoring frequency for very small water supply systems to 1 sample per year, we suggest to retain 4 samples/year. At least 1 sample is acceptable for Group B parameters, since it can be reduced based on risk assessment.

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[i] https://www.unece.org/env/water/publications/ece_mp.wh_6.html

[ii] https://www.unece.org/env/water/publications/ece_mp.wh_8.html

[iii] https://www.unece.org/environmental-policy/conventions/water/envwaterpublicationspub/brochures-about-the-protocol-on-water-and-health/2016/guidance-note-on-the-development-of-action-plans-to-ensure-equitable-access-to-water-and-sanitation/doc.html

THE NETHERLANDS

(Consistency of the Articles and several Recitals to be discussed when Articles are finished.)

- **Proposed amendment NL Recital 3**

Recital 3
….In the case of water intended for human consumption put into bottles or containers intended for sale, the should comply with the provisions of this Directive until the point of compliance (i.e. where the water is put in bottles or containers), and shall afterwards be considered as food, defined in Article 2 of Regulation 178/2002.
In the case of used in food businesses for the manufacture, preparation or treatment of food, the water should comply with the provisions of this Directive until the point of compliance (i.e. the tap), **and shall afterwards comply with the requirements for water in food businesses, as stipulated in Article 2 of Regulation 178/2002 and Annex I, Part A, (II), point 4 (d) and 5 (c) and Annex II, chapter VII, point 1 (a) of Regulation 852/2004. ~~In general, if the water is intended to be, or reasonably expected to be ingested by humans, it shall~~** ~~be considered as food, in accordance with the second subparagraph of Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council3.~~

Rationale:
Regulation 178/2002 (General Food Law, GFL) requires water delivered to food businesses to comply with the requirements of the DWR. The GFL and the Food Hygiene Regulation Reg 852/2004 set the requirements for water used in food businesses after the DWR point of compliance. It is of no use and might even cause confusion, if the DWR also sets requirements for water in food businesses after the point of compliance. It should be avoided that two regulations are applicable to the same use of water.

- **Current recitals 13 and 14 should be maintained.**

- **Recital 15.**

Ok with deletion of sentence with regard to potential danger.

- **Recital 16**

Ok with deletion of the phrases that derogations are no longer authorized. Derogations should be authorized to maintain continuity of drinking water supply.

- **Recital 17 and 18.**

NL can support the new recital concerning SDGs, but with regard to access to water, we are of the opinion that the current full deletion of the recitals is too rigorous. The parts of the deleted recitals on the European Citizen's right to Water initiative should be kept in, as well as some parts of previous recital 18.

Furthermore, we would like to emphasize again the usefullness of adding text about the UN-ECE/WHO-Europe Protocol on Water and Health and reference to instruments developed under the Protocol that could be used by MS, irrespective of them being a party to the Protocol, to progress towards the SDGs and can be used for the Right2Water Initiative demands, like the guidance of UNECE and WHO/Europe, No One Left Behind: Good practices to ensure equitable access to water and sanitation in the pan-European region and UN-ECE and WHO/Europe, The Equitable Access Score-card: supporting policy processes to achieve the human right to water and sanitation and Guidance Note on the development of action plans. NL supports international cooperation and sharing of practices and advocates to do this in close cooperation with the PoWH to avoid double work and spill of MS capacity and budgets. It would be useful to include the importance of exchange of experiences/best practices between countries somewhere in the text. NL advocates to do this in close cooperation with the Protocol on Water and Health to avoid double work.

- **Article 2 (1), proposed amendment NL**

(b) all water used in any food-production undertaking whenever Regulation 178/2002 or Regulation 853/2004 requires the use of potable water.~~. is requiredfor the manufacture, processing, preservation or marketing of products or substances intended for human consumption, unless the competent national authorities are satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.~~

Rationale:
The GFL and the Hygiene Regulation make clear in which cases the use of potable water is required and which exemptions could be granted from this requirement. It is not needed that the DWR repeat these requirements; a simple referral will do.

- **Article 2(1)a – issue of warm water**

NL is of the opinion that warm water is covered by the Directive, just like it already is under the current Directive. Directive 98/83/EC sets the legal framework to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean. Art. 1. 1.This Directive concerns the quality of water intended for human consumption. Article 1.2 The objective of this Directive shall be to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean. Human consumption also covers other domestic purposes, which also covers hygienic use of water such as washing and showering. It is important that people do not fall ill because of showering.
Therefore, in our opinion the current directive already covers warm water, like warm water for showering. Independent whether it is cold or warm water, according to this Directive citizens can rely on the quality of the water and that it does not constitute a potential danger to human health. The implementation of the DWD in the Netherlands is as such.

❖ **Art 2.7**

Priority premises: the focus on **public use** should be discussed in combination with article 10. For lead private domestic installations are also relevant, given the fact that vulnerable groups (health-wise) are small children and the unborn child.

❖ **Art 2.8**

NL can agree with the deletion of vulnerable and marginalised groups in view of the deletion of article 13.

❖ **Article 3 Exemptions (3.4)**

Article 3.4 is not consistent with article 8.1
"Water suppliers supplying less than 10m3 a day as an average or servicing fewer than 50 persons as part of a commercial or public activity shall only be subject to Articles 1, 2, 3, 4, 5, 6, 8, 9, 11 and 12 of this Directive, as well as relevant Annexes" is not consistent with article 8.1 'Member States shall ensure that a hazard assessment is performed covering the bodies or part of bodies of water used for the abstraction of water intended for human consumption that provide more than 10 m3 a day as an average. The hazard assessment shall include the following elements:…"

Also reference to article 8 and 9, 11 and 12 need to be discussed.

❖ **Article 4 General obligations, proposal for amendment (4.2)**

Article 4, 2. **As far as relevant for human health** should be included here

Justification
Measures should be related to protection of human health, taking into account the precautionary principle.

❖ **Article 5 Proposal for amendment**

Article 5.4 Commission may adopt Union guidelines to assist member states in setting parametric values or identifying relevant additional parameters may be drawn up in accordance with the management procedures referred to in Article 20.

Justification:
NL supports, as included in the current recitals 13 and 14 of the DWD, that parametric values should be based on the scientific knowledge available and the precautionary principle should also be taken into account; whereas those values ensure that water intended for human consumption can be consumed safely on a life-long basis, and thus represent a high level of health protection. NL is furthermore in favor of a common approach to align national approaches to select relevant additional national parameters and the setting of national quality standards by means of the elaboration of a common approach/guidance. This is important for EU harmonization of implementation. If guidelines are not possible, the use of 'Technical Specifications' should be explored. The recitals 13 and 14 of the current Directive should be maintained.

- **Article 6**

Paragraph 6.2 needs to be discussed in relation to final article 10 and proposal for 10a.

