

Thursday 28 March 2019

P8_TA(2019)0320

Quality of water intended for human consumption ***I

European Parliament legislative resolution of 28 March 2019 on the proposal for a directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast) (COM(2017)0753 — C8-0019/2018 — 2017/0332(COD))

(Ordinary legislative procedure — recast)

(2021/C 108/51)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0753),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0019/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Chamber of Deputies, the Irish Houses of the Oireachtas, the Austrian Federal Council and the United Kingdom House of Commons, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 12 July 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 16 May 2018 ⁽²⁾,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽³⁾,
 - having regard to the letter of 18 May 2018 sent by the Committee on Legal Affairs to the Committee on the Environment, Public Health and Food Safety in accordance with Rule 104(3) of its Rules of Procedure,
 - having regard to Rules 104 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A8-0288/2018),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out ⁽⁴⁾, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 367, 10.10.2018, p. 107.

⁽²⁾ OJ C 361, 5.10.2018, p. 46.

⁽³⁾ OJ C 77, 28.3.2002, p. 1.

⁽⁴⁾ This position corresponds to the amendments adopted on 23 October 2018 (Texts adopted, P8_TA(2018)0397).

Thursday 28 March 2019

P8_TC1-COD(2017)0332**Position of the European Parliament adopted at first reading on 28 March 2019 with a view to the adoption of Directive (EU) .../... of the European Parliament and of the Council on the quality of water intended for human consumption (recast)**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and, in particular, Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,Having regard to the opinion of the Committee of the Regions ⁽²⁾,Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) Council Directive 98/83/EC ⁽⁴⁾ has been substantially amended several times ⁽⁵⁾. Since further amendments are to be made, that Directive should be recast in the interests of clarity.
- (2) Directive 98/83/EC set the legal framework to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean. This Directive should pursue the same objective **and should provide universal access to such water for all in the Union**. To that end, it is necessary to lay down at Union level the minimum requirements with which water intended for that purpose must comply. Member States should take ~~the~~ **all** necessary measures to ensure that water intended for human consumption is free from any micro-organisms and parasites and from substances which, in certain cases, constitute a potential danger to human health, and that it meets those minimum requirements. [**Am. 161, 187, 206 and 213**]
- (2a) *In line with the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 2 December 2015 entitled ‘Closing the loop — An EU action plan for the Circular Economy’, this Directive should strive to encourage water resource efficiency and sustainability, thereby meeting circular economy goals.* [**Am. 2**]
- (2b) *The Human Right to Water and Sanitation (HRWS) was recognised as a human right by the United Nations (UN) General Assembly on 28 July 2010 and thus, access to clean, potable water should not be restricted due to unaffordability by the end user.* [**Am. 3**]
- (2c) *Coherence between Directive 2000/60/EC of the European Parliament and of the Council ⁽⁶⁾ and this Directive is necessary.* [**Am. 4**]

⁽¹⁾ OJ C 367, 10.10.2018, p. 107.

⁽²⁾ OJ C 361, 5.10.2018, p. 46.

⁽³⁾ Position of the European Parliament of 28 March 2019.

⁽⁴⁾ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330 5.12.1998, p. 32).

⁽⁵⁾ See Annex V.

⁽⁶⁾ *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy* (OJ L 327, 22.12.2000, p. 1).

Thursday 28 March 2019

- (2d) **The requirements set out in this Directive should reflect the national situation and conditions of the water suppliers in the Member States.** [Am. 5]
- (3) It is necessary to exclude from the scope of this Directive natural mineral waters and waters which are medicinal products, since these waters are respectively covered by Directive 2009/54/EC of the European Parliament and of the Council (7) and Directive 2001/83/EC of the European Parliament and of the Council (8). However, Directive 2009/54/EC deals with both natural mineral waters and spring waters, and only the former category should be exempted from the scope of this Directive. In accordance with the third subparagraph of Article 9(4) of Directive 2009/54/EC, spring waters should comply with the provisions of this Directive. **However, that obligation should not extend to the microbiological parameters set out in Part A of Annex I to this Directive.** In the case of water intended for human consumption **from public water supply or private wells** put into bottles or containers intended for sale or used in the **commercial** manufacture, preparation or treatment of food, the water should, **as a matter of principle, continue to** comply with the provisions of this Directive until the point of compliance (i.e. ~~the tap~~), and should afterwards be considered as food, in accordance with the second subparagraph of Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council (9). **Where applicable food safety requirements are met, competent authorities in the Member States should have the power to authorise the reuse of water in food processing industries.** [Am. 6]
- (4) Following the conclusion of the European citizens' initiative on the right to water (Right2Water) (10) **which called on the Union to increase its efforts to achieve universal access to water**, a Union-wide public consultation was launched and a Regulatory Fitness and Performance (REFIT) Evaluation of Directive 98/83/EC was performed (11). It became apparent from that exercise that certain provisions of Directive 98/83/EC needed to be updated. Four areas were identified as offering scope for improvement, namely the list of quality-based parametric values, the limited reliance on a risk-based approach, the imprecise provisions on consumer information, and the disparities between approval systems for materials in contact with water intended for human consumption **and the implications this has for human health**. In addition, the European citizens' initiative on the right to water identified as a distinct problem the fact that part of the population, **especially among vulnerable and** marginalised groups, has **limited or** no access to **affordable** water intended for human consumption, which is also a commitment **made** under Sustainable Development Goal 6 of UN Agenda 2030. **In this context, the European Parliament recognised a right of access to water intended for human consumption for all in the Union.** A final issue identified is the general lack of awareness of water leakages, which are driven by underinvestment in maintenance and renewal of the water infrastructure, as also pointed out in the European Court of Auditors' Special Report on water infrastructure (12), **and by what is sometimes insufficient knowledge of water systems.** [Am. 7]
- (4a) **In order to fulfil the ambitious goals set up under the United Nations' Sustainable Development Goal No 6, Member States should be obliged to implement action plans to ensure universal and equitable access to safe and affordable drinking water for all by 2030.** [Am. 8]
- (4b) **The European Parliament adopted resolution of 8 September 2015 on the follow-up to the European Citizens' Initiative Right2Water.** [Am. 9]

(7) Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters (Recast) (OJ L 164, 26.6.2009, p. 45).

