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CONTRIBUTION

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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 Spain.

Propuesta de Directiva del Parlamento Europeo y del Consejo relativa a la calidad de las aguas destinadas al consumo humano (versión refundida)

Postura Reino de España

Madrid, 21 de noviembre de 2018

Courtesy translation

The observations included in this report are not definitive. They could be modified throughout the process.

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Article 1. Objective 1. This Directive concerns the quality of water intended for human consumption. 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.	
Article 2,Definitions For the purposes of this Directive: 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 ~~or production~~, or other domestic purposes in both public and private premises, regardless of its origin and whether it is supplied from a distribution network, supplied from a tanker or, ~~for spring waters~~, put in bottles **or containers, including spring waters**. b) **all water used in any food-production undertaking 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.**	
2. 'domestic distribution system' shall mean the pipework, fittings and appliances which are installed between the taps that are normally used for human consumption in both public and private premises and the distribution network but only if they are not the responsibility of the water supplier, in its capacity as a water supplier, according to the relevant national law.	
3. 'water supplier' shall mean an entity supplying ~~at least 10 m^3 of~~ water intended for human consumption ~~a day as an average~~.	
4. 'small water supplier' shall mean a water supplier supplying less than ~~500~~ **1000** m^3 per day **as an average** or serving less than 5 000 people. 5. 'large water supplier' shall mean a water supplier supplying at least ~~500~~ **1000** m^3 per day **as an average** or serving at least 5 000 people. 6. 'very large water supplier' shall mean a water supplier supplying at least ~~5 000~~ **10000** m^3 per day **as an average** or serving at least 50 000 people.	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

7. 'priority premises' shall mean large premises **for public use** with many users potentially exposed to water-related risks, ~~such as hospitals, healthcare institutions, buildings with a lodging facility, penal institutions and campgrounds~~, as identified by Member States.	
~~8. 'vulnerable and marginalised groups' shall mean people isolated from society, as a result of discrimination or of a lack of access to rights, resources, or opportunities, and who **are potentially more vulnerable and/or** are more exposed to a range of possible risks relating to their **water related** health, safety, lack of education, engagement in harmful practices, or other risks, compared to the rest of society **due to a continuous lack of access to safe water intended for human consumption.**~~	
Article 3. Exemptions 1. This Directive shall not apply to: (a) natural mineral waters recognised as such by the responsible authority, as referred to in Directive 2009/54/EC; (b) waters which are medicinal products within the meaning of Directive 2001/83/EC.	
2. Member States may exempt from the provisions of this Directive: (a) water intended exclusively for those purposes for which the competent authorities are satisfied that the quality of the water has no influence, either directly or indirectly, on the health of the consumers concerned; (b) water intended for human consumption from an individual supply providing less than 10 m^3 a day as an average or serving fewer than 50 persons, unless the water is supplied as part of a commercial or public activity.	
3. Member States that have recourse to the exemptions provided for in paragraph 2(b) shall ensure that the population concerned is informed thereof and of any action that can be taken to protect human health from the adverse effects resulting from any contamination of water intended for human consumption. In addition, when a potential danger to human health arising out of the quality of such water is apparent, the population concerned shall promptly be given appropriate advice.	
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 of this Directive, as well as relevant Annexes.**	**Study reservation**

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Article 4. General obligations 1. Without prejudice to their obligations under other Union provisions, Member States shall take the measures necessary 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 meets all the following conditions : (a) it is free from any micro-organisms and parasites and from any substances which, in numbers or concentrations, constitute a potential danger to human health; (b) it meets the minimum requirements set out in Annex I, Parts A, ~~and~~ B **and D**; (c) Member States have taken all other measures necessary to comply with the requirements set out in Articles 5 to 12 of this Directive. **The minimum requirements set out in Annex I, Part A, do not apply to bottled spring water as referred to in Directive 2009/54/EC.**	
2. Member States shall ensure that the measures taken to implement this Directive in no circumstances have the effect of allowing, directly or indirectly, any deterioration of the present quality of water intended for human consumption or any increase in the pollution of waters used for the production of water intended for human consumption.	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Article 5. Quality standards 1. Member States shall set values applicable to water intended for human consumption for the parameters set out in Annex I, which shall not be less stringent than the values set out therein. **2. As regards the parameters set out in Annex I, Part C, the values need be fixed only for monitoring purposes and for the fulfilment of the obligations imposed in Article 12.** 3. A Member State shall set values for additional parameters not included in Annex I where the protection of human health within its national territory or part of it so requires. The values set shall, as a minimum, satisfy the requirements of Article 4(1)(a).	
Article 6. Point of compliance 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, at the point, within premises or an establishment, at which it emerges from the taps that are normally used for human consumption; (b) in the case of water supplied from a tanker, at the point at which it emerges from the tanker;	
(c) in the case of waters**, including spring waters put into bottles or containers**, at the point at which the water is put into the bottles **or containers**.	 **Study reservation**
2. 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. **3. Where paragraph 2 applies and there is a risk that water covered by paragraph 1(a) would not comply with the parametric values established in accordance with Article 5, Member States shall nevertheless ensure that:** **(a) appropriate measures are taken to reduce or eliminate the risk of non-compliance with the parametric values, such as advising property owners of any possible remedial action they could take, and/or** **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;** **and** **(b) the consumers concerned are duly informed and advised of any possible additional remedial action that they should take.**	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

	Article 7. Risk-based approach to water safety	
1.	Member States shall ensure that the supply, treatment and distribution of water intended for human consumption is subject to a risk-based approach, composed of the following elements: (a) a hazard assessment of bodies of water used for the abstraction of water intended for human consumption, in accordance with Article 8; (b) a supply risk assessment carried out by the water suppliers for the purposes of monitoring the quality of the water they supply, in accordance with Article 9 and Annex II, part C; (c) a domestic distribution risk assessment, in accordance with Article 10.	
2.	**The first** hazard assessments shall be carried out by [3 years after the end-date for transposition of this Directive]. They shall be reviewed ~~every 3 years~~ **at regular intervals of no longer than 6 years**~~,~~ and updated where necessary.	
3.	**The first** supply risk assessments shall be carried out by very large water suppliers and large water suppliers by [~~3~~ **4** years after the end-date for transposition of this Directive], and by small water suppliers by [6 years after the end-date for transposition of this Directive]. They shall be reviewed at regular intervals of no longer than 6 years, and updated where necessary.	
4.	**The first** domestic distribution risk assessments shall be carried out by [3 years after the end-date for transposition of this Directive]. They shall be reviewed every 3 years, and updated where necessary.	**Proposal: 5 YEARS TO BE CARRIED OUT**

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

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

1. Without prejudice to Articles 6 and 7 of Directive 2000/60/EC, 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 m^3 a day as an average. The hazard assessment shall include the following elements:
   - (a) identification of and geo-references for all abstraction points in the bodies **or part of bodies** of water covered by the hazard assessment;
   - (b) mapping of the safeguard zones, where those zones have been established in accordance with Article 7(3) of Directive 2000/60/EC, and the protected areas referred to in Article 6 of that Directive;
   - (c) identification of hazards and possible pollution sources affecting the bodies **or part of bodies** of water covered by the hazard assessment. To that end, Member States may use 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;
   - (d) regular monitoring in the bodies **or part of bodies** of water covered by the hazard assessment of relevant pollutants selected from the following lists:
     - (i) parameters listed in parts A and B of Annex I to this Directive;
     - (ii) groundwater pollutants listed in Annex I to Directive 2006/118/EC of the European Parliament and of the Council[1], and pollutants and indicators of pollution for which threshold values have been established by Member States in accordance with Annex II to that Directive;
     - (iii) priority substances and certain other pollutants listed in Annex I to Directive 2008/105/EC of the European Parliament and of the Council[2];
     - (iv) other relevant pollutants, such as ~~microplastics, or~~ 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. ~~**For certain endocrine disrupting compounds including Beta-estradiol (50-28-2), Bisphenol A and Nonylphenol known to be present in surface waters, 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).**~~

     Member States shall select from points (i) to (iv) for monitoring the parameters, substances or pollutants that are considered relevant in light of the hazards identified under point (c) or in light of the information provided by the water suppliers in accordance with paragraph 2.