- **Article 7 – 10 needs to be further discussed**

NL supports the alignment of requirements and implementation of the Drinking Water Directive (DWD) with those of the Water Framework Directive (WFD), the Priority Substance Directive (PSD) and the Groundwater Directive (GWD). This will strengthen the effectuation of protection of drinking water sources in the WFD, RPS and GWD and also enables that the risk based approach to safeguard the drinking water quality under the DWD will be met more effectively. However Article 8 of the DWD should not overlap, double and extend the provisions of the WFD. It should be clear what the requirements are of the WFD (monitoring and measures to protect the drinking water resources, identification of the source of the pollution), and what the requirements are under the DWD. This directive applies to drinking water quality. Art. 6 and 7 of the WFD contains obligations concerning water bodies. The way it is formulated now, the obligations do not remain within the scope of a drinking water quality directive and are more stringent than the art 7 WFD obligations. Furthermore the relationship between the 2000/60 obligations on water bodies and the proposed 98/83 obligations on water bodies are not clear. The uncertainties may complicate an adequate implementation and cause legal questions about the legal frameworks and national regulations that apply and have to be adapted.

We support that for the risk analysis/risk management plans under article 9 the quality of the sources should be taken into account, under which on basis of information gathered under the WFD. Article 9 need further discussion on measures and effects of distribution systems on the quality should also be taken into account. To our view article 10 also needs further discussion inter alia with regard to the different focus which is needed for Legionella (priority premises, public buildings) and lead (private households) as well as some provisions which are more appropriate for recitals.

NL is working with Finland and other MS on a proposal for article 7-9. This proposal will be sent in due course.

NL will work also on a proposal with regard to Article 10.

❖ **Former Article 10 – contact materials**

NL refers to the text proposal of 10MS for an Article 10a for minimum requirements for materials in contact with drinking water and the French presentation om behalf of the 10MS.

❖ **Article 11 Monitoring**

Article 11.1.c doubles with the current text in article 8, with the WFD requirements. See our comments above. Furthermore NL would like to add a paragraph with regard to Union guidelines to be adopted in accordance with in accordance with the management procedure referred to in Article 20(2). NL sees benefits guidance on monitoring, inter alia with regard to identification of relevant substances and emerging substances. This is important for EU harmonization of implementation. If guidelines are not possible, the use of 'Technical Specifications' could be explored.

❖ **Article 12bis derogations**

NL can support the current text.

❖ **Article 13 Access to water intended for human consumption**

NL could accept a deletion of article 13 however attention and action when needed should be clearly mentioned in recital 17 and 18 (see comments recitals 17 and 18).

❖ **Article 14 Information to the public en Annex IV**

NL supports the deletion of elements other than those concerning drinking water quality.

❖ **Article 15 Information on monitoring of implementation**

The information to be reported is extended with regard to the current Directive. We especially see overlap with the reporting requirements under INSPIRE and art 7, 8 and 11 of the Water Framework Directive with concern to the Drinking water sources (article 15, 1b ii and iii). In our opinion the reporting of monitoring and measures with regard to the quality of the source should stay under the WFD.

Furthermore NL does not support the reporting of abstraction points in view of security policy (article 15. 1b i).

It is not clear why in article 15.1.c the focus of article 9 and 11 is restricted to exceedances. The risk based monitoring related to article 9 (which can be done dependent of the parameter in raw water- after treatment- distribution- tap) should be the focus of reporting under the DWD. The overview of this reporting under the DWD is then complementary to the WFD reporting.
With regard to article 15.1 c, the reference to Annex IA and IB is too limited. Legionella (Annex I, D) is also relevant to report. Furthermore reporting about national relevant parameters set according to article 5.3 is also relevant. This whole overview can be input for future amendment of Annex I.

Article 15.1.d is more stringent than the requirements in the current Directive. NL prefers not to change the current requirements.

NL has questions on the new text concerning reporting about access to drinking water. As access is no longer part of this Directive, it is not clear what exactly should be reported.

- **Article 16 Access to justice**

NL supports the deletion because the Member States are already obliged to implement the Aarhus Convention. Furthermore, for access to justice it is not desirable to work alongside each other with different systems, one for regulation of European law ground and one for "purely national" regulations.

- **Article 17 Evaluation**

To be checked with final text.

- **Article 18 Review and amendments of Annexes**

NL supports the proposal, with the remark, to article 18.1 the water supply risk assessment should be added as the water supply risk assessment is also relevant for the review of Annex I and II.

- **Annex I**

Part B (chlorate)
The Netherlands recognizes the need for reduction of the exposure of European consumers to chlorate via the consumption of drinking water and food. Therefore, the Netherlands is in favour of strict maximum levels of chlorate in drinking water and food. However, we notice that the current proposals for a limit of chlorate for drinking water on the one hand and the proposed limits (Maximum Residue Levels) of chlorate for food items on the other hand, do not match.

The presence of chlorate in drinking water in quantities that are acceptable according to the current text may, if this drinking water is used during food production, for irrigation, washing or rinsing, lead to exceedance of Maximum Residue Levels for chlorate in food as proposed by DG SANTÉ. The major part of the proposed chlorate limits for food are in the range of 0,02 to 0,07 mg/kg and thus are as much as 10 to 35 times lower than the limit of 0,7 mg/l which is proposed for drinking water and 4 to 12 times higher than the proposed limit of 0,25 mg/l. This difference will be hard to explain in society and the discrepancy will lead to unexpected and undesirable rejection of food products that would be regarded acceptable if they were drinking water.

We urge the EC/DG ENVI to urgently work closely with DG SANTÉ, in order to obtain more logic in the proposed limits in relation to each other. The Netherlands can accept lower limits for chlorate in drinking water, but realises that lower chlorate concentrations might not be feasible in cases where chlorine is used for water treatment. A higher limit for drinking water could be acceptable if chlorine is needed for the microbiological safety of the water, but in that case it should be clear which measures food business operators have to take in order to prevent exceedance of chlorate MRLs for food. In our opinion the European Commission (DG SANTÉ and DG ENVI) and the Member States have a task to provide this clarity and give guidance to the FBOs concerned before legal limits for chlorate in food and for drinking water enter into force.

Part B (PFAS)
PFAS is deleted and replaced by PFOA and PFOS. NL strongly opposes this change.

Firstly, we would like to mention that the proposed requirements for PFOA and PFOS are far too high, and should be more stringent, according to the current scientific information.

Secondly this change completely overlooks the fact that PFOS and PFOA in practice are being replaced by other PFAS that also cause risks for drinking water. This is by now a well-known development.
Therefore it is important to regulate PFAS as a group and develop an approach for implementation.
Important is that not all, but the relevant substances are monitored on a risk based approach.

The proposed definition in the previous text (chemical formula: CnF2n + 1-R) however does not cover all PFAS. Proposal could be to make a list of drinking water relevant PFAS via guidance (based on various studies that are running). It is estimated that this will yield a few dozen PFAS, with a distinction in more and less potent PFAS. Such a list can be periodically updated. In terms of the standard, differentiation is needed in more and less potent PFAS compounds. The sum parameter value of 0.50 ug / L will not be sufficiently protective for a number of very potent PFAS.