(8) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

(9) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

(10) COM(2014)0177.

(11) SWD(2016)0428.

(12) Special report of the European Court of Auditors SR 12/2017: 'Implementing the Drinking Water Directive: water quality and access to it improved in Bulgaria, Hungary and Romania, but investment needs remains substantial'.

Thursday 28 March 2019

- (5) The World Health Organisation (WHO) Regional Office for Europe conducted a detailed review of the list of parameters and parametric values laid down in Directive 98/83/EC in order to establish whether there is a need to adapt it in light of technical and scientific progress. In view of the results of that review⁽¹³⁾, enteric pathogens and *Legionella* should be controlled, six chemical parameters or parameter groups should be added, and three representative endocrine disrupting compounds should be considered with precautionary benchmark values. For three of the new parameters, parametric values that are more stringent than the ones proposed by the WHO, yet still feasible, should be laid down in light of the precautionary principle. For lead, the WHO noted that concentrations should be as low as reasonably practical, and for chromium, the value remains under WHO review; therefore, for both parameters, a transitional period of ten years should apply before the values become more stringent.
- (5a) ***Water intended for human consumption plays a fundamental role in the Union's ongoing efforts to strengthen the protection of human health and the environment against endocrine-disrupting chemicals. The regulation of endocrine-disrupting compounds in this Directive constitutes a promising step in line with the updated Union strategy on endocrine disruptors, which the Commission is obliged to deliver without any further delay. [Am. 11]***
- (6) The WHO also recommended that three parametric values be made less stringent and five parameters be removed from the list. Nevertheless, those changes are not considered necessary as the risk-based approach introduced by Commission Directive (EU) 2015/1787⁽¹⁴⁾ allows water suppliers to remove a parameter from the list to be monitored under certain conditions. Treatment techniques to meet those parametric values are already in place.
- (6a) ***Where scientific knowledge is not sufficient to determine the human health risk, or absence thereof, of a substance present in water intended for human consumption, or the permissible value for the presence of that substance, it should be placed on a watchlist, on the basis of the precautionary principle, until there are clearer scientific data. Accordingly, Member States should monitor such emerging parameters separately. [Am. 13]***
- (6b) ***Indicator parameters have no direct public-health impact. However, they are important as a means of determining how water production and distribution facilities are functioning and of evaluating water quality. They can help to identify water treatment deficiencies and they also play an important role in increasing and maintaining consumer confidence in water quality. Therefore, they should be monitored by Member States. [Am. 14]***
- (7) Where necessary ***for full implementation of the precautionary principle and*** to protect human health within their territories, Member States should be required to set values for additional parameters not included in Annex I. **[Am. 15]**
- (8) Preventive safety planning and risk-based elements were only considered to a limited extent in Directive 98/83/EC. The first elements of a risk-based approach were already introduced in 2015 with Directive (EU) 2015/1787, which amended Directive 98/83/EC so as to allow Member States to derogate from the monitoring programmes they have established, provided credible risk assessments are performed, which may be based on the WHO's Guidelines for Drinking Water Quality⁽¹⁵⁾. Those Guidelines, laying down the so-called 'Water Safety Plan' approach, together with standard EN 15975-2 concerning security of drinking water supply, are internationally recognised principles on which the production, distribution, monitoring and analysis of parameters in water intended for human

⁽¹³⁾ Drinking Water Parameter Cooperation Project of the WHO Regional Office for Europe 'Support to the revision of Annex I Council Directive 98/83/EC on the quality of water intended for human consumption (Drinking Water Directive) Recommendation', 11 September 2017.

⁽¹⁴⁾ Commission Directive (EU) 2015/1787 of 6 October 2015 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption (OJ L 260, 7.10.2015, p. 6).

⁽¹⁵⁾ Guidelines for drinking water quality, Fourth Edition, World Health Organisation, 2011 http://www.who.int/water_sanitation_health/publications/2011/dwq_guidelines/en/index.html

Thursday 28 March 2019

consumption are based. They should be maintained in this Directive. To ensure that those principles are not limited to monitoring aspects, to focus time and resources on risks that matter and on cost-effective source measures, and to avoid analyses and efforts on non-relevant issues, it is appropriate to introduce a complete risk-based approach, throughout the supply chain, from the abstraction area to distribution until the tap. That approach should **be based on the knowledge gained and actions carried out under Directive 2000/60/EC and should take into account more effectively the impact of climate change on water resources. A risk-based approach should** consist of three components: first, an assessment by the Member State of the hazards associated with the abstraction area ('hazard assessment'), in line with the WHO's Guidelines and Water Safety Plan Manual ⁽¹⁶⁾; second, a possibility for the water supplier to adapt monitoring to the main risks ('supply risk assessment'); and third, an assessment by the Member State of the possible risks stemming from the domestic distribution systems (e.g. *Legionella* or lead), **with special focus on priority premises** ('domestic distribution risk assessment'). Those assessments should be regularly reviewed, *inter alia*, in response to threats from climate-related extreme weather events, known changes of human activity in the abstraction area or in response to source-related incidents. The risk-based approach ensures a continuous exchange of information between competent authorities, ~~and~~ water suppliers **and other stakeholders, including those responsible for the pollution source or the risk of pollution. As an exception, the implementation of the risk-based approach should be adapted to the specific constraints of maritime vessels that desalinate water and carry passengers. European flag maritime vessels comply with the international regulatory framework when sailing in international waters. Furthermore, there are particular constraints for the transport and production of water intended for human consumption on board which means that the provisions of this Directive should be adapted accordingly.** [Am. 16]