     For parameters listed in Part E of Annex I to this Directive, Member States shall put in place monitoring

Study reservation

OBSERVATIONS

a) According to the water bodies risk assessment and in particular, protected areas designated for the abstraction of water.
b) It is necessary clearly-defined attribution, coherence and not contradictions with DMA.
c) Usually, the most important risk takes place in small rural areas, with less of 10m3 of water distribution per day. We propose that areas do not be excluded in function of their water volume supply, in order to safeguard the citizen's health.

[1] Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19).
[2] Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

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). For the purpose of the regular monitoring, Member States may use the monitoring carried out in accordance with other Union legislation.	
2. Those water suppliers that monitor their raw water for the purposes of operational monitoring shall be required to inform the competent authorities of trends and of unusual concentrations of monitored parameters, substances or pollutants.	
3. Member States shall inform water suppliers using the body **or part of body** of water covered by the hazard assessment of the results of the monitoring carried out under paragraph 1(d) and may, on the basis of those monitoring results: (a) require water suppliers to carry out additional monitoring or treatment of certain parameters; (b) allow water suppliers to decrease the monitoring frequency of certain parameters, **or remove a parameter from the list of parameters to be monitored by the water supplier** without being required to carry out a supply risk assessment, provided that - – they are not core parameters within the meaning of Annex II, part B, point 1, and ~~provided that~~ – no factor that can be reasonably anticipated is likely to cause deterioration of the quality of the water.	
4. In such cases where a water supplier is allowed to decrease the monitoring frequency **or remove a parameter from the list of parameters to be monitored** as referred to in paragraph ~~2~~ **3**(b), Member States shall continue to regularly monitor those parameters in the body of water covered by the hazard assessment. 5. On the basis of the information collected under paragraphs 1 and 2 and gathered under Directive 2000/60/EC, Member States shall take the following measures in cooperation with water suppliers and other stakeholders, or ensure that those measures are taken by the water suppliers: (a) prevention measures to reduce the level of treatment required and to safeguard the water quality, including measures referred to in Article 11(3)(d) of Directive 2000/60/EC; (b) mitigating measures, which are considered necessary on the basis of the monitoring carried out under paragraph 1(d), in order to identify and address the pollution source. Member States shall regularly review any such measure	 **Observations** **Art. 8.5.a)** **a) Reductions in the level of treatments by water providers, just must be allowed where treatment plants exists.** **b) Never in rural areas, where frequently there are only a filtration and disinfection**
Article 9. Supply risk assessment 1. Member States shall ensure that water suppliers perform a supply risk assessment **that include the whole water supply chain from the catchment area through abstraction, treatment, storage and distribution of water to the compliance point specified in Article 6.**	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

2. **The supply risk assessment shall also ~~providing~~ provide** for the possibility to **remove a parameter from the list of parameters to be monitored or** adjust the monitoring frequency **in the following cases:** **(a)** **on the basis of the occurrence of a parameter in the raw water, in accordance with the hazard assessment as set out in Article 8(3)(b);** **(b)** **when a parameter can only result from the use of certain treatment technique or disinfection method, and that technique or method is not used by the water supplier; or** **(c)** **on the basis of the specifications set out in Annex II, part C.** **The supply risk assessment shall concern ~~for any~~** parameter**s** listed in Annex I, parts A**, ~~and~~** B **and E** that are not core parameters according to part B of Annex II**~~, depending on their occurrence in the raw water~~**. ~~For those parameters Member States shall ensure that water suppliers can deviate from the sampling frequencies set out in Annex II, part B, in accordance with the specifications set out in Annex II, part C.~~ To that end, water suppliers shall be required to take into account the results of the hazard assessment carried out in accordance with Article 8 of this Directive and of the monitoring carried out pursuant to Article 7(1) and Article 8 of Directive 2000/60/EC.	
3. Supply risk assessments shall be approved by the competent authorities. **4.** **On the basis of the supply risk assessment, Member States shall ensure that water suppliers take the necessary measures, as foreseen under Article 8(5).**	
Article 10. Domestic Distribution Risk Assessment 1. Member States shall ensure that a domestic distribution risk assessment is performed, comprising the following elements: (a) ~~a~~**n general analysis** ~~assessment~~ of the potential risks associated with ~~the~~ domestic distribution systems, and with ~~the~~ related products and materials, and whether they affect the quality of water at the point where it emerges from the taps normally used for human consumption, ~~in particular~~ where water is supplied to the public in priority premises; (b) ~~regular~~ **surveillance** monitoring of the parameters listed in Annex I, part **D** ~~C~~, in premises where the potential danger to human health is considered highest. Relevant parameters and premises for monitoring shall be selected on the basis of the assessment performed under point (a). With regard to the ~~regular~~ **surveillance** monitoring referred to in the first subparagraph, Member States may set up a monitoring strategy focusing on priority premises;	
(c) a verification of whether the performance of construction products in contact with water intended for human consumption is adequate in relation to the essential characteristics linked to the basic requirement for construction works specified in point 3(e) of Annex I to Regulation (EU) No 305/2011.	 **Proposal from 10 MS (See pag 40)**

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

2. Where Member States consider, on the basis of the ~~assessment~~ **analysis** carried out under paragraph 1(a), that there is a risk to human health stemming from ~~the~~ domestic distribution system**s** or from ~~the~~ related products and materials, or where monitoring carried out in accordance with paragraph 1(b) demonstrates that the parametric values set out in Annex I, part **D** ~~C~~, are not met, Member States shall: (a) take appropriate measures to eliminate or reduce the risk of non-compliance with the parametric values set out in Annex I, part **D** ~~C~~;	
(b) take all necessary measures to ensure that the migration of substances or chemicals from construction products used in the preparation or distribution of water intended for human consumption does not, either directly or indirectly, endanger human health;	**Proposal from 10 MS (See pag 40)**
~~(c) take other measures, such as appropriate conditioning techniques, in cooperation with water suppliers, to change the nature or properties of the water before it is supplied so as to eliminate or reduce the risk of non compliance with the parametric values after supply;~~ (d) duly inform and advise consumers about the conditions of consumption and use of the water and about possible action to avoid the risk from reoccurring; (e) ~~organise~~ **ensure organisation of** training for plumbers and other professionals dealing with domestic distribution systems and the installation of construction products; (f) for *Legionella*, ensure that effective control and management measures are in place to prevent and address possible disease outbreaks.]	**OBSERVATIONS** **Art. 10. 2.e). Training of plumbers** **The training activities to plumbers, installers and other professional related with water harvesting, treatment and drinking water distribution must be accordance with professional training or professional experience recognition.** **Art.10. 2. f). Legionella bacteria** **Proceedings must just be focused on risk installations. This report must make that very clearly. Corrective and preventive measures must be taken where risk exists.**