NL is working on a text proposal on the implementation of the PFAS requirement and will share this shortly.

Part D Legionella

NL does not support the parameter value of 10.000/L for non-pneumophila, as Legionella non-pneumophila can also give illness. In NL there are registered cases. Therefore, NL does not support a distinction between pneumophila and non-pneumophila. For both, the parameter value should be <100/L.

Part E Parameters Watch list

NL does not support that PFAS is added to the watchlist. See comments above.

Beta –estradiol and nonylphenol

Although these substances are on the watchlist and priority substance list under the WFD framework these substances should not be deleted from the E parameters and measured in the drinking water when they are identified in the drinking water sources. This needs information exchange between the competent authorities monitoring under the WFD framework and the drinking water framework.

Bisphenol A

The question is of these substances should be deleted from the E parameters. It might be relevant to measure in the drinking water on basis of a risk assessment. Bisphenol A might be relevant for the drinking water installations and due to possible hormone disruptive effects the exposure should be as low as reasonable achievable. However this substance is not measured until now by MS. In this perspective this is a relevant substance for the watchlist.

❖ **ANNEX II – Part A**

NL supports the amendment of frequency for turbidity.

POLAND

1. **Art. 3(4)** – the reference to art. 8 and 9 should be deleted. To be met by water suppliers supplying less than $10m^3$ a day as an average or servicing fewer than 50 persons as part of a commercial or public activity, the requirements set out in Art. 8 and 9 is not justified and will place a heavy burden on entities

2. **Article 8(1):**
   We would like to express our doubts concerning the grounds of Article 8(1)(d)(iv): other relevant pollutants, such as river basin specific pollutants established by Member States on the basis of the review of the impact of human activity undertaken in accordance with Article 5 of Directive 2000/60/EC and information on significant pressures collected in accordance with point 1.4 of Annex II to that Directive. Point 1.3.5 of Annex V to Directive 2000/60/EC sets the following scope of monitoring for surface drinking water abstraction points:
   - all priority substances discharged,
   - all other substances discharged in significant quantities which could affect the status of the body of water and which are controlled under the provisions of the Drinking Water Directive,

   like Article 8(1)(d)(iii) and Article 8(1)(d)(i) of proposed new DWD, respectively. But it doesn't mention river basin specific pollutants, as Article 8(1)(d)(iv). Therefore, the provisions of new DWD seems to be incoherent with provisions of Directive 2000/60/EC.

   Article 8(1)(d)(iv) and Annex I part E – the watch list seems to be a step in the right direction, nevertheless, as above mentioned, should be ensured greater consistency of monitoring of water intake with the EU legislation. Important issues that should be clarified in the compromise text directive concern:

   - indication of the type of water, i.e. surface or is influenced by surface water (according to the WHO position) – the monitoring program should only apply to waters in which parameters from watch list may potentially exist;
   - limit values and actions to be taken in the event of exceeding the parametric values;
   - possibilities of derogation from the monitoring program – reduction in the frequency of testing parameters from the watch list if they do not occur in water bodies.
   - Establishing of 3 substances and PFAS (with only names of the substances given, without units, quality standards and parameters of analytical methods). Beta-estradiol is covered only by temporary monitoring in the scope of watch list set by EC Decision 2018/840 based on Directive 2013/39/EU. Bisphenol-A is not covered by monitoring required by Directive 2013/39/EU at all and nonylphenols are generally subject of compulsory monitoring as priority substances listed in this directive.

3. Art. 15 ust. 1a – it should be clarified that the requirement does not apply to bottled water, i.e. cit: „put in bottles or containers, including spring waters".

4. Annex I part A, Annex III part A – the parameter *Clostridium perfringens* including spores should be *Clostridium perfringens* spores.

5. Annex I A – unit should be change for microbiological parameters from "Number" to "CFU".

6. Annex I part D – it should be add to *Legionella* parameter note that tests for *Legionella* should be carried out in warm water (these bacteria do not multiply in water with temperature <20°C).

7. Annex II part B - we would like to draw your attention to fact that sampling frequency should also depend on outcomes of relevant risk assessment.

8. Annex II part B- Note 5 – We propose deletion of Note number 5. Changes in monitoring frequency should stem from carried out risk assessment. **Annex IV point 6 -** we propose add to that point following wording: "and how to use domestic distribution system".

9. Annex IV point 7 – In our opinion 10 years period is too long, due to internal regulations of supplier concerning periods of keeping relevant documentation.

PORTUGAL

A. Art. 2(1)(a) – Water intended for human consumption (WK13661/18)

Having in mind that:

1. Art. 1(1) – Objective – "*This Directive concerns the quality of water intended for human consumption*";
2. Art. 6(1)(a) - "point of compliance" - "*in the case of water supplied from a distribution network, at the point, within premises or an establishment, at which it emerges from the taps that are normally used for human consumption*";
3. The WHO defines parametric values for water intended for human consumption based on exposure by ingestion and not on inhalation or contact with the skin. So, the parametric values (PV) defined in the Directive are related to water ingestion;
4. The parametric values defined in ANNEX I, PART D, relate to the protection of human health from inhalation of air and not from water ingestion (human consumption).

PT considers the following:

- The definition of water intended for human consumption includes all water in its original state or after treatment, intended for drinking, cooking, food preparation, personal hygiene or other domestic purposes. It is "implicit" that bath water and hot water are covered by DWD.
- The conformity checking of the quality of water used for human consumption is currently only performed on cold water tap.
- Conformity checking of hot water quality is an important issue. However, in practice, it is difficult to implement a monitoring program to include hot water analysis. Maybe this can be considered under the domestic distribution risk assessment.
- Conformity checking should only be applied to water ingestion, since WHO defines parametric values for drinking water based on exposure by ingestion.
- The parametric values of ANNEX I, PART D (*Legionella* case), were included to protect human health from exposure by inhalation and not by ingestion.

B. Materials in contact with water intended for human consumption (WK 12405720018 ADD1 and WK 13661/2018)

PT appreciates all the efforts made in the search for a satisfactory solution to this issue, which is of utmost importance for the protection of human health.

For **PT any solution** for materials in contact with water intended for human consumption **should take into account the following aspects**:

1. **Ensure the safeguarding of public health** - the chemicals used in treatment and materials in contact with water for human consumption should not cause changes in water quality that imply a reduction in the level of consumer health protection;

2. **Ensure a level playing field in EU through the implementation of a harmonized system** for the approval of treatment chemicals and materials, taking into account not only the legal framework but also the normative work which has been developed under the CEN with the participation of the stakeholders;
3. **Avoid duplication of certification and/or authorization** in cases where it already exists and ensures compliance with hygiene requirements that may be set out in this Directive.