(8a) **Ineffective use of water resources, in particular leakage in the water supply infrastructure, leads to over exploitation of scarce resources of water intended for human consumption. This severely hinders the Member States in reaching the objectives set under Directive 2000/60/EC.** [Am. 17]

(9) The hazard assessment should ~~be geared towards~~ **take a holistic approach to risk assessment, founded on the explicit aim of** reducing the level of treatment required for the production of water intended for human consumption, for instance by reducing the pressures causing the pollution of, **or a risk of pollution of,** water bodies used for abstraction of water intended for human consumption. To that end, Member States should identify hazards and possible pollution sources associated with those water bodies and monitor pollutants which they identify as relevant, for instance because of the hazards identified (e.g. microplastics, nitrates, pesticides or pharmaceuticals identified under Directive 2000/60/EC of the European Parliament and of the Council ⁽¹⁷⁾), because of their natural presence in the abstraction area (e.g. arsenic), or because of information from the water suppliers (e.g. sudden increase of a specific parameter in raw water). **In accordance with Directive 2000/60/EC,** those parameters should be used as markers that trigger action by competent authorities to reduce the pressure on the water bodies, such as prevention or mitigating measures (including research to understand impacts on health where necessary), to protect those water bodies and address the pollution source **or risk,** in cooperation with **all stakeholders, including those responsible for pollutant or potential pollutant sources. Where a Member State finds, via the hazard assessment, that a parameter is not present in a given abstraction area, for instance because that substance never occurs in groundwaters or surface waters, the Member State should inform the relevant** water suppliers and ~~stakeholders~~ **should be able to allow them to decrease the monitoring frequency for that parameter, or remove that parameter from the list of parameters to be monitored, without carrying out a supply risk assessment.** [Am. 18]

(10) As regards the hazard assessment, Directive 2000/60/EC requires Member States to identify water bodies used for the abstraction of water intended for human consumption, monitor them, and take the necessary measures to avoid deterioration in their quality in order to reduce the level of purification treatment required in the production of

⁽¹⁶⁾ Water Safety Plan Manual: step-by-step risk management for drinking water suppliers, World Health Organisation, 2009, http://apps.who.int/iris/bitstream/10665/75141/1/9789241562638_eng.pdf

⁽¹⁷⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

Thursday 28 March 2019

water that is fit for human consumption. To avoid any duplication of obligations, Member States should, when carrying out the hazard assessment, make use of the monitoring carried out under Articles 7 and 8 of Directive 2000/60/EC and Annex V to that Directive and of the measures included in their programmes of measures pursuant to Article 11 of Directive 2000/60/EC.

- (11) The parametric values used to assess the quality of water intended for human consumption are to be complied with at the point where water intended for human consumption is made available to the appropriate user. However, the quality of water intended for human consumption can be influenced by the domestic distribution system. The WHO notes that, in the Union, *Legionella* causes the highest health burden of all waterborne pathogens, **in particular *Legionella pneumophila*, which accounts for most cases of Legionnaires' disease in the Union**. It is transmitted by warm water systems through inhalation, for instance during showering. It is therefore clearly linked to the domestic distribution system. Since imposing a unilateral obligation to monitor all private and public premises for this pathogen would lead to unreasonably high costs **and would contravene the principle of subsidiarity**, a domestic distribution risk assessment is therefore more suited to address this issue, **with a special focus on priority premises**. In addition, the potential risks stemming from products and materials in contact with water intended for human consumption should also be considered in the domestic distribution risk assessment. The domestic distribution risk assessment should therefore include, *inter alia*, focusing monitoring on priority premises, assessing the risks stemming from the domestic distribution system and related products and materials, ~~and verifying the performance of construction products in contact with water intended for human consumption on the basis of their declaration of performance in accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council⁽¹⁸⁾.~~ The information referred to in Articles 31 and 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁽¹⁹⁾ is also to be supplied together with the declaration of performance. On the basis of this assessment, Member States should take all necessary measures to ensure, *inter alia*, that appropriate control and management measures (e.g. in case of outbreaks) are in place, in line with the guidance of the WHO⁽²⁰⁾, and that the migration from ~~construction products~~ **substances and materials in contact with water intended for human consumption** does not endanger human health. ~~However, without prejudice to Regulation (EU) No 305/2011, where these measures would imply limits to the free movement of products and materials in the Union, these limits need to be duly justified and strictly proportionate, and not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States. [Am. 19]~~
- (12) The provisions of Directive 98/83/EC on quality assurance of treatment, equipment and materials did not succeed in addressing obstacles to the internal market when it comes to the free circulation of construction products in contact with water intended for human consumption **or providing sufficient protection with regard to human health**. National product approvals are still in place, with different requirements from one Member State to another. This renders it difficult and costly for manufacturers to market their products all over the Union. ~~The removal of technical barriers may only be effectively achieved by establishing harmonised technical specifications for construction products in contact with water intended for human consumption under Regulation (EU) No 305/2011. That Regulation allows for the development of~~ **That situation stems from the fact that there are no minimum European hygiene standards harmonising the assessment methods for construction for all products and materials in contact**

⁽¹⁸⁾ Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).