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Artcle 10 bis	**Proposal from 10 MS (See pag 40)**
Article 11 . Monitoring 1. Member States shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out, in order to check that the water available to consumers meets the requirements of this Directive and in particular the parametric values set in accordance with Article 5. Samples shall be taken so that they are representative of the quality of the water consumed throughout the year. In addition, Member States shall take all measures necessary to ensure that, where disinfection forms part of the preparation or distribution of water intended for human consumption, the efficiency of the disinfection treatment applied is verified, and that any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.	
2. To meet the obligations imposed in paragraph 1, appropriate monitoring programmes shall be established in accordance with Annex II, Part A for all water intended for human consumption. Those monitoring programmes shall consist of the following elements: (a) monitoring of the parameters listed in Annex I, parts A, ~~and~~ B, **C and E**, and of the parameters set in accordance with Article 5(~~2~~ **3**), in accordance with Annex II, and, where a supply risk assessment is performed, in accordance with Article 9, **unless a Member State decides that one of these parameters can be removed from the list of parameters to be monitored, in accordance with Article 8(3)(b);** (b) monitoring of the parameters listed in Annex I, part ~~C~~ **D**, for the purposes of the domestic distribution risk assessment, as provided for under Article 10(1)(b); (c) monitoring, for the purposes of the hazard assessment, as provided for under Article 8(1)(d). **(d) operational monitoring, in accordance with Annex II, part A, point 3.**	
3. The sampling points shall be determined by the competent authorities and shall meet the relevant requirements set out in Annex II, part D. 4. Member States shall comply with the specifications for the analyses of parameters set out in Annex III, in accordance with the following principles: (a) methods of analysis other than those specified in Annex III, Part A, may be used, provided that it can be demonstrated that the results obtained are at least as reliable as those produced by the methods specified by providing the Commission with all relevant information concerning such methods and their equivalence; (b) for those parameters listed in Annex III, Part B, any method of analysis may be used provided that it meets the requirements set out therein. 5. Member States shall ensure that additional monitoring is carried out on a case-by-case basis of substances and micro-organisms for which no parametric value has been set in accordance with Article 5, if there is reason to suspect that they may be present in amounts or numbers which constitute a potential danger to human health.	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Article 12. Remedial action and restrictions in use 1. Member States shall ensure that any failure to meet the parametric values set in accordance with Article 5 is immediately investigated in order to identify the cause. 2. If, despite the measures taken to meet the obligations imposed in Article 4(1), water intended for human consumption does not meet the parametric values set in accordance with Article 5, **and subject to Article 6(2)** the Member State concerned shall ensure that the necessary remedial action is taken as soon as possible to restore its quality and shall give priority to their enforcement action, having regard *inter alia* to the extent to which the relevant parametric value has been exceeded and ~~to~~ **the associated** potential danger to human health. In case of non-compliance with the parametric values set out in Annex I, part **D** ~~C~~, remedial action shall include **relevant** ~~the~~ measures **as** set out in points (a) to (f) of Article 10(2).	
3. Regardless of whether any failure to meet the parametric values has occurred, Member States shall ensure that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited or its use restricted and that any otherremedial action is taken that is necessary to protect human health. ~~Member States shall automatically consider any failure to meet the minimum requirements for parametric values set out in Annex I, parts A and B, as a potential danger to human health.~~	
4. **Where** ~~In~~ the cases described in paragraphs 2 and 3, **are considered as relevant for human health**, Member States shall as soon as possible take all of the following measures: (a) notify all affected consumers of the potential danger to human health and its cause, of the exceedance of a parametric value and of the remedial actions taken, including prohibition, restriction or other action; (b) give, and regularly update, the necessary advice to consumers on conditions of consumption and use of the water, taking particular account of potential vulnerable groups; (c) inform consumers once it has been established that there is no longer a potential danger to human health and inform them that the service has resumed back to normal.	
5. The competent authorities or other relevant bodies shall decide what action under paragraph 3 shall be taken, bearing in mind the risks to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.	
6. In the event of non-compliance with the parametric 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.	 **Study reservation**

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

7. Where Member States consider the non-compliance with a parametric value to be trivial, they do not need to take the measures set out in paragraph 4.	**Study reservation:** **Questions:** **What parameters? A, B, C, D or E** **What does mean "trivial"? 1% or 5% or 10% more VP?**
Article 12bis. Derogations **1. In duly justified circumstances, Member States may provide for derogations from the parametric values set out in Annex I, Part B, or set in accordance with Article 5(3), up to a maximum value to be determined by them, provided no derogation constitutes a potential danger to human health; and provided that the supply of water intended for human consumption in the area concerned cannot otherwise be maintained by any other reasonable means. ~~The derogation shall be limited to the following cases:~~** **~~(a) a newly defined water supply zone;~~** **~~(b) the parameters listed in the first paragraph of Article 22bis.~~** **~~(c) a new source of pollution detected in a water supply zone that was previously in compliance with this Directive,~~** **~~Member States shall communicate to the Commission the grounds of the decision to grant a derogation as well as the information foreseen in paragraph 2.~~** **The derogation shall be limited to as short a time as possible and shall not exceed three years, towards the end of which a review shall be conducted to determine whether sufficient progress has been made.** **In exeptional circumstances, Member States may ~~ask the Commission for~~ grant a second derogation for a period not exceeding three years. ~~The Commission shall take a decision on any such request within three months.~~**	**Part B and E**
2. Any derogation granted in accordance with paragraphs 1 shall specify the following: **(a) the grounds for the derogation;** **(b) the parameter concerned, previous relevant monitoring results, and the maximum permissible value under the derogation;** **(c) the geographical area, the quantity of water supplied each day, the population concerned and whether or not any relevant food-production undertaking would be affected;** **(d) an appropriate monitoring scheme, with an increased monitoring frequency where necessary;** **(e) a summary of the plan for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing;** **(f) the required duration of the derogation.**	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)	
3. **If the competent authorities consider the non-compliance with the parametric value to be trivial, and if action taken in accordance with Article 12 is sufficient to remedy the problem within 30 days, the requirements of paragraph 2 need not be applied.** **In that event, only the maximum permissible value for the parameter concerned and the time allowed to remedy the problem shall be set by the competent authorities or other relevant bodies.**	
4. **Recourse may no longer be had to paragraph 3 if failure to comply with any one parametric value for a given water supply has occurred on more than 30 days on aggregate during the previous 12 months.** **5.** **Any Member State which has recourse to the derogations provided for in this Article shall ensure that the population affected by any such derogation is promptly informed in an appropriate manner of the derogation and of the conditions governing it. In addition the Member State shall, where necessary, ensure that advice is given to particular population groups for which the derogation could present a special risk.** **These obligations shall not apply in the circumstances described in paragraph 3 unless the competent authorities decide otherwise.**	
6. **With the exception of derogations granted in accordance with paragraph 3 a Member State shall inform the Commission within two months of any derogation concerning an individual supply of water exceeding 1000 m3 a day as an average or serving more than 5000 persons, including the information specified in paragraph 2.** **7.** **This Article shall not apply to water intended for human consumption offered ~~for sale~~ in bottles or containers.**	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

~~*Article 13 Access to water intended for human consumption*~~ ~~1. Without prejudice to Article 9 of Directive 2000/60/EC, Member States shall take all necessary measures to improve access for all to water intended for human consumption and promote its use on their territory. This shall include all of the following 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.~~ ~~2. On the basis of the information gathered under paragraph 1(a), Member States shall take all necessary measures to ensure access to water intended for human consumption for vulnerable and marginalised groups.~~ ~~In case those groups do not have access to water intended for human consumption, Member States shall immediately inform them of the quality of the water they are using and of any action that can be taken to avoid adverse effects on human health resulting from any contamination of that water.~~	✗ **Do not remove this article**
Article 14. Information to the public 1. Member States shall ensure that adequate and up-to-date information on **the quality of** water intended for human consumption is available online to all persons supplied, in accordance with Annex IV. 2. Member States shall ensure that all persons supplied receive regularly and at least once a year, and in the most appropriate form (for instance on their invoice or by **digital means such as** smart applications) without having to request it, **relevant information on the quality of water supplied including** ~~the following information~~: ~~(a) information on the cost structure of the tariff charged per cubic metre of water intended for human consumption, including fixed and variable costs,~~ presenting at least costs related to the following elements: ~~(i) measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(5);~~ ~~(ii) treatment and distribution of water intended for human consumption;~~ ~~(iii) waste water collection and treatment;~~ ~~(iv) measures taken pursuant to Article 13, in case such measures have been taken by water suppliers;~~ ~~(b) the price of water intended for human consumption supplied per litre and cubic metre;~~ ~~(c) the volume consumed by the household, at least per year or per billing period, together with yearly trends of consumption;~~ ~~(d) comparisons of the yearly water consumption of the household with an average consumption for a household in the~~	✓