PT welcomes the proposal put forward by the 10 MS on this issue, followed by the questions raised by the COM, as well as the responses from the 10 MS, which contributed to clarify the proposal. However, the Portuguese authorities would like to have some further clarification on the following aspects:

- Article 10a (1) - The proposal seems to cover the materials applied in the building networks. If so, the term "domestic distribution" should be added.
- Article 10a (2) - The text should be revised to clarify the concept of "positive lists" in order to avoid any confusion from manufacturers, who seem to confuse "positive lists" with "approved lists of products".
- Article 10a (2) - The implementation period of a harmonized system, in accordance with ANNEX VII, by Member States is considered too short. This period should be, at least, 3 years after the deadline for transposition of this Directive, in order to ensure better conditions for manufacturers, utilities and certification bodies to adapt and allow the adequate articulation with the validity of product certificates issued in this context.
- Article 10a (3) – In order to comply with the deadline, it is intended to take into account the work carried out by the four MS on the positive lists for organic and cementitious materials[1]?
- Article 10a, (4) - It will be important to clarify how this authority will work. What will be the involvement of MS?
- Article 10a, new point – A new provision on the legal status of products approved by the existing approval / certification schemes already notified to the COM should be included.
- Article 10a, new point - A new item on treatment chemicals should be included, with reference to the specifications set out in EN standards published by CEN.

  For example: Chemicals and disinfectants used in the treatment of water intended for human consumption, as well as the substances that constitute them or are used in their manufacturing process, are evaluated with a view to investigating possible harmful effects on health, and should respect the requirements specified in ANNEX VII - point 2.

[1] " 4MS initiative - positive lists for organic materials used in products in contact with drinking water" – "An essential element of the regulatory arrangements for control of the hygienic performance of organic Products in contact with Drinking Water (PDW's) is the examination and approval of the substances used for the production of these products. The goal of the 4MS Initiative is to have a Positive List of substances that are permitted for the production of organic materials, which is accepted by all MS's. This is in addition to the substances authorized for use in food contact materials (FCM) according to Regulation (EU) No. 10/2011, as these are included as permissible for use in PDW's." O doc "4MS Common Approach Cementitious Products in Contact with Drinking Water - Admixture Positive list (Admixtures are the substances which are added in the concrete in addition to its ingredients to enhance its performance)", also includes a set of positive lists.

- ANNEX VII, PARAGRAPH 0 – It should be considered the inclusion of definitions for the following terms: "materials", "group of materials", "products", "treatment chemicals", "materials types" and "positive lists". Consequently, point 1 should be revised to take into account the definitions included in point 0.

- ANNEX VII, PARAGRAPH 1 - It should also include requirements for testing and auditing of manufacturers to show that only substances on positive lists are used. In addition, we are wondering whether it will be useful to include here general rules for the functioning of the product evaluation / approval / certification schemes.

- ANNEX VII, PARAGRAPH 1 – "Specific requirements for the assessment of materials used in products" – The rules / procedures for verifying compliance with the positive lists should also be established? How will be ensured the confidentiality and shared the information between manufacturers (raw material, material and product), distributors and laboratories, since this information is of utmost importance for the identification of the suspect substances to be analysed in the migration water?
- ANNEX VII, PARAGRAPH 1.2.5 - "Minor and assembled products" - It is important to define some criteria for the definition of these products which are exempted, in order to ensure harmonization in the EU.
- ANEXO VII, PARAGRAPH 1.3 – TABLE – "*Positive lists of accepted metallic compositions"* –
  How is applied the list composition of metal alloys to ceramics (last column)?

- ANEXO VII, PARAGRAPH 1.4 – Consider the introduction of a remissive link to the product tests, in accordance with the EN of chemical treatment of water, published by CEN, where applicable.

- ANNEX VIII – Consider the inclusion of a reference to the biocides regulation.

C. The Presidency compromise proposal (Doc. ST 13918/18)

PT thanks the new Presidency compromise proposal that is positive in some aspects. However, we take note that some of the Portuguese comments (ST 10634/18) submitted in early September has not been taken into account in this new compromise text.

Therefore, **PT** reiterates some of those comments, namely:

- "**Hazard assessment**" – further clarification is need on the scope of this new concept related to the assessment of bodies of water intended for human consumption (Article 8 and related recitals).
- **Duplication with Water Framework Directive** - Recitals 8, 9, 10 and Articles 7.1 (a) and 8 - **PT** considers that the revision of the DWD should not serve to regulate again the assessment and monitoring of protected areas related to waters used for abstraction of water intended for human consumption, established under the WFD. The main objective is to ensure coherence between the two directives, through an adequate exchange of information between the competent authorities and water suppliers and not regulating twice the same matter. An explanation from the COM would be welcomed.

The framework for definition and implementation of measures to protect the quality of water in bodies of water intended for the abstraction of water for human consumption is the WFD and not the DWD.

We recall that PT submitted alternative drafting proposals for recitals and article in order to avoid duplication.

Access to water:

- **Recital 17 – PT** has a positive attitude towards the introduction of a recital on "right to water" but considers unacceptable to regulate this right only through a recital.
- **Article 13 - PT** considers that the removal of article 13, as proposed by the PRES, is definitely not sufficient. PT has supported the COM proposal on Article 13 at the last June Environment Council and maintains its position.
- **Art. 15(1)(a) - PT** considers that the obligation for MS to periodically report the "efforts made to improve access to and promote the use of water intended for human consumption" is manifestly insufficient. **PT** considers that the MS obligation to take measures/actions to implement that effort should be included in Article 13.

Art.14 and ANNEX IV – Information to the public – PT is in favour of harmonizing information to the consumer, with a view to increasing consumer confidence in tap water, as well as reinforcing the need for an efficient consumption from them, taking into account not only the cost/m^3, but also the most appropriate consumption patterns. PT considers that the new transparency rules allow consumers to get up-to-date information about water quality, but it is reductive. As previously stated, the rationale behind this article should be to improve knowledge on water consumption patterns and increase awareness from the water consumers, including relevant indicators on resource use efficiency from water utilities.

The Presidency reduces the information obligations to the public and replaces the information listed in paragraph 2 of this article by "relevant information on the quality of water supplied". Also, eliminates a significant part of the information set out in the Annex IV. Nevertheless, Presidency maintains the reference "without prejudice to Directives 2003/4 / EC and 2007/2 / EC". Therefore, **PT has a scrutiny reservation and will** further analyse Presidency´s proposal in order to search for a balanced solution.

Article 22 bis – Transitional period – It is necessary to align this article with ANNEX I, PART B, replacing "PFAS and PFAS-total" with "PFOA and PFOA-TOTAL".

Annexes: PT has a scrutiny reservation on the new proposal on the annexes. At this stage, the following comments should be highlighted:

- **ANNEX I, PART B –** ***Chromium – Parametric value (25)*** **– PT** maintains its proposal for changing the parametric value of chromium to 50 ug/L. Following current WHO recommendations, there is no scientific evidence to justify further reduction of parametric value[2].