⁽¹⁹⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁽²⁰⁾ 'Legionella and the prevention of Legionellosis', World Health Organisation, 2007, http://www.who.int/water_sanitation_health/emerging/legionella.pdf

Thursday 28 March 2019

with water intended for human consumption and for threshold levels and classes to be set in relation to the performance level of an essential characteristic. To that end, a standardisation request specifically requiring standardisation work on hygiene and safety for, **which is essential for fully ensuring mutual recognition between Member States. The removal of technical barriers and conformity of all** products and materials in contact with water intended for human consumption under Regulation (EU) No 305/2011 has been included in the 2017 standardisation Work Programme ⁽²¹⁾, and a standard is to be issued by 2018. The publication of this harmonised standard in the Official Journal of the European Union will ensure a rational decision-making for placing or making available **at Union level can, therefore, only be effectively achieved by establishing minimum quality requirements at Union level. As a consequence, those provisions should be strengthened by means of a procedure for harmonisation of such products and materials. That work should draw** on the market safe construction products in contact with water intended for human consumption. As a consequence, the provisions on equipment and material in contact with water intended for human consumption should be deleted, partly replaced by provisions related to the domestic distribution risk assessment and complemented by relevant harmonised standards under Regulation (EU) No 305/2011 **experience gained and advances made by a number of Member States that have been working together for some years, in a concerted effort, to bring about regulatory convergence.** [Am. 20]

- (13) Each Member State should ensure that monitoring programmes are established to check that water intended for human consumption meets the requirements of this Directive. Most of the monitoring carried out for the purposes of this Directive is performed by water suppliers **but, where necessary, Member States should clarify with which competent authorities the obligations stemming from the transposition of this Directive lie.** A certain flexibility should be granted to water suppliers as regards the parameters they monitor for the purposes of the supply risk assessment. If a parameter is not detected, water suppliers should be able to decrease the monitoring frequency or stop monitoring that parameter altogether. The supply risk assessment should be applied to most parameters. However, a core list of parameters should always be monitored with a certain minimum frequency. This Directive mainly sets provisions on monitoring frequency for the purposes of compliance checks and only limited provisions on monitoring for operational purposes. Additional monitoring for operational purposes may be necessary to ensure the correct functioning of water treatment, at the discretion of water suppliers. In that regard, the water suppliers may refer to the WHO's Guidelines and Water Safety Plan Manual. [Am. 21]
- (14) The risk-based approach should ~~gradually~~ be applied by all water suppliers, including **very small, small and medium-sized** water suppliers, as the evaluation of Directive 98/83/EC showed deficiencies in its implementation by those suppliers, which were sometimes due to the cost of performing unnecessary monitoring operations, **while allowing for the possibility for derogations for very small suppliers.** When applying the risk-based approach, security concerns **and concerns relating to the 'polluter pays' principle** should be taken into account. **For smaller suppliers, the competent authority should support the monitoring operations by providing expert support.** [Am. 188]
- (14a) **In order to deliver the strongest protection for public health, Member States should ensure a clear and balanced distribution of responsibilities for the application of the risk-based approach in line with their national institutional and legal framework.** [Am. 24]
- (15) In the event of non-compliance with the standards imposed by this Directive the Member State concerned should immediately investigate the cause and ensure that the necessary remedial action is taken as soon as possible to restore the quality of the water. In cases where the water supply constitutes a potential danger to human health, the supply of such water should be prohibited or its use restricted, **and citizens who could be affected should be duly informed.** In addition, ~~it is important to clarify that~~ **in the event of** failure to meet the minimum requirements for values relating to microbiological and chemical parameters, **Member States** should ~~automatically be considered by Member States as~~ **determine whether exceeding the values constitutes** a potential danger **risk** to human health. **To that end, Member States should take account of, in particular, the extent to which minimum requirements have not been met and the type of parameter concerned.** In cases where remedial action is necessary to restore the quality of water intended for human consumption, in accordance with Article 191(2) of the Treaty, priority should be given to action which rectifies the problem at source. [Am. 25]

⁽²¹⁾ SWD(2016)0185.