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

~~same category;~~ ~~(e)~~ a link to the website containing the information set out in Annex IV. ~~The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided under the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).~~	
3. Paragraphs 1 and 2 are without prejudice to Directives 2003/4/EC and 2007/2/EC.	
Article 15. Information on monitoring of implementation 1. Without prejudice to Directive 2003/4/EC and Directive 2007/2/EC, Member States, assisted by the European Environment Agency, shall: (a) set up by … [6 years after the end-date for transposition of this Directive], and update every 6 years thereafter, a data set containing information on the **efforts made to improve access to and to promote the use of water intended for human consumption** ~~measures taken under Article 13~~, and on the share of their population that has access to water intended for human consumption; (b) set up by … [3 years after the end-date for transposition of this Directive], and update every 3 years thereafter, a data set containing the hazard and domestic distribution risk assessments performed in accordance with Articles 8 and 10, respectively, including the following elements: (i) the abstraction points identified under Article 8(1)(a); (ii) the monitoring results collected in accordance with Article 8(1)(d) and Article 10(1)(b); and (iii) concise information on measures taken pursuant to Article 8(5) and Article 10(2); (c) set up, and update annually thereafter, a data set containing monitoring results, in cases of exceedances of the parametric values set in Annex I, parts A and B, collected in accordance with Articles 9 and 11 and information about the remedial actions taken in accordance with Article 12; (d) set up, and update annually thereafter, a data set containing information on drinking water incidents that have caused potential danger to human health, regardless of whether any failure to meet the parametric values occurred, that lasted for more than 10 consecutive days and that affected at least 1 000 people, including the causes of those incidents and remedial actions taken in accordance with Article 12. **(e) set up, and update annually thereafter, a data set containing information on all derogations granted in accordance with Article 12bis(1), including the information foreseen in Article 12bis(2).** Where possible, spatial data services as defined in Article 3(4) of Directive 2007/2/EC shall be used to present those data sets.	
2. Member States shall ensure that the Commission, the European Environment Agency and the European Centre for Disease Prevention and Control have access to the data sets referred to in paragraph 1. 3. The European Environment Agency shall publish and update a Union-wide overview on the basis of the data collected by the	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

	Member States on a regular basis or following receipt of a request from the Commission. The Union-wide overview shall include, as appropriate, indicators for outputs, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.	
4.	The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided in accordance with paragraphs 1 and 3, including detailed requirements regarding the indicators, the Union-wide overview maps and the Member State overview reports referred to in paragraph 3. The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 20(2).	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

~~*Article 16. Access to justice*~~ ~~1. Member States shall ensure that, natural or legal persons or their associations, organisations or groups, in accordance with national legislation or practice, have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, actions or omissions related to the implementation of Articles 4, 5, 12, 13, and 14, when one of the following conditions is fulfilled:~~ ~~(a) they have a sufficient interest;~~ ~~(b) they maintain the impairment of a right, where the administrative procedural law of the relevant Member State requires this as a precondition.~~ ~~2. Member States shall determine at what stage decisions, acts or omissions may be challenged.~~ ~~3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.~~ ~~To that end, the interest of any non-governmental organisation promoting environmental protection and meeting the requirements under national law shall be deemed sufficient for the purposes of paragraph 1(a).~~ ~~Such organisations shall also be deemed to have rights capable of being impaired for the purposes of paragraph 1(b).~~ ~~4. Paragraphs 1, 2 and 3 shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.~~ ~~5. Any such review procedure referred to in paragraph 1 and 4 shall be fair, equitable, timely and not prohibitively expensive.~~ ~~Member States shall ensure that information is made available to the public on access to administrative and judicial review procedures.~~	
Article 17. Evaluation 1. The Commission shall, by [12 years after the end-date for transposition of this Directive], carry out an evaluation of this Directive. The evaluation shall be based, *inter alia*, on the following elements: (a) the experience gathered with the implementation of this Directive; (b) the data sets from Member States set up in accordance with Article 15(1) and the Union-wide overviews compiled by the European Environment Agency in accordance with Article 15(3); (c) relevant scientific, analytical and epidemiological data; (d) World Health Organisation recommendations, where available.	
2. In the context of the evaluation, the Commission shall pay particular regard to the performance of this Directive concerning the following aspects: (a) the risk-based approach set out in Article 7; ~~(b) provisions related to access to water set out in Article 13;~~ (b) ~~(c)~~ provisions concerning the information to be provided to the public under Article 14 and Annex IV.	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Article 18. Review and amendment of Annexes 1. At least every five years, the Commission shall review Annex**es** I **and II** in the light of scientific and technical progress **as well as the Member States' hazard and domestic distribution risk assessments contained in the data sets established pursuant to Article 15 and, where appropriate, shall make legislative proposals for amendments in accordance with the Treaty.** ~~The Commission shall, on the basis of Member States' hazard and domestic distribution risk assessments contained in the data sets set up pursuant to Article 15, review Annex II and assess whether there is a need to adapt it or to introduce new monitoring specifications for the purposes of those risk assessments.~~ 2. The Commission is empowered to adopt delegated acts in accordance with Article 19 amending Annex~~es~~ **III** ~~I to IV~~ where necessary, to adapt **it** ~~them~~ to scientific and technical progress ~~or to specify monitoring requirements for the purposes of the hazard and domestic distribution risk assessments pursuant to Article 8(1)(d) and Article 10(1)(b)~~.	
Article 19. Exercise of the delegation 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. 2. The power to adopt delegated acts referred to in Article 18(2) shall be conferred on the Commission for ~~an indeterminate period of time from [date of entry into force of this Directive]~~ **a period of 5 years from [date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power no later than nine months beofre the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.**	
3. The delegation of power referred to in Article 18(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. 6. A delegated act adopted pursuant to Article 18(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Article 20. Committee procedure 1. The Commission shall be assisted by a committee.That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. **Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation 182/2011 shall apply.**	
Article 21. Penalties Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by … [2 years after entry into force of this Directive], notify the Commission of those rules and those measures and shall notify it of any subsequent amendment affecting them.	
Article 22. Transposition 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 2 and 5 to 21 and Annexes I to IV by … [2 years after entry into force of this Directive] . They shall immediately communicate the text of those measures to the Commission . When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directives repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. 2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
Article 22bis. Transitional period **1. Member States shall take the measures necessary to ensure that water intended for human consumption complies with the parametric values set in Annex I, part B, for the following parameters: Chlorate, Chlorite, Haloacetic Acids, Microcystin-LR, PFAS, PFAS-total, Uranium, by [3 years after end-date for transposition].** **2. During this transitional period, water suppliers shall not be obliged to monitor the water intended for human consumption in accordance with the provisions of Article 11 for the parameters listed in the first paragraph.**	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Article 23. Repeal 1. Directive 98/83/EC, as amended by the instruments listed in Annex V, Part A, is repealed with effect from [day after the date in the first subparagraph of Article 22(1)] , without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex V, Part B. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VI. 2. Derogations granted by Member States 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.	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

ANNEX I. **MINIMUM REQUIREMENTS FOR PARAMETRIC VALUES USED TO ASSESS THE QUALITY OF WATER INTENDED FOR HUMAN CONSUMPTION**

PART A. Microbiological parameters

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[a]~~	~~No abnormal change~~		
Somatic coliphages	0	Number/100 ml	
~~Turbidity~~	~~<1~~	~~NTU~~	

PART B

Chemical parameters

Parameter	Parametric value	Unit	Notes
Acrylamide	0,10	µg/l	The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.
Antimony	~~5,0~~ **20**	µg/l	
Arsenic	10	µg/l	

Acrylamide/ Epichlorohydrin / Vinyl chloride
Delete the note, since it was put in DIR'98 for not having reliable analysis methods. Currently there are standardized analysis