[2] WHO is currently reviewing the value of the parameter for chromium in drinking water and recommends that, for the time being, the current chromium parameter value would be maintained (50 µg/l).
In its proposal, the COM provides for the possibility of adapting Annex I to scientific progress. Therefore, more stringent parameter values for chromium can be defined, if the future scientific developments justify it.

- **Annex I, PART B and PART D - LEAD - Parametric value (5) - PT** maintains its proposal for changing the parametric value of lead to 10 ug/L, in accordance with WHO guidelines value.
- **Annex I, PART B - PFOS and PFOA - PT** considers positive the deletion of "Total PFAS and PFAS" and its replacement by "PFOS and PFOA". However, they were included in Annex E (watch list) with no assigned parametric value, thus, being part of the risk assessment. Therefore, it will be necessary to define which individual substances will be evaluated.
- **Annex I, PART C** - The title should be reviewed because these parameters are also relevant for risk assessment in the supply systems and not only in the building networks.
- **Annex III, PART B - Chemical and indicator parameters - Table 1 - PFAS - PT** proposes to delete this parameter from this list as it was done in Annex I, Part B, and the uncertainty measurement should be added to PFOA and PFOS.

SLOVAK REPUBLIC

Taking into account the comments provided by the European Commission and other Member states to the Revised Presidency compromise proposal at the WPE on the 16th of November of 2018, we would like to express the following comments:

Activity of the 4 MS

We agree with the activity of the 4 MS to adapt and harmonize legislative requirements for the materials and treatment chemicals that comes in contact with drinking water. Experiences of the SR confirms that the arguments mentioned in the document are correct and based on the actual situation which is currently in the field of materials coming into contact with drinking water.
Therefore, we consider that it is most appropriate to adapt this issue by common European regulations (given the number of materials on the market).

Article 2 - Definitions

Drinking water - We agree with the definition of the drinking water in the last compromise proposal.

About hot water:

This directive should apply to hot water only if it comes into contact with drinking water (that is if it is mixed) and also can be used for drinking purposes. Because if water is used only for showering and not for direct consumption, then the limits are very strict and the range of parameters is wide.
In our country, we have this as follows: "To connect distribution of the drinking water supply with hot water pipes is possible only in the mixing water tap".
In our country, the limits generally apply only to drinking water, up to 12 ° C.

Article 8 – Hazard assessment of bodies of water used for the abstraction of water intended for human consumption

Paragraph 1, point. d) assess duty to MS to monitor the selected parameters of Annex I part A, B. What are the parameters selected from this list in this case, on what criteria will they be determined?

Paragraph 1, point. (d) (iv) deals with the indicators listed in Annex I, Part E (Beta-estradiol, Bisphenol, PFAS, PFASs-Total), which MS have to monitor and report the results of that monitoring to the EC. This Annex is unlimited, and since the Endocrine Disruptors and PFASs are not yet monitored in the SR, so we do not yet have methodologies for these analyzes, we require to have a closer look at the parameters.

Annex II - Monitoring

Within the Annex II – Monitoring, paragraph 3 states that monitoring programs also include operational monitoring to provide quick information on the parameter turbidity. Should the measurements be in accordance with the following table? If so, does this mean that operators will have to keep a range of 0.3 -0.5 NTU in turbidity parameters? And at what point? Does it mean also to provide data in accordance with the table below which is included in proposal?

Parameter	Parametric value
Turbidity	0.3 NTU (95%) and not >0.5 NTU for 15 consecutive minutes

Volume (m^3) of water distributed or produced each day within a supply zone	Minimum frequency
≤ 1000	Weekly
>1000 to ≤ 10 000	Daily
>10 000	Online

Article 13 – Access to water intended for human consumption

If the original Art.13 is included after all, we do not agree with proposed certain requirements on how to improve access to water intended for human consumption. There should be granted further flexibility for member states to choose the most appropriate measures; necessary arrangements to meet these requirements should be delivered at national level where cultural and geographic circumstances, national legislation allready in force will be taken into account.

FINLAND

Article 2 (1) (a)
The Presidency question: does DWD cover also e.g. water for showering and therefore warm water?

Warm water must not cause a health hazard for humans. In this sense Article 4 (1) (a) is applicable to warm water. However, the minimum requirements set in Article 4 (1) (b) are not applicable to warm water, because the parametric values set in Annex I Part A and B are based on oral exposure through ingestion of water.

Only the parametric value for Legionella in Annex I Part D is based on other exposure route, i.e. inhalation. Therefore, this parameter applies to both cold water (too warm cold water) and warm water (too cold warm water).

The justifications to include warm water into the scope of the directive presented in the WGE meeting are not scientifically sound. The volumes of ingested water in shower are low, and exposure to trihalomethanes exceeding the TDI-value by WHO (15 µg/kg) is highly improbable.

The issue was discussed in the negotiations of the current DWD, and – according to our negotiator at that time – it was concluded that the scope of the directive is cold water. It would be useful to present the documentation of those negotiations, especially if it is concluded that the scope of the directive in force would also cover the warm water.

Article 10a proposed by 10MS

Hygienic requirements for materials in contact with water intended for human consumption and treatment chemicals

The Directive should clearly express what kind of water is healthy. Following this, the Directive should contain common health requirements and health based limit values. For successful standardization work, it is important to set the limit values at the EU-level.

The CPR presents requirements for product testing and defines which properties have to be tested. When the common health requirements based on limit values for drinking water have been set at the EU-level, it is possible to adapt them in the product standards under CPR. The product testing guarantees that the products in contact with drinking water do not cause health risks. Drinking water treatment chemicals should be included in the harmonization.

It is essential to take the content of "positive lists" into the regulations instead of reference them. This has to be done in the Directive because CE-markings and performance declarations of construction products harmonise only the way to declare the characteristics of the products.

The proposal by 10MS contains many issues already regulated under the CPR, for instance evaluation of compliance with the requirements of the construction products. Finland does not support the proposal without further changes, but contains many good points to start the harmonization.

Recital 17

The Sustainable Development Goals are implemented in many Member States by target setting according to the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes. As we have previously commented, we suggest adding reference to the Protocol to the recital as suggested by five MS in July (document WK 9316/2018 INIT) to the end of the recital:

> **The Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes is a recognized multilateral instrument in the European region, which supports its Parties in achieving national targets related to water and health, including those related to equitable access to drinking water. Member States can make use of the guidance documents developed under the Protocol to assess the policy background and the baseline situation on access to water [ii], and define the necessary actions.**

Articles 7-9

There is still lack of compatibility with the WSP-principle as published by WHO and with the guidelines for risk management according to the standard EN 15975-2 that is referred to in Annex II Part C. The coherence with the WFD is still not clear. A suggestion for revised text, compiled in association with other MSs, will be provided in due course.