Thursday 28 March 2019

- (15a) *It is important to prevent contaminated water causing a potential danger to human health. Therefore, the supply of such water should be prohibited or its use restricted.* [Am. 26]
- (16) Member States should ~~no longer~~ be authorised to grant derogations from this Directive. Derogations were initially used to allow Member States up to nine years to resolve a non-compliance with a parametric value. This procedure ~~has~~ proved to be ~~burdensome~~ **useful** for Member States and Commission alike. ~~In addition,~~ **given the level of ambition of the Directive. It should be noted, however, that,** in some cases, it ~~has~~ led to delays in remedial actions being taken, as the possibility for derogation was ~~sometimes~~ considered **as to be** a transitional period. ~~The provision on derogations should therefore be deleted. For reasons of protection of human health, when parametric values are exceeded, the provisions related to remedial actions should apply immediately without the possibility of granting a derogation from the parametric value.~~ **In the light of the fact, firstly, that the quality parameters in this Directive are to be strengthened and, secondly, that emerging pollutants are being increasingly detected, requiring stepped-up evaluation, monitoring and management actions, it remains, nonetheless, necessary to maintain a derogation procedure that is in keeping with those circumstances, provided that they do not constitute a potential risk 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 provision in Directive 98/83/EC on derogations should therefore be amended so as to ensure faster and more effective compliance by Member States with the requirements of this Directive.** Derogations granted by Member States pursuant to Article 9 of Directive 98/83/EC and still applicable at the date of entry into force of this Directive should, ~~however,~~ continue to apply until the end of the derogation but should not be renewed **in accordance with the arrangements laid down by the provisions in force when the derogation was granted.** [Am. 27]
- (17) The Commission, in its reply to the European citizens' initiative 'Right2Water' in 2014 ⁽²²⁾, invited Member States to ensure access to a minimum water supply for all citizens, in accordance with the WHO recommendations. It also committed to continue to 'improve access to safe drinking water [...] for the whole population through environmental policies' ⁽²³⁾. **This is in line with Articles 1 and 2 of the Charter of Fundamental Rights of the European Union.** This is **also** in line with UN Sustainable Development Goal 6 and the associated target to 'achieve universal and equitable access to safe and affordable drinking water for all'. The concept of equitable access covers a wide array of aspects such as availability (due for instance to geographic reasons, lack of infrastructure or the specific situation of certain parts of the populations), quality, acceptability, or financial affordability. Concerning affordability of water, it is important to recall that, **without prejudice to Article 9(4) of Directive 2000/60/EC**, when setting water tariffs in accordance with the principle of recovery of costs set out in ~~that~~ Directive ~~2000/60/EC~~, Member States may have regard to the variation in the economic and social conditions of the population and may therefore adopt social tariffs or take measures safeguarding populations at a socio-economic disadvantage. This Directive deals, in particular, with the aspects of access to water which are related to quality and availability. To address those aspects, as part of the reply to the European citizens' initiative and to contribute to the implementation of Principle 20 of the European Pillar of Social Rights ⁽²⁴⁾ that states that 'everyone has the right to access essential services of good quality, including water', Member States should be required to tackle the issue of **affordable** access to water at national level whilst enjoying ~~some~~ **a certain margin of** discretion as to the exact type of measures to be implemented. This can be done through actions aimed, *inter alia*, at improving access to water intended for human consumption for all, for instance **by not unjustifiably making water quality requirements more stringent on public-health grounds, which would increase the price of water for citizens**, with freely accessible fountains in cities, and promoting its use by encouraging the free provision of water intended for human consumption in public buildings, ~~and~~ restaurants, **shopping and recreational centres, as well as areas of transit and large footfall such as train stations or airports. Member States should be free to determine the right mix of such instruments with regard to their specific national circumstances.** [Am. 28]

⁽²²⁾ COM(2014)0177.

⁽²³⁾ COM(2014)0177, p. 12.

⁽²⁴⁾ Interinstitutional Proclamation on the European Pillar of Social Rights (2017/C 428/09) of 17 November 2017 (OJ C 428, 13.12.2017, p. 10).

Thursday 28 March 2019

- (18) The European Parliament, in its Resolution on the ‘follow-up to the European citizens’ initiative Right2Water’⁽²⁵⁾, ‘requested that Member States should pay special attention to the needs of vulnerable groups in society’⁽²⁶⁾. The specific situation of minority cultures, such as Roma, ~~Sinti, and Travellers, Kalé, Gens du voyage etc.~~, whether sedentary or not — in particular their lack of access to drinking water — was also acknowledged in the Commission Report on the implementation of the EU Framework for National Roma Integration Strategies⁽²⁷⁾ and the Council Recommendation on effective Roma integration measures in the Member States⁽²⁸⁾. In light of that general context, it is appropriate that Member States pay particular attention to vulnerable and marginalised groups by taking the necessary measures to ensure that those groups have access to water. **Taking into account the principle of recovery of costs set out in Directive 2000/60/EC, Member States should improve access to water for vulnerable and marginalised groups without jeopardising the supply of universally affordable high-quality water.** Without prejudice to the right of the Member States to define those groups, they should at least include refugees, nomadic communities, homeless people and minority cultures such as Roma, ~~Sinti, and Travellers, Kalé, Gens du voyage, etc.~~, whether sedentary or not. Such measures to ensure access, left to the appreciation of the Member States, might for example include providing alternative supply systems (individual treatment devices), providing water via tankers (trucks and cisterns) and ensuring the necessary infrastructure for camps. **Where local public authorities are made responsible for meeting those obligations, Member States should ensure that they have sufficient financial resources and technical and material capacities and should support them accordingly, by providing expert support for example. In particular, the distribution of water for vulnerable and marginalised groups should not be disproportionately costly for local public authorities.** [Am. 29]
- (19) The 7th Environment Action Programme to 2020 ‘Living well, within the limits of our planet’⁽²⁹⁾, requires that the public have access to clear environmental information at national level. Directive 98/83/EC only provided for passive access to information, meaning that Member States merely had to ensure that information was available. Those provisions should therefore be replaced to ensure that up-to-date information **that is comprehensible and relevant to consumers and** easily accessible, for instance **in a booklet, on a website whose link should be actively distributed or a smart application.** The up-to-date information should not only include results from the monitoring programmes, but also additional information that the public may find useful, such as ~~information on indicators (iron, hardness, minerals, etc.), which often influence consumers’ perception of tap~~ **the outcome of actions taken to monitor water suppliers as regards water quality.** To that end, the indicator parameters of Directive 98/83/EC that did not provide health related information should be replaced by on line information on those parameters **and information on indicator parameters listed in Part Ba of Annex I.** For very large water suppliers, additional information on, *inter alia*, energy efficiency, management, governance, ~~cost~~ **tariff** structure, and treatment applied, should also be available on-line. **It is assumed that The purpose of better consumer knowledge of relevant information and improved transparency will contribute to increasing should be to increase** citizens’ confidence in the water supplied to them. ~~This in turn is expected to, as well as in water services, and should lead to an increased use of tap water, thereby contributing as drinking water, which could contribute to reduced plastic usage and litter and greenhouse gas emissions, and a positive impact on climate change mitigation and the environment as a whole.~~ [Am. 30]
- (20) For the same reasons, and in order to make consumers more aware of the implications of water consumption, they should also receive information ~~(for instance on their invoice or by smart applications)~~ **in an easily accessible manner, for instance on their invoice or by smart application** on the volume consumed **per year, changes in consumption, a comparison with average household consumption, where such information is available to the**