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

Benzene	1,0	µg/l	
Benzo(a)pyrene	0,010	µg/l	
~~Beta-estradiol (50-28-2)~~	~~0,001~~	~~µg/l~~	
~~Bisphenol A~~	~~0,01~~	~~µg/l~~	
Boron	~~1,0~~ **2,4**	mg/l	
Bromate	10	µg/l	
Cadmium	5,0	µg/l	
Chlorate	0,25	mg/l	**Parametric value of 0,7 mg/l shall be applied when chlorine dioxide is used for disinfection of water intended for human consumption.**
Chlorite	0,25	mg/l	**Parametric value of 0,7 mg/l shall be applied when chlorine dioxide is used for disinfection of water intended for human consumption.**
Chromium	25	µg/l	The value shall be met, at the latest, by [10 years after the entry into force of this Directive]. The parametric value for chromium until that date is 50 µg/l.
Copper	2,0	mg/l	
Cyanide	50	µg/l	
1,2-dichloroethane	3,0	µg/l	
Epichlorohydrin	0,10	µg/l	The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.
Fluoride	1,5	mg/l	
Haloacetic acids (HAAs)	80	µg/l	**This paramenter shall be measured only when 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

methods: GC-MS

Other parameters

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

			acid, dibromochloroacetic acid and tribromoacetic acid.
Lead	5	µg/l	The value shall be met, at the latest, by [10 years after the entry into force of this Directive]. The parametric value for lead until that date is 10 µg/l.
Mercury	1,0	µg/l	
Microcystin-LR	1,0	µg/l	**This parameter needs not to be measured unless the water originates from or is influenced by surface water.**
Nickel	20	µg/l	
Nitrate	50	mg/l	Member States shall ensure that the condition [nitrate]/50 + [nitrite]/3 ≤ 1, where the square brackets signify the concentrations in mg/l for nitrate (NO_3) and nitrite (NO_2), is complied with and that the value of 0,10 mg/l for nitrites is complied with ex water treatment works.
Nitrite	0,50	mg/l	Member States shall ensure that the condition [nitrate]/50 + [nitrite]/3 ≤ 1, where the square brackets signify the concentrations in mg/l for nitrate (NO_3) and nitrite (NO_2), is complied with and that the value of 0,10 mg/l for nitrites is complied with ex water treatment works.
~~Nonylphenol~~	~~0,3~~	~~µg/l~~	
Pesticides	0,10	µg/l	'Pesticides' means: – organic insecticides, – organic herbicides, – organic fungicides, – organic nematocides, – organic acaricides, – organic algicides, – organic rodenticides – organic slimicides, – related products (*inter alia*, growth

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

			regulators) and their relevant metabolites as defined in Article 3(32) of Regulation (EC) No 1107/2009[3]. The parametric value applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide, the parametric value is 0,030 µg/l. **Only those pesticides which are likely to be present in a given supply need be monitored.**
Pesticides — Total	0,50	µg/l	'Pesticides — Total' means the sum of all individual pesticides, as defined in the previous row, detected and quantified in the monitoring procedure.
Perfluorooctanoic acid - PFOA	**4**	**µg/l**	**If PFOS is present at the same time, the following formula shall apply: PFOS concentration/0,4 µg/L + PFOA concentration/4,0 µg/L ≤ 1,0**
Perfluorooctane sulfonate - PFOS	**0,40**	**µg/l**	**If PFOA is present at the same time, the following formula shall apply: PFOS concentration/0,4 µg/L + PFOA concentration/4,0 µg/L ≤ 1,0**
~~PFAS~~	~~0,10~~	~~µg/l~~	~~'PFAS' means each individual per- and polyfluoroalkyl substance (chemical formula: C_nF_{2n+1}–R).~~ ~~**Only relevant PFAS which are likely to be present in a given supply need be monitored.**~~
~~PFASs - Total~~	~~0,50~~	~~µg/l~~	~~'PFASs Total' means the sum of per- and polyfluoroalkyl substances (chemical formula: C_nF_{2n+1}–R).~~

[3] Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309 24.11.2009, p. 1).

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

			~~**Only relevant PFAS – Total which are likely to be present in a given supply need be monitored.**~~
Polycyclic aromatic hydrocarbons	0,10	µg/l	Sum of concentrations of the following specified compounds: benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, and indeno(1,2,3-cd)pyrene.
Selenium	~~10~~ **30**	µg/l	
Tetrachloroethene and Trichloroethene	10	µg/l	Sum of concentrations of specified parameters
Trihalomethanes — Total	100	µg/l	Where possible, without compromising disinfection, Member States shall strive for a lower value. Sum of concentrations of the following specified compounds: chloroform, bromoform, dibromochloromethane, bromodichloromethane.
Uranium	30	µg/l	
Vinyl chloride	0,50	µg/l	The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.

PART C. Parameters relevant for the domestic distribution risk assessment

Indicator parameters

Parameter	Parametric value	Unit	Notes
Aluminium	**200**	**µg/l**	
Ammonium	**0,50**	**mg/l**	
Chloride	**250**	**mg/l**	**Note 1**
Colour	**Acceptable to consumers and no abnormal change**		

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

Conductivity	**2500**	**µS cm^{-1} at 20 °C**	**Note 1**
Hydrogen ion concentration	**≥ 6,5 and ≤ 9,5**	**pH units**	**Notes 1 and 2**
Iron	**200**	**µg/l**	
Manganese	**50**	**µg/l**	
Odour	**Acceptable to consumers and no abnormal change**		
Sulphate	**250**	**mg/l**	**Note 1**
Sodium	**200**	**mg/l**	
Taste	**Acceptable to consumers and no abnormal change**		
Colony count 22°	**No abnormal change**		
Coliform bacteria	**0**	**number/100 ml**	**Note 3**
Total organic carbon (TOC)	**No abnormal change**		**Note 4**
Turbidity	**Acceptable to consumers and no abnormal change**		

Note 1: The water should not be aggressive.

Note 2: For still water put into bottles or containers, the minimum value may be reduced to 4,5 pH units. For water put into bottles or containers which is naturally rich in or artificially enriched with carbon dioxide, the minimum value may be lower.

Note 3: For water put into bottles or containers the unit is number/250 ml.

Note 4: This parameter need not be measured for supplies of less than 10000 m3 a day.

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

PART D

Parameter	Parametric value	Unit	Notes
Legionella	<1000	Number/l	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
Lead	5	µg/l	The value shall be met, at the latest, by [10 years after the entry into force of this Directive]. The parametric value for lead until that date is 10 µg/l.

Legionella:

Given the experience of control and prevention of outbreaks by legionella in Spain, we consider that:

a) VP = 100 / L is proposed.

b) Experience shows that when the level detected is 1000, there are already problems and we must act in the installation.

c) The parametric value should be established for Legionella spp.

e) When the value of 100 / L is exceeded, the species to which it belongs and in case of an outbreak should always be identified.

Lead

a) Lead, copper, nickel, chromium and zinc; also turbidity and microbiological contamination.

b) Parameters related to a potential damage in quality of water in indoor installations, should be such that lead, copper, nickel, chromium and zinc, as

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.	
	well as turbidity and microbiological contamination. **c) We propose maintain the WHO recommendation: there is no clear threshold that involves health risks. For this reason, we request the Commission to present epidemiological studies supporting the decrease in the parametric value of lead from 10 to 5 µg/L.** **d) Lead presence may appears in pipelines are not make with lead but that contain trace of lead in their composition, this type of pipes comply with the parametric value of < 10 µg/L. It has been estimated the cost of change drinking water pipelines fabric with PVC and lead as a stabilizer, this cost overcomes 12.000 millions of euros, since a estimate cost of 500 € per meter of pipe.**
PART E. Parameters watch list ~~with marker values~~	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

Parameter			Notes
Beta-estradiol (50-28-2)	~~0,001~~	~~µg/l~~	
Bisphenol A	~~0, 1~~	~~µg/l~~	
Nonylphenol	~~0,3~~	~~µg/l~~	
PFAS			'PFAS' means each individual per- and polyfluoroalkyl substance (chemical formula: CnF2n+1−R). Only relevant PFAS for which a health risk has been established and which are likely to be present in a given supply need to be monitored.
PFASs - Total			'PFASs Total' means the sum of per- and polyfluoroalkyl substances (chemical formula: CnF2n+1−R). Only relevant PFAS for which a health risk has been established and which are likely to be present in a given supply need to be monitored.