Article 10

We suggest to:

- change the term "domestic distribution risk assessment" to a more descriptive on, i.e. **"risk assessment of the building water systems"**
- **amend Annex I Part D by adding there the list of measures that could be considered in the general assessment (paragraph 1 a)** of the potential risks according to the WHO Publication Water Safety in Buildings (http://www.who.int/water_sanitation_health/publications/2011/9789241548106/en/):

The general analysis of the potential risks associated with the building water systems may be based on risk assessment of the relevant items of the following list:

(a) poor flow and stagnation due to e.g. poor design and intermittent use or extended periods with no use of water
(b) poor temperature control, including e.g. inadequate heating capacity and poor design of hot-water systems and elevated temperatures in cold-water systems
(c) unsuitable materials used in plumbing, including e.g. products that leach hazardous chemicals or support microbial growth, and materials incompatible with the physical and chemical characteristics of water supplied to the building
(d) open water-storage tanks allowing access of external contamination
(e) cross-connections with independent water systems, fire systems or recycled water systems
(f) poor management of water-using devices
(g) poor management, maintenance and repair, exacerbated by inadequately mapped systems and poorly labelled pipework
(h) unauthorized repairs and modifications

or at least refer in the corresponding recital to that WHO Publication.

Article 11 (1) (a) and (d)

Annex I, Part E parameters (the watch list)

Monitoring requirements for the Annex I, Part E (watch list) parameters are not yet clear. It is not clear whether these parameters should be monitored from the body of water, in operational monitoring or from the point of compliance. No provisions on the selection of sampling points or sampling frequencies are given. The sampling and its frequency should be based on risk assessment, but this is not clearly said in the proposal.

Monitoring of the Part E parameters also partly overlaps with requirements arising from WFD.

- **nonylphenol** is in the list of priority substances of Directive 2008/105, and therefore according to point 1.3.5 of Annex V of WFD it should be monitored for water bodies used for abstraction of drinking water. It is not clear how it should be monitored through DWD.
- **beta-estradiol** is in the watch list of Directive 2008/105, and therefore according to Article 8b(3) of that directive data is already being collected in the Member States. It would be therefore good to wait for the assessment of the monitoring results before assessing whether the compound should be monitored through DWD.

Bisphenol-a may be present in the raw water it it may enter the water from plastic pipes used in the domestic distribution systems. For it, bisphenol-A the EU risk assessment has been completed in 2010 (http://publica-tions.jrc.ec.europa.eu/repository/bit-stream/111111111/15069/1/lbna24589enn.pdf). The risk assessment concludes that "Humans exposed via the environment: Conclusion (ii) There is at present no need for further information and/or testing and for risk reduction measures beyond those which are being applied already. This conclusion is reached for both local and regional exposure scenarios in relation to all endpoints." The compound has not ended up in the watch list or priority substance list of the Directive 2008/105. Therefore it seems that bisphenol-a should be considered in conjunction with the building water safety.

Operational monitoring is still inadequately described, and the proposed frequency for turbidity measurements suggested in the table in Annex II, Part A (page 62) is not feasible for very small operators. At least the purpose of the operational monitoring should be added to the main text of the directive:

> (d) operational monitoring, **in order to assess whether the control measures in the supply chain are operating properly**, in accordance with Annex II, Part A, point 3.

A possible solution to clarify the monitoring of the watch-list parameters and the parameters considered necessary in operational monitoring would be to add an additional group of parameters to Annex II, Part B, i.e. **add to page 64 after the Group B parameters:**

> **Group C parameters**
>
> **The following parameters shall be monitored in frequencies and points in the catchment or in the supply chain specified in risk assessment**
> **(a) parameters specified in Annex I, Part E;**
> **(b) parameters identified necessary for operational monitoring.**

Article 11 (4)

It would be important to add that the equivalence of the methods shall be proved according to the standard EN ISO 17994 (Water quality – Requirements for the comparison of the relative recovery of microorganisms by two quantitative methods Water quality) or EN ISO 16140-2 (Microbiology of the food chain – Method validation – Part 2: Protocol for the validation of alternative (proprietary) methods against a reference method).

It would also be important to specify that the specifications are applied only for analyses that are used for verification monitoring and demonstrating compliance with the Directive. In operational monitoring, it is justified to use any method that gives sufficient information for the operational performance. Such methods are often much more rapid than the standard methods used for verification monitoring.

Article 11: technical observations

For the coherence of the directive, the following observations could be taken into consideration in finishing of the text

Paragraph 1
- row 2: the word "check" could be changed to "**verify";**
- row 3: "water available to consumers" could be changed to "**water supplied** to consumers";
- row 4: as according to Annex II, Part A, paragraph 2(b) monitoring programmes may include measurements recorded by a continuous monitoring process, the wording "samples shall be taken" could be changed to **"monitoring shall be performed"**;
- row 7: "preparation or distribution of water" could be changed to **"supply chain"**;

Paragraph 1(a)
- row 3: "where supply risk assessment is performed" is unnecessary, because according to Articles 7 and 9 the supply risk must be performed.

Paragraph 3
- row 1: as explained above, the wording "sampling point" could be changed to **"monitoring point"**;

Article 12 (4)

We suggest changing "Member States shall as soon as possible take all of the following measures" to **"Member States shall ensure that the following measures are taken as soon as possible"**.

Article 15

The elements referring to Article 8 belong under WFD, and not DWD. It is unclear why the data sets should be set up under DWD.

It is also noteworthy that as a risk-based control measure the water supplier may consider that the geographical positions of the abstraction points are a security risk, and therefore the information may be classified confidential. Further justification why the Commission, EEA and ECDC should have access to this information is needed. Consequently, **we would like to ask:**

- **Does the wording "without prejudice to Directive 2003/4/EC" mean that if the information is classified confidential according to Article 4(2) of that directive, it is not necessary to include the information to the data set?**

According to paragraph 3 the EEA would publish a Union-wide overview that would include e.g results and impacts of the Directive, Union-wide maps and Member States overview reports. We are wondering what the content on such overviews could be, because there seems to be no obligation to Member States to collect the information on the quality of water intended for human consumption (except monitoring results of exceedances).

Annex I, Part A

The Annex still contains technical errors that should be corrected.

- "Enterococci" should be **"intestinal enterococci"**
- parametric value 0 is not correct scientifically or according to the microbiological standards. Instead of 0 it should be **<1**

Clostridium perfringens and ***somatic coliphages*** should be included in operational monitoring. Therefore Part A is not the right place for them. Rather, they belong to indicator parameters. Options for them are:

- transfer to the table of Annex II, Part A, point 3
- make a new Part F, parameters for operational monitoring
- transfer to part C parameters and change the title from "Parameters relevant for the domestic distribution risk assessment" to "Parameters relevant for **operational monitoring and** the domestic distribution risk assessment".

Annex I, Part B

Please see our previously delivered comments (document WK 12405/2018 ADD 3 on 26 October 2018) to the following parameters

- haloacetic acids
- microcystin-LR
- per- and polyfluoroalkyl compounds
- acrylamide, epichlorohydrin and vinyl chloride

Annex I, Part C

Note 1

Aggressivity of the water needs further clarification. From what point of view the aggressivity of the water should be considered?