⁽²⁵⁾ P8_TA(2015)0294

⁽²⁶⁾ P8_TA(2015)0294, paragraph 62.

⁽²⁷⁾ COM(2014)0209.

⁽²⁸⁾ Council Recommendation (2013/C 378/01) of 9 December 2013 on effective Roma integration measures in the Member States (OJ C 378, 24.12.2013, p. 1).

⁽²⁹⁾ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 ‘Living well, within the limits of our planet’ (OJ L 354, 28.12.2013, p. 171).

Thursday 28 March 2019

water supplier, the ~~cost~~ structure of the tariff charged by the water supplier, including **the distribution of** variable and fixed ~~costs~~ **parts of it**, as well as on the price per litre of water intended for human consumption, thereby allowing a comparison with the price of bottled water. [Am. 31]

- (21) The **fundamental** principles to be considered in the setting of water tariffs, **without prejudice to Article 9(4) of Directive 2000/60/EC**, namely recovery of costs for water services and polluter pays, are set out in ~~that~~ Directive ~~2000/60/EC~~. However, the financial sustainability of the provision of water services is not always ensured, sometimes leading to under-investment in the maintenance of water infrastructure. With the improvement of monitoring techniques, leakage ~~rates~~ **levels** — mainly due to such under-investment — have become increasingly apparent and reduction of water losses should be encouraged at Union level to improve the efficiency of water infrastructure. In line with the principle of subsidiarity, ~~that~~ **in order to raise awareness of this** issue ~~should be addressed by increasing transparency and consumer~~, **the information on leakage rates and energy efficiency related to it should be shared in a more transparent way with consumers.** [Am. 32]
- (22) Directive 2003/4/EC of the European Parliament and of the Council ⁽³⁰⁾ aims at guaranteeing the right of access to environmental information in the Member States in line with the Aarhus Convention. It encompasses broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive 2007/2/EC of the European Parliament and of the Council ⁽³¹⁾ is also of broad scope, covering the sharing of spatial information, including data-sets on different environmental topics. It is important that provisions of this Directive related to access to information and data-sharing arrangements complement those Directives and do not create a separate legal regime. Therefore, the provisions of this Directive on information to the public and on information on monitoring of implementation should be without prejudice to Directives 2003/4/EC and 2007/2/EC.
- (23) Directive 98/83/EC did not set out reporting obligations for small water suppliers. To remedy this, and to address the need for implementation and compliance information, a new system should be introduced, whereby Member States are required to set up, keep up-to-date and make accessible to the Commission and the European Environmental Agency data sets containing only relevant data, such as exceedances of parametric values and incidents of a certain significance. This should ensure that the administrative burden on all entities remains as limited as possible. To ensure the appropriate infrastructure for public access, reporting and data-sharing between public authorities, Member States should base the data specifications on Directive 2007/2/EC and its implementing acts.
- (24) Data reported by Member States is not only necessary for the purposes of compliance checking but is also essential to enable the Commission to monitor and assess the performance of the legislation against the objectives it pursues in order to inform any future evaluation of the legislation in accordance with paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 ⁽³²⁾. In that context, there is a need for relevant data that will allow better assessment of the efficiency, effectiveness, relevance, and EU value added of the Directive, hence the necessity to ensure appropriate reporting mechanisms that can also serve as indicators for future evaluations of this Directive.
- (25) Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gathered and data collected during the implementation of the Directive, ~~on relevant scientific, analytical, epidemiological data, and on any available WHO recommendations~~, **and on relevant scientific, analytical and epidemiological data.** [Am. 34]

⁽³⁰⁾ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁽³¹⁾ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

⁽³²⁾ OJ L 123, 12.5.2016, p. 1.