6-estradiol (50-28-2) / Bisphenol A / Nonylphenol

Follow the WHO recommendations that consider there is not enough evidence regarding the health risks derived from drinking water. Drinking water is a minor source of exposure.

If they were included, we propose to base the PVs on sanitary criteria and not on environmental quality. Based on evaluations made by international organizations (EFSA, FAO/WHO)

PFAS
Specify the ones to be controlled, attaching the CAS number.

PFAS TOTAL
Not indicating the PFAS that have to be controlled, it makes it very difficult to add them.

ANNEX II . MONITORING

PART A. General objectives and monitoring programmes for water intended for human consumption

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

1. Monitoring programmes established pursuant to Article 11(2) for water intended for human consumption shall : (a) verify that the measures in place to control risks to human health throughout the water supply chain from the abstraction area through treatment and storage to distribution are working effectively and that water at the point of compliance is wholesome and clean; (b) provide information on the quality of the water supplied for human consumption to demonstrate that the obligations set out in Article 4 andthe parametric values set in accordance with Article 5 are being met; (c) identify the most appropriate means of mitigating the risk to human health. 2. Monitoring programmes established pursuant to Article 11(2) shall include one of the following : (a) collection and analysis of discrete water samples; (b) measurements recorded by a continuous monitoring process.	
In addition, monitoring programmes may consist of: (a) inspections of records of the functionality and maintenance status of equipment; (b) inspections of the abstraction area, and of the treatment, storage and distribution infrastructure without prejudice to monitoring requirements provided under Article 8(1)(c) and Article 10(1)(b) .	
3. Monitoring programmes shall also include an operational monitoring programme complementary to verification monitoring, providing rapid insight in operational performance and water quality problems, and allowing rapid pre-planned remedial action. Such operational monitoring programmes shall be supply-specific, taking into account the outcomes of the hazard and supply risk assessments, and intended to confirm the effectiveness of all control measures in abstraction, treatment, distribution and storage. The operational monitoring programme shall include the monitoring of the parameter turbidity to regularly control the efficacy of physical removal by filtration processes, in accordance with the parametric values and frequencies indicated in the following table:	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

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

4. Member States shall ensure that monitoring programmes are reviewed on a continuous basis and updated or reconfirmed at least every 6 years.

PART B

~~Core~~ Parameters and sampling frequencies

1. ***~~Core~~ List of*** *parameters*

Group A

The following parameters (Group A) shall be monitored in accordance with the monitoring frequencies set out in Table 1 of point 2:

(a) ***Escherichia coli* (*E. coli*), enterococci, coliform bacteria, colony count 22 °C, colour, turbidity, taste, odour, pH, conductivity;**

(b) **other parameters identified as relevant in the monitoring programme, in accordance with Article 5(3) and, where relevant, through a risk assessment as set out in Part C.**

Under specific circumstances, the following parameters shall be added to the Group A Parameters:

(a) **ammonium and nitrite, if chloramination is used;**

(b) **aluminium and iron, if used as water treatment chemicals.**

Escherichia coli (E. coli) **and enterococci** ~~*Clostridium perfringens spores*, and somatic coliphages~~ are considered 'core parameters' and may not be subject to a supply risk assessment in accordance with **Article 9 and** part C of this Annex. They shall always be monitored at the frequencies set out in Table 1 of point 2.

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

Group B parameters

In order to determine compliance with all parametric values set out in this Directive, all other parameters not analysed under Group A and set in accordance with Article 5 shall be monitored at least at the frequencies set out in Table 1 of point 2, unless a different sampling frequency is determined on the basis of a supply risk assessment carried out in accordance with Article 9 and part C of this Annex.

2. Sampling frequencies

~~All parameters set in accordance with Article 5 shall be monitored at least at the frequencies set out in the following Table, unless a different sampling frequency is determined on the basis of a supply risk assessment carried out in accordance with Article 9 and part C of this Annex:~~

Table 1

Minimum frequency of sampling and analysis for compliance monitoring

Volume of water distributed or produced each day within a supply zone (See Notes 1 and 2) m^3		Group A parameter number of samples per year (See Note 3)	Group B parameter number of samples per year (See Note 3)
	≤ 10	**> 0** (See Note 4)	**> 0** (See Note 4)
>10	≤ 100	1 (See Note 4)	1 (See Note 5 4)
> 100	≤ 1000	4	2
> 1000	≤ 10000	4 + 3 for each additional 1000 m^3/d and part thereof of the total volume	2 + 1 for each additional 4500 m^3/d and part thereof of the total volume
> 10000	≤ 100000		3 + 1 for each additional 10000 m^3/d

Study reservation

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

			and part thereof of the total volume	
> 100000			12 + 1 for each additional 25000 m^3/d and part thereof of the total volume	

Note 1:	A supply zone is a geographically defined area within which water intended for human consumption comes from one or more sources and water quality may be considered as being approximately uniform.	**Study reservation**
Note 2:	The volumes are calculated as averages taken over a calendar year. The number of inhabitants in a supply zone may be used instead of the volume of water to determine the minimum frequency, assuming water consumption of 200 l/(day*_capita_).	
***Note 3*:**	**The frequency indicated is calculated as follows: e.g. 4300 m3/d = 16 samples (four for the first 1000 m3/d + 12 for additional 3300 m3/d).**	
*Note **4**:*	**Without prejudice to exemptions applied by Member States und Article 3(2)(b), Member States shall lay down the mimimum sampling frequency, provided that core parameters are monitored at least once per year.** ~~Member States that have decided to exempt individual supplies under Article 3(2)(b) shall apply these frequencies only for supply zones that distribute between 10 and 100 m^3 per day.~~	
Note 5:	**Member States may reduce the sampling frequency, provided that all parameters set in accordance with Article 5 are monitored at least once every ten years as well as in cases where a new water source is integrated or changes to the water supply system are made and an adverse effect on the quality of water is to be expected.**	

PART C. Supply risk assessment	
1. The supply risk assessment referred to in Article 9 shall be based on the general principles of risk assessment set out in international standards such as standard EN 15975-2 concerning 'security of drinking water supply, guidelines for risk and crisis management'. 2. Following a supply risk assessment, the list of parameters considered in the monitoring shall be extended and the sampling frequencies set out in Part B increased, where any of the following conditions is fulfilled: (a) the list of parameters or frequencies set out in this Annex is not sufficient to fulfil the obligations imposed under Article 11(1); (b) additional monitoring is required for the purposes of Article 11(**5**); (c) it is necessary to provide the assurances set out in point (1)(a) of Part A; (d) increasing the sampling frequencies is necessary pursuant to Article 8(3)(a).	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

3. Following a supply risk assessment, the list of parameters considered in the monitoring and the sampling frequencies set out in Part B may be reduced provided all of the following conditions are met: (a) the location and frequency of sampling is determined in relation to the parameter's origin, as well as the variability and long-term trend of its concentration, taking into account Article 6; (b) for reducing the minimum sampling frequency of a parameter the results obtained from samples collected at regular intervals over a period of at least 3 years from sampling points representative of the whole supply zone are all less than 60 % of the parametric value; (c) for removing a parameter from the list of parameters to be monitored the results obtained from samples collected at regular intervals over a period of at least 3 years from points representative of the whole supply zone are all less than 30 % of the parametric value; (d) for removing a parameter from the list of parameters to be monitored, the decision is based on the result of the risk assessment, informed by the results of monitoring of sources of water intended for human consumption and confirming that human health is protected from the adverse effects of any contamination of water intended for human consumption, as laid down in Article 1; (e) for reducing the sampling frequency of a parameter or for removing a parameter from the list of parameters to be monitored, the risk assessment confirms that no factor that can be reasonably anticipated is likely to cause deterioration of the quality of the water intended for human consumption.	
4. Where monitoring results, demonstrating that the conditions set out in paragraph 3, points (b) to (e) are met, are already available by [the date of entry into force of this Directive], those monitoring results may be used to adapt the monitoring following the supply risk assessment from that date.	
PART D. Sampling methods and sampling points	
1. Sampling points shall be determined so as to ensure compliance with the points of compliance as defined in Article 6. In the case of a distribution network, a Member State may take samples within the supply zone or at the treatment works for particular parameters if it can be demonstrated that there would be no adverse change to the measured value of the parameters concerned. As far as possible, the number of samples shall be distributed equally in time and location.	
2. Sampling at the point of compliance shall meet the following requirements: (a) compliance samples for certain chemical parameters (in particular copper, lead, ~~*Legionella*~~ and nickel) shall be taken at the consumer's tap without prior flushing. A random daytime sample of one litre volume is to be taken. As an alternative, Member States may use fixed stagnation time methods that better reflect their national situation, provided that, at the supply zone level, this does not result in fewer cases of non-compliance than using the random daytime method; (b) compliance samples for microbiological parameters at the point of compliance shall be taken and handled according to EN ISO 19458, sampling purpose B.	