- the aggressivity of the water should not deteriorate the quality of the water in a way that the water poses a health hazard for health. The scope of the directive is to protect human health, so this would be the case from the scope.
- the water should not cause corrosion in the supply system. The point of view here is to protect materials and products in contact with drinking water; is this out of the scope of the directive?

The aggressivity is a sum of several interacting parameters and conditions. How to prove or monitor the aggressivity or the lack of it?

Annex I, Part D

Provision on the general analysis of the potential risks associated with the building water systems (NEW)

We suggest amending this part as suggested above in the comments for Article 10.

Note for *Legionella*

In the monitoring of *Legionella* for risk assessment purposes, resampling for *L. pneumophila* and a different parametic value for *Legionella* if *L. pneumophila* is not present, are not feasible. Resampling is not feasible since the analysis time for legionellae is two weeks and the same expensive method is used to isolate *L. pneumophila* and other *Legionella* species. Also other *Legionella* species than *L. pneumophila* cause infection risks already at the level >1000/l.

We suggest that:

- in order to address to the most susceptible buildings the water temperature could be used as an easy and cost-effective screening method. If the water temperature stays within the limits cold water ≤ 20°C and hot water ≥ 55°C, the *Legionella* risk is significantly reduced.
- the same parametric value <1000/l should be applied to all Legionella species without necessity to resample for *L. pneumophila*.

Annex I, Part E

For beta-estradiol, bisphenol-a and nonylphenol see above the comments for Article 11 (1) (a) and (d).

Further clarification for PFAS-compounds is needed, for example technical guidance adopted by delegated act following the entry into force of the Directive. This guidance should leave enough national freedom of action so that the relevant compounds could be selected nationally.

Annex II, Part A, point 3

Weekly measuring of turbidity is not feasible for the very small suppliers. Their monitoring frequency should be determined based on the risk assessment.

Annex II, Part B, Group A parameters

The wording of the following sentence is strange: "*E. coli* and enterococci (should be intestinal enterococci) may not be subject to a supply risk assessment." The parameters themselves are very important in the supply risk assessment. If the intention is to say that their monitoring frequency must not be reduced based on the supply risk assessment, the sentence is not necessary because that is already said ("They shall always be monitored at the frequencies set out in Table 1 of point 2").

Annex II, Part B, Group B parameters

It might be useful to highlight better that Annex I Part C parameters when used in operational monitoring, and Annex I Part E parameters are not included in this list. Their monitoring frequency should be determined based on the risk assessment.

Annex II, Part D

As commented above for Article 11, according to Annex II, Part A, paragraph 2(b) monitoring programmes may include measurements recorded by a continuous monitoring process. Therefore, the wording "sampling points" could be changed to **"monitoring points"**.

Annex II, Part D, paragraph 2(b)

For *Legionella* the sampling purpose C of the standards EN ISO 19458 should be used.

As commented above for Annex I, Part D, also other *Legionella* species than *L. pneumophila* cause infection risks already at the level >1000/l. Therefore, reference *to L. pneumophila* could be changed to ***"Legionella"***.

Annex III, Part A

(b) Enterococci should be **"Intestinal enterococci"**
(f) Turbidity is not a microbiological parameter
(h) Somatic coliphages: The method EN ISO 10705-2 is not suitable for the quantitative enumeration of somatic coliphages in volumes of 100 ml water. It is intended for 1 ml sample, and therefore for 100 ml sample intended for drinking water 20 Petri dishes that are larger (14 cm) than normal size would be needed for one analysis. The standard EN ISO 10705-3 specifies the general principles for assessing the performance of methods for the concentration of bacteriophages from water. It does not provide a specific method, but **we consider that EN ISO 10705-3 should be added as an alternative method in addition to EN ISO 10705-2,** especially as the purpose of somatic coliphages is their use for monitoring purposes only.

Annex III, Part B

According tot Annex I, Part B acrylamide, epichlorohydrin and vinyl chloride are calculated, not measured. Therefore either:

- uncertainty of measurement cannot be given for them, or
- measurement of the compounds should be allowed in Annex I part B

SWEDEN

Sweden welcomes the proposal as a step in the right direction.

Warm water
As for the possible inclusion of warm water in the definition of drinking water in article 2 (1) (a), Sweden is of the opinion that warm water should not be included. Warm water is mostly prepared in individual buildings, public premises, domestic buildings by heating incoming drinking water. Possible changes to the characteristics of the water are beyond the responsibility of the drinking water producer. If warm water is included as a whole, there might also be need for further changes and adaptions eg. to parameter values to take into account these changes. Sweden does not, however oppose to including parameter values on legionella, these can be introduced through specific arrangements in the Directive.

Spring water
Sweden does not support the new clause at the end of article 4.1. The derogations applied to spring water is correct, but it should be introduced in the spring water directive 2009/54/EU, not in the DWD.

Hazard assessment of bodies of water
With reference to earlier comments Sweden is worried about the double regulation and ambiguities in article 8. Control of environmental parameters regulated by WFD, GWD and EQSD should not be repeated and placed as an additional economic burden on drinking water suppliers. Thus Articles 8.1, 8.2, 8.4 and 8.5 should be replaced by references to the other water directives or be rewritten in order to clearly require the results of environmental monitoring to be passed on to the drinking water producers. Sweden looks forward to the non-paper promised by Finland and some other MS on this aspect.

Consequently Sweden does not support the addition to article 9.4.

Materials in contact with drinking water
Sweden sees a need for more ambitious rules on materials in contact with drinking water and welcomes the proposal from 10MS. Sweden believes the 10MS proposal should be used as a starting point, it could be reformulated, perhaps with the help of the legal service, in order to overcome the legal unclarities.

Access to Drinking Water
Sweden supports the deletion of article 13.

Information to consumers
Sweden supports the deletions I Article 14 and Annex IV. However, Sweden is still worried about the security aspects resulting from public information of types of water treatment and disinfection applied in (3) of Annex IV.

Chemical parameters
Sweden will submit further comments on PFAS in the middle of the coming week.

Art. 10

According to its' wording art. 10.1.a. only applies to priority premises, i.e. premises for *public use*. However, the wording in art. 10.1.b is ambiguous, as it both states that the premises for monitoring shall be selected on basis of the assessment performed under paragraph a) (that is priority premises) and that member states may set up strategies *focusing* on priority premises. Also the use of the term *domestic* distribution risk assessments implies that the article isn't intended to be limited to premises for public use. Thus, it needs to be clarified whether all or part of art. 10 is intended to apply only to priority premises or not. Sweden's opinion is that general domestic distribution risk assessments should be carried out with regard to both apartment buildings as well as other premises.