Thursday 28 March 2019

- (26) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to promote the principles relating to health care, access to services of general economic interest, environmental protection and consumer protection.
- (27) As the Court of Justice has held on numerous occasions, it would be incompatible with the binding effect which the third paragraph of Article 288 of the Treaty ascribes to a Directive to exclude, in principle, the possibility of an obligation imposed by a Directive from being relied on by persons concerned. That consideration applies particularly in respect of a Directive which has the objective of protecting human health from the adverse effects of any contamination of water intended for human consumption. Therefore, in accordance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters⁽³³⁾, members of the public concerned should have access to justice in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being. In addition, where a large number of persons are in a 'mass harm situation', due to the same illegal practices relating to the violation of rights granted by this Directive, they should have the possibility to use collective redress mechanisms, where such mechanisms have been established by Member States in line with Commission Recommendation 2013/396/EU⁽³⁴⁾.
- (28) In order to adapt this Directive to scientific and technical progress or to specify monitoring requirements for the purposes of the hazard and domestic distribution risk assessments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I to IV to this Directive, **and take measures necessary under the changes set out under Article 10a**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. In addition, the empowerment laid down in Annex I, part C, Note 10, of Directive 98/83/EC, to set monitoring frequencies and monitoring methods for radioactive substances has become obsolete due to the adoption of Council Directive 2013/51/Euratom⁽³⁵⁾ and should therefore be deleted. The empowerment laid down in the second subparagraph of part A of Annex III to Directive 98/83/EC concerning amendments of the Directive is no longer necessary and should be deleted. [Am. 35]
- (29) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission for the adoption of the format of, and modalities to present, the information on water intended for human consumption to be provided to all persons supplied, as well as for the adoption of the format of, and modalities to present, the information to be provided by Member States and compiled by the European Environmental Agency on the implementation of this Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽³⁶⁾.
- (30) Without prejudice to the requirements of Directive 2008/99/EC of the European Parliament and of the Council⁽³⁷⁾, Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.

⁽³³⁾ OJ L 124, 17.5.2005, p. 4.

⁽³⁴⁾ Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union law (OJ L 201, 26.7.2013, p. 60).

⁽³⁵⁾ Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ L 296, 7.11.2013, p. 12).

⁽³⁶⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽³⁷⁾ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

Thursday 28 March 2019

- (31) Directive 2013/51/Euratom lays down specific arrangements for the monitoring of radioactive substances in water intended for human consumption. Therefore, this Directive should not set out parametric values on radioactivity.
- (32) Since the objective of this Directive, namely the protection of human health, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (33) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directives. The obligation to transpose the provisions which are unchanged arises under the earlier Directives.
- (34) This Directive should be 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,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective

1. This Directive concerns the quality of water intended for human consumption **for all in the Union**. [Am. 36]
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, **and to provide universal access to water intended for human consumption**. [Am. 163, 189, 207 and 215]

Article 2

Definitions

For the purposes of this Directive:

1. 'water intended for human consumption' shall mean all water either in its original state or after treatment, intended for drinking, cooking, food preparation or production, **or for other food purposes**, or other domestic purposes in both public and private premises, **including food businesses**, 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**. [Am. 38]
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. [Am. 39 **not concerning all languages**]
3. 'water supplier' shall mean ~~an~~ **a legal** entity supplying at least 10 m³ of water intended for human consumption a day as an average. [Am. 40]
- 3a. '**very small water supplier**' shall mean **a water supplier supplying less than 50 m³ per day or serving less than 250 people**. [Am. 41]
4. 'small water supplier' shall mean a water supplier supplying less than 500 m³ per day or serving less than ~~5 000~~ **2 500** people. [Am. 42]

Thursday 28 March 2019

- 4a. **'medium water supplier'** shall mean a water supplier supplying at least 500 m³ per day or serving at least 2 500 people. [Am. 43]
5. 'large water supplier' shall mean a water supplier supplying at least ~~500~~ 5 000 m³ per day or serving at least ~~5 000~~ 25 000 people. [Am. 44]
6. 'very large water supplier' shall mean a water supplier supplying at least ~~5 000~~ 20 000 m³ per day or serving at least ~~50 000~~ 100 000 people. [Am. 45]
7. 'priority premises' shall mean large **non-household** premises with many ~~users~~ **people, in particular vulnerable people**, potentially exposed to water-related risks, such as hospitals, healthcare institutions, **retirement homes, schools, universities and other education facilities, crèches and nurseries, sport, recreation, leisure and exhibition facilities**, buildings with a lodging facility, penal institutions and campgrounds, as identified by Member States. [Am. 46]
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 more exposed to a range of possible risks relating to their health, safety, lack of education, engagement in harmful practices, or other risks, compared to the rest of society.
- 8a. **'food business'** shall mean a food business as defined in point (2) of Article 3 of Regulation (EC) No 178/2002. [Am. 47]

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.

1a. **For water used in food businesses for the manufacture, processing, preservation or marketing of products or substances intended for human consumption, only Articles 4, 5, 6 and 11 of this Directive shall apply. However, none of the articles of this Directive shall apply where an operator of a food business can demonstrate to the satisfaction of the competent national authorities that the quality of the water it uses does not affect the hygiene of the products or substances resulting from its activities and that such products or substances comply with Regulation (EC) No 852/2004 of the European Parliament and of the Council⁽³⁸⁾.** [Am. 48]

1b. **A producer of water intended for human consumption that is put into bottles or containers shall not be considered a water supplier.**

Provisions of this Directive shall apply to water intended for human consumption put into bottles or containers insofar as they are not covered by obligations under other Union legislation. [Am. 49]

1c. **Maritime vessels that desalinate water, carry passengers and act as water suppliers shall only be subject to Articles 1 to 7 and 9 to 12 of this Directive and its Annexes.** [Am. 50]

⁽³⁸⁾ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

Thursday 28 March 2019

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 m³ 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.