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

Samples for *Legionella* in domestic distribution systems shall be taken at risk points for proliferation of and/or exposure to *Legionella pneumophila*. Member States shall establish guidelines for sampling methods for *Legionella*.	
3. Sampling in the distribution network, with the exception of sampling at the consumers' tap, shall be in accordance with ISO 5667-5. For microbiological parameters, sampling in the distribution network shall be taken and handled according to EN ISO 19458, sampling purpose A.	
<u>ANNEX III.</u> SPECIFICATIONS FOR THE ANALYSIS OF PARAMETERS	
Member States shall ensure that the methods of analysis used for the purposes of monitoring and demonstrating compliance with this Directive are validated and documented in accordance with EN ISO/IEC 17025 or other equivalent standards accepted at international level. Member States shall ensure that laboratories or parties contracted by laboratories apply quality management system practices in accordance with EN ISO/IEC 17025 or other equivalent standards accepted at international level. In the absence of an analytical method meeting the minimum performance criteria set out in Part B, Member States shall ensure that monitoring is carried out using best available techniques not entailing excessive costs.	
PART A **Microbiological parameters for which methods of analysis are specified**	
The methods for microbiological parameters are: (a) *Escherichia coli* (*E. coli*) and coliform bacteria (EN ISO 9308-1 or EN ISO 9308-2) (b) *Enterococci* (EN ISO 7899-2) ~~(c) *Pseudomonas aeruginosa* (EN ISO 16266)~~ (d) colony count or heterotrophic plate counts at 22 °C (EN ISO 6222) (e) *Clostridium perfringens* including spores (EN ISO 14189) (f) Turbidity (EN ISO 7027) (g) *Legionella* (EN ISO 11731) (h) Somatic coliphages (EN ISO 10705-2)	 **Study reservation** **Include in the text of the Annex, the possibility of using officially equivalent alternative methods, whose equivalence has been carried out in compliance with standard 17994.** **Spain have two equivalent alternative**

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

methods since 2006

PART B. Chemical and indicator parameters for which performance characteristics are specified

*1. Chemical **and indicator** parameters*

For the parameters set out in Table 1, the method of analysis used shall , as a minimum, be capable of measuring concentrations equal to the parametric value with a limit of quantification, as defined in Article 2(2) of Commission Directive 2009/90/EC[4], of 30 % or less of the relevant parametric value and an uncertainty of measurement as specified in Table 1. The result shall be expressed using at least the same number of significant figures as for the parametric value considered in **Parts** B **and C** of Annex I.

The uncertainty of measurement laid down in Table 1 shall not be used as an additional tolerance to the parametric values set out in Annex I.

Table 1

Minimum performance characteristic 'Uncertainty of measurement'

Parameters	Uncertainty of measurement (See Note 1) % of the parametric value **(except for pH)**	Notes
Aluminium	**25**	
Ammonium	**40**	
Acrylamide	30	
Antimony	40	
Arsenic	30	
Benzo(a)pyrene	50	See Note 2
Benzene	40	
~~Beta-estradiol (50-28-2)~~	~~50~~	
~~Bisphenol A~~	~~50~~	
Boron	25	
Bromate	40	
Cadmium	25	
Chloride	**15**	
Chlorate	30	
Chlorite	30	

ß-estradiol 50%

There might be difficult to reach this uncertainty, due to the low recoveries in the extraction stage.

Chlorate 30%

With the proposed PV, the Uncertainty should be 40%

Chlorite 30%

[4] Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status (OJ L 201, 1.8.2009, p. 36).

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

Chromium	30	
Copper	25	
Cyanide	30	See Note 3
1,2-dichloroethane	40	
Epichlorohydrin	30	
Fluoride	20	
HAAs	50	
Hydrogen ion concentration pH (expressed in pH units)	**0,2**	**See Note 4**
Iron	**30**	
Lead	25	
Manganese	**30**	
Mercury	30	
Microcystin-LR	30	
Nickel	25	
Nitrate	15	
Nitrite	20	
~~Nonylphenol~~	~~50~~	
Oxidisability	**50**	**See Note 5**
Pesticides	30	See Note **6** ~~4~~
PFASs	50	
Polycyclic aromatic hydrocarbons	30	See Note **7** ~~5~~
Selenium	40	
Sodium	**15**	
Sulphate	**15**	
Tetrachloroethene	30	See Note **8** ~~6~~
Trichloroethene	40	See Note **8** ~~6~~
Trihalomethanes — total	40	See Note **7** ~~5~~
Total organic carbon (TOC)	**30**	**See Note 9**
Turbidity	**30**	**See Note 10**
Uranium	30	
Vinyl chloride	50	

With the proposed PV, the Uncertainty should be 40%

Lead 25%

When lowering the PV to 5 µg/L, the method of analysis by ICP-OES, will not reach this uncertainty. It should be at least 30%.

Polycyclic aromatic hydrocarbons 30%

An uncertainty of 30% is very restrictive for higher molecular weight compounds.

Taken into account that for the Benzo (a) Pyrene which is of the same family, an uncertainty of up to 60% is admitted, for the others it should be at least 40%.

Tetrachloroethene 30%

The rest of the VOCs have an uncertainty of 40%, including Trichloroethene, the uncertainty should be the same: 40%.

Other parameters

2. Notes to Table 1

Note 1	Uncertainty of measurement is a non-negative parameter characterising the dispersion of the quantity values being attributed to a measurand, based on the information used. The performance criterion for measurement uncertainty (k = 2) is the percentage of the parametric value stated in the table or any stricter value . Measurement uncertainty

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

	shall be estimated at the level of the parametric value, unless otherwise specified.	
Note 2	If the value of uncertainty of measurement cannot be met, the best available technique should be selected (up to 60 %).	
Note 3	The method determines total cyanide in all forms.	
Note 4	**Values for trueness, precision and uncertainty of measurement are expressed in pH units.**	
Note 5	**Reference method: EN ISO 8467.**	
*Note **6***	The performance characteristics for individual pesticides are given as an indication. Values for the uncertainty of measurement as low as 30 % can be achieved for several pesticides, higher values up to 80 % may be allowed for a number of pesticides.	
*Note **7***	The performance characteristics apply to individual substances, specified at 25 % of the parametric value in Part B of Annex I.	
*Note **8***	The performance characteristics apply to individual substances, specified at 50 % of the parametric value in Part B of Annex I.	
Note 9	**The uncertainty of measurement should be estimated at the level of 3 mg/l of the total organic carbon (TOC). CEN 1484 Guidelines for the determination of TOC and dissolved organic carbon (DOC) shall be used.**	
Note 10	**The uncertainty of measurement should be estimated at the level of 1,0 NTU.**	

ANNEX IV. INFORMATION TO THE PUBLIC TO BE PROVIDED ONLINE

The following information shall be accessible to consumers on-line in a user-friendly and customized way:

(1) identification of the relevant water supplier;

(2) the most recent monitoring results for parameters listed in Annex I, parts A, ~~and~~ B and C, including frequency ~~and~~ ~~location~~ **~~distribution~~** of sampling ~~points~~, ~~relevant to the area of interest to the person supplied,~~ together with the parametric value set in accordance with Article 5. The monitoring results must not be older than **one year**:

~~(a) one month, for very large water suppliers;~~

~~(b) six months for large water suppliers;~~

~~(c) one year for small water suppliers;~~

(3) types of water treatment and disinfection applied;

(4) ~~(3)~~ in case of exceedance of the parametric values set in accordance with Article 5 **and which are considered as relevant for human health by the competent authorities or other relevant bodies**, information on the potential danger to human health and the associated health and consumption advice or a hyperlink providing access to such information;

(5) ~~(4)~~ a summary of the relevant supply risk assessment;

~~(5) information on the following indicator parameters and associated parametric values:~~

~~...~~

~~•~~

DOC 13918/2018. Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast). Annexes.