UNITED KINGDOM

The UK wishes to thank the Presidency for their discussion paper and revised compromise text which were discussed during the Working Party on 16 November. As requested written comments are provided below outlining the UK's views on Article 2(1)(a), Article 10a and the Presidency's revised compromise text.

The UK continues to consider the proposed recast of the Drinking Water Directive (DWD) (Directive 98/83/EC) and its effects and as such holds the proposal under a general scrutiny reserve. The UK reserves the right to amend its position on that basis during the process for the review of the proposal.

Presidency discussion paper

Article 2(1)(a) – Water intended for human consumption

It is not clear, on the face of it, that the DWD covers showering. The potentially relevant part of the DWD definition (of 'water intended for human consumption') is 'other domestic purposes', but there is no explanation within the DWD of what this means or includes.

Nevertheless, we believe the point of compliance is up to the consumer tap, prior to heating. The current DWD states 'in the case of water supplied from a distribution network, at the point, within premises or an establishment, at which it emerges from the taps that are normally used for human consumption'. For domestic premises we would therefore argue that the tap 'normally' used is the cold water tap. If warm water were to be in scope, further clarity is needed including a definition. We would also like to know how this would align with Health and Safety legislation as the requirements for a legionella risk assessment is covered under that.

Article 10a – Materials in contact with water intended for human consumption

The UK have nothing further to add to what was discussed during the working party. We look forward to working with the Commission and the Presidency to provide further clarity in the hope that the tabled proposal can be accepted.

Revised compromise text (dated 9 November 2018)

The UK believes that the revised compromise text has taken significant steps in the right direction, addressing a number of our previous concerns. We welcome many of the changes within the proposal, however we still have a number of concerns.

Recital 27

We would question the principal aim of the Directive as noted in Recital 27. The objective of the Directive is to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean (as per Article 1). The protection of the environment is secondary and something the actions of the DWD will contribute to (e.g. through hazard assessment, reduction in single use plastics, etc.).

Article 2 - Definitions

We welcome the removal of the definition for "vulnerable and marginalised groups". This provides Member States the flexibility to define these groups at a national level.

The definition of "priority premises" potentially excludes high risk buildings such as schools and prisons with the wording "public use". A slight adjustment may therefore be needed.

The UK would welcome a definition of "commercial" in the context of "water supplied as part of a commercial […] activity".

Article 10 – Domestic distribution risk assessment

The required measures in Article 10(2)(a-f) are too prescriptive. Point (c) regarding conditioning techniques has been removed which is a positive step, however we would prefer the proposal recognise the discretion Member States should have in deciding which measures are appropriate, rather than imposing an absolute requirement as to those that must be taken. Possible rephrasing could be from "Member States shall" to "Member States shall consider taking one or more of the following measures". This will ensure that the Article respects the principle of subsidiarity.

Article 13 (Old Recital 17 and Recital 18) – Access to Water

We welcome the deletion of Article 13. Given the uncertainty around the scope of the legal base of the Directive, we believe access to water is better as a recital rather than an Article. However, the wording in Recital 17 should be consistent with existing wording of the Sustainable Development Goal and should read "ensuring availability of water for all" rather than referencing a "right to water". In any event, the right to water is not a standalone right but rather a component of the right to an adequate standard of living.

Article 14 (Recitals 20-21) – Information to the public

The deletion of parts 2(a) to (e) in Article 14 is a significant improvement. The requirement to provide information to consumers should be focussed on drinking water quality, aligning with the key objective of the Drinking Water Directive.

We seek clarification with regards to making information "available online to all persons supplied", is this all persons who receive a public (piped) supply or does it also include private supplies and those who have an exempt supply? In addition we think it would be best left to Member States to decide how we provide the information.

Article 15 – Information on monitoring of implementation

We would not support sharing of georeferences on a public platform with regards to abstraction points on security grounds (as per (1)(b)(i)), which may in any case be incompatible with the Network and Information Systems Directive (Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union).

Article 16 (Old Recital 27) – Access to Justice

The deletion of Article 16 is a welcome change and removes unnecessary duplication of the Aarhus Convention.

Article 22bis – Transitional period

The concept of a transitional period in Article 22bis is welcomed. PFAS and PFAS total should be excluded given their move to Part E - Watch List.

Annex I

The proposed amendments to parameters and parametric values in this Annex should align with the World Health Organisation (WHO) report unless there is clear and robust scientific evidence to support deviation (or practical achievability in the case of Chlorate). To date, no such evidence has been presented.

Annex I Part A

Somatic coliphages should not be included in the table for Microbiological Parameters. It is impractical to sample and analyse Somatic coliphages at the tap. It provides no useful information and this was not a recommendation in the WHO report. If included, a significant amount of investment (in both time and money), which we would deem unreasonable, would also be required.

Annex I Part B

We do not support the parametric values for Chlorate, Chlorite or Chromium, which are stricter than the WHO recommendations. These should be amended to align with the WHO report.

Annex I Part D

As per the WHO report, we believe the standard of 10µg/l for lead should be retained but concentrations should be as low as reasonably practicable with Member States considering how best to reduce. This may or may not include a requirement on Member States to produce and submit an action plan for removal of lead piping.

Annex I Part E

We seek further clarity on the sampling frequency for the parameters included in the watch list. It is our understanding that the results of the hazard assessment and/or supply risk assessment would determine the monitoring requirements based on the occurrence of the parameter and that they would not be subject to the conditions provided for in point 3 of Annex II Part C. However, this is not what the Presidency described when outlining their intentions of Part E. Can the Presidency confirm that they can be exempted from monitoring based on risk according to Article 8(3)(b)?

In any case, we do not consider the endocrine disrupting compounds (EDCs) to be a health risk in water supplies and EDCs have not been recommended for monitoring by the WHO.

Other

We appreciate the work of the Presidency so far to take forward negotiations on the DWD. We would welcome further discussion on a number of other aspects, including the following:

- Article 2 and the definitions of water, small water, large water and very large water suppliers. We have concerns that there is no lower limit (10 m3) for water suppliers and think small, large and very large 'water suppliers' should be 'water supplies'.
- Article 3(4) (food business operators) particularly with regard to frequency of sampling and utilising the procedures on hazard analysis and critical control point principles.
- Articles 8 and 9 as we would like to see further alignment with Water Framework Directive terminology and the adoption of a risk based approach for parameters that are unlikely to be found in a water supply.
- Annex I Part B with regards to PFAS, PFOS, PFOA and microcystin-LR.
- Annex II Part A with regards to the operational monitoring of turbidity. It would be unreasonable and impracticable for small water suppliers.
- Annex II Part A insertion of either/or option for discrete water samples and continuous monitoring to allow a combination of methods.
- Annex II Part B Table 1 Note 4 with regards to monitoring supplies of between 10 and $100m^3$ for core parameters every year would be unreasonable and impracticable for small water suppliers. This also applies to Note 5 with regards to monitoring all parameters at least once every ten years for those supplying a volume of between 10 and $100m^3$.