~~• Those parametric values and other non-ionised compounds and trace elements may be displayed with a reference value and/or an explanation;~~	
(**6**) advice to consumers including on how to reduce water consumption **and avoid health risks due to stagnant water;** ~~(**6**) (7) for very large water suppliers, annual information on:~~ ~~(a) the overall performance of the water system in terms of efficiency, including **for instance** leakage rates and energy consumption per cubic meter of delivered water;~~ ~~(b) information on management and governance of the water supplier, including the composition of the board;~~ ~~(**b**) water quantity supplied yearly and trends;~~ ~~(**c**) information on the cost structure of the tariff charged to consumers per cubic meter of water, including fixed and variable costs, presenting at least costs related to energy use per cubic meter of delivered water, measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(4), treatment and distribution of water intended for human consumption, waste water collection and treatment, and costs related to measures for the purposes of Article 13, where such measures have been taken by water suppliers;~~ ~~(c) the amount of investment considered necessary by the supplier to ensure the financial sustainability of the provision of water services (including maintenance of infrastructure) and the amount of investment actually received or recouped;~~ ~~(**d**) types of water treatment and disinfection applied;~~ ~~(**e**) summary and statistics of consumer complaints **and their handling,** and of timeliness and adequacy of responses to problems;~~	
~~(7)(8)~~ **upon request, consumers shall be provided with the information under points (1) to (5) in hard copy or shall be given** access to historical data for information under points (2) and (3), dating back up to 10 years, ~~upon request~~.	 **Study reservation**

Art. 10. a. Materials in contact with water intended for human consumption. Questions and issues raised by COM in response to the Article 10a proposal from 10MS

1. **Scope issues**

- **What is the relation between materials and products in contact with drinking water?**

  10 MS

- **Do the provisions in the draft Article 10 apply to 'materials' only? The draft is vague on this, and this needs to be clarified, as it refers in paragraph 5 and in the Annex VII to products (construction products, non-harmonized products, assembled products, materials used in products ….).**

  10 MS

  - ***Does it apply to materials, meaning to starting/intermediate/semifinished materials only, that enter into products, but themselves are not put on the market (B2B)?***

    10 MS

  - ***Does it mean that products made of 'accepted' materials are considered 100% safe, so that, even if further processing is done, no additional testing is needed?***

    10 MS

  Annex VII with Uniform principles, general rules, specific requirements, specific approaches to groups, and compliance criteria and testing is complex and not clear.

  - ***Are the compliance criteria, assessments, and the test matrix in chapter 1.3 of in Annex VII intended to develop the positive lists, so rather a cookbook for the material business operators to compose the materials and to determine the ingredients list?***

    10 MS

- ***Or are these additional requirements to be complied with beyond the positive lists?***

  10 MS

- ***Who shall test against these criteria, the business operator, or authorities/laboratories?***

  10 MS

➢ **The draft mentions a new element; i.e. treatment chemicals. This is very vague and it is not clear what is meant by the adoption of uniform principles for the assessment of treatment chemicals, and expands the scope significantly.**

- ***This new element entered into the discussion only at a very late stage, and it is unclear what 'treatment chemicals' are. The extent of what treatment chemicals (or other physico-chemical treatment methods) are in use in Europe has not been estimated.***

  10 MS

  The biocides PT 5 should not be in this group

- ***Could there be overlaps with EU Biocidal Products Regulation 528/2012, which covers diverse groups of products, including disinfectants? The BPR has lists of approved active substances and supplies and authorised products.***

  10 MS

2. <u>Implementation issues</u>

- **The following essential elements seem to be missing from the proposal:**
  - **Procedure for authorizing (new) materials – who has the right to prepare applications and technical dossiers? Is it industry or Member States?**
    Options:
    i. Industry will have to send the application to the cited EU Authority, which will prepare the technical dossier; or
    ii. Industry will have to send the application to a national authority, which will prepare a technical dossier. The technical dossier will then be provided to the EU Authority.

10 MS; Option i

- **Is there a national competent authorities involved to make the application to the Authority?**

Study reservation

- **Does the national competent authorities shall make own assessments and /or provide supplementary information? There are several administrative steps and mechanisms needed as regards to materials acceptance or authorisations. How is this envisaged?**

10 MS

A Member State body is needed to provide assessments, services, and to make decisions related to material acceptance/authorisation. How do the proposal foresee that this will take place?

Study reservation

- **The draft mentions in introduction that the standardization of testing of construction products will stay under the CPR. Such a hybrid approach whereby parts of CPR system would be used for requirements that are not under the CPR but under the DWD is problematic.**
  - ***Is this intended?***

10 MS

If not, how is this envisaged?

10 MS

How should it work in practice?

10 MS

  - ***Standardization work is done so far for the testing of construction products, not of materials. Is a new own mandate for materials testing envisaged?***


10 MS

As the materials are used in products that enter the market, how shall the manufacturer declare product conformity (considering that positive lists will be only available step by step, and possibly only some but not all materials will be in accordance to positive lists)?


10 MS

- ***A Member State body may further be needed for such product-related controls (conformity assessment, attestation of conformity, certification of management systems, inspections, market surveillance). Should such articles be added (for example using the models from other Single Market Product Regulations)?***


10 MS

3. Authority

- Paragraph 4 envisages the designation of an European Authority tasked with providing scientific opinions.
  - ***An agreement to finance additional work and staff at EU level is needed. Has this provision been approved by finance ministries of Member States?***


10 MS

4. Timing

- Timing for implementing acts and delegated acts is unrealistic: 2 years after entry into force. In addition, according to Better Regulation principles, please note that an impact assessment may be necessary before adoption of a delegated act likely to have significant economic, environmental or social impact. Therefore timing needs to be adapted.
  - ***Substantive work needs to be done by the Commission and more time must be included for this.***


10 MS

4. Legal issues

The scope proposed here would go beyond the scope of implementing acts. The correct legal way would be to adopt a new Regulation / legislative act by ordinary legislative procedure. This will likely be a problem for the Parliament as well. Implementing acts are used when there is a need to set "uniform conditions for implementation". For instance, a common format for reporting. Please note that Council does not want the Commission to have implementing powers for Art 14 implementation (common modalities for online information) but would be satisfied with implementing powers for setting minimum health requirements. Also

note that with correct legal drafting, the procedure should be set (there are 2 procedures for the adoption of implementing acts, an advisory or an examination procedure – depending on the procedure, the opinion of the Committee is binding or not on the Commission).

- ***The scope of implementing acts setting "uniform principles for the assessment of materials and starting substances to produce materials and treatment chemicals" goes way beyond what implementing acts may set.***

10 MS

The scope proposed here would go beyond the scope of delegated acts as. Scope of delegated acts – delegated acts is meant to supplement or amend certain non-essential elements of a legislative act.

- ***The scope of delegated acts would go beyond as there would need to be more details set out in the main Article of the Directive to be able to consider that the delegated acts is limited to supplemented non-essential elements.***

10 MS

Madrid, 21 de noviembre de 2018