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;
- (c) Member States have taken all other measures necessary to comply with the requirements set out:
 - (i) in Articles 5 4 to 12 of this Directive **for water intended for human consumption supplied to the final consumers from a distribution network or from a tanker;**
 - (ii) in Articles 4, 5 and 6 and Article 11(4) of this Directive **for water intended for human consumption put into bottles or containers in a food business;**
 - (iii) in Articles 4, 5, 6 and 11 of this Directive **for water intended for human consumption produced and used in a food business for the production, processing and distribution of food.** [Am. 51]

2. Member States shall ensure that the measures taken to implement this Directive **adhere fully to the precautionary principle and** 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. [Am. 52]

2a. Member States shall take measures to ensure that competent authorities carry out an assessment of the water leakage levels on their territory and of the potential for improvements in water leakage reduction in the drinking water sector. That assessment shall take into account relevant public health, environmental, technical and economic aspects. Member States shall adopt, by 31 December 2022, national targets to reduce the leakage levels of water suppliers in their territory by 31 December 2030. Member States may provide meaningful incentives to ensure that water suppliers in their territory meet the national targets. [Am. 53]

Thursday 28 March 2019

2b. If a competent authority in charge of the production and distribution of water intended for human consumption hands over the management of all or part of the water production or supply activities to a water supplier, the contract between the competent authority and the water supplier shall specify each party's responsibilities under this Directive. [Am. 54]

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.~~ [Am. 55]

1a. The values set pursuant to paragraph 1 shall not be less stringent than those set out in Parts A, B and Ba of Annex I. As regards the parameters set out in Part Ba of Annex I, the values shall be set only for monitoring purposes and for the sake of ensuring that the requirements set out in Article 12 are met. [Am. 56]

2. 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).

The Member States shall take all necessary measures to ensure that the treatment agents, the materials, and the disinfection procedures used for disinfection purposes in water supply systems do not adversely affect the quality of water intended for human consumption. Any contamination of water intended for human consumption from the use of such agents, materials and procedures shall be minimised without, however, compromising the effectiveness of the disinfection. [Am. 57]

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~~ **and C**, shall be complied with: [Am. 58]

(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 ~~spring waters~~ **water intended for human consumption put into bottles or containers**, at the point at which the water is put into the bottles **or containers**.; [Am. 59]

(ca) in the case of water used in a food business where water is supplied by a water supplier, at the point of delivery in the food business. [Am. 60]

1a. In the case of water covered by point (a) of paragraph 1, Member States shall be deemed to have fulfilled their obligations under this Article, where it can be established that non-compliance with the parameters provided for in Article 5 is caused by a private distribution system or the maintenance thereof, except as regards priority premises. [Am. 61]

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:

Thursday 28 March 2019

- (a) a hazard assessment of bodies of water **or parts of bodies of water** used for the abstraction of water intended for human consumption, **carried out by Member States** in accordance with Article 8; [Am. 62]
- (b) a supply risk assessment carried out by the water suppliers **in each water supply system** for the purposes of **safeguarding and** monitoring the quality of the water they supply, in accordance with Article 9 and Annex II, part C; [Am. 63]
- (c) a domestic distribution risk assessment, in accordance with Article 10.

1a. Member States may adapt the implementation of the risk-based approach, without compromising the objective of this Directive concerning the quality of water intended for human consumption and the health of consumers, when there are particular constraints due to geographical circumstances such as remoteness or accessibility of water supply zone. [Am. 64]

1b. Member States shall ensure a clear and appropriate distribution of responsibilities between stakeholders, as defined by the Member States, for the application of the risk-based approach with regard to the bodies of water used for the abstraction of water intended for human consumption and domestic distribution systems. Such distribution of responsibilities shall be tailored to their institutional and legal framework. [Am. 65]

2. 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, **taking account of the requirement, provided for in Article 7 of Directive 2000/60/EC, for Member States to identify bodies of water**, and updated where necessary. [Am. 66]

3. Supply risk assessments shall be carried out by ~~very large water suppliers and large water suppliers~~ by [3 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. [Am. 67]

3a. Pursuant to Articles 8 and 9 of this Directive, Member States shall take the necessary corrective measures under the programmes of measures and river basin management plans provided for in Articles 11 and 13 of Directive 2000/60/EC respectively. [Am. 68]

4. Domestic distribution risk assessments **in the premises referred to in Article 10(1)** 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. [Am. 69]

Article 8

Hazard assessment, monitoring and management of bodies of water used for the abstraction of water intended for human consumption [Am. 70]

1. Without prejudice to ~~Articles 6 and 7~~ of Directive 2000/60/EC, **in particular Articles 4 to 8**, Member States shall, **in cooperation with their competent water authorities**, ensure that a hazard assessment is performed covering the bodies of water used for the abstraction of water intended for human consumption that provide more than 10 m³ a day as an average. The hazard assessment shall include the following elements: [Am. 71]

- (a) identification of and geo-references for all abstraction points in the bodies **or parts of bodies** of water covered by the hazard assessment. **Given that the data referred to in this point are potentially sensitive, in particular in the context of public health protection, the Member States shall ensure that such data are protected and communicated only to the relevant authorities;** [Am. 72]
- (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;~~ [Am. 73]

Thursday 28 March 2019

- (c) identification of hazards and possible pollution sources affecting the bodies of water covered by the hazard assessment. **Such research and identification of pollution sources shall be regularly updated to detect new substances that affect micro-plastics, notably PFAS.** 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; [Am. 216]
- (d) regular monitoring in the bodies **or parts of bodies** of water covered by the hazard assessment of ~~relevant~~ pollutants **that are relevant for the water supply and that are** selected from the following lists: [Am. 75]
- (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 ⁽³⁹⁾, 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 ⁽⁴⁰⁾;
 - (iv) **parameters for monitoring purposes only in Part Ca of Annex I, or** other relevant pollutants, such as microplastics, **provided that a methodology to measure microplastics as specified in Article 11(5b) is in place,** 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. [Am. 76]

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 the purpose of the regular monitoring, **as well as for the purpose of detecting new harmful substances through new investigations,** Member States may use the monitoring carried out, **and the investigation capacity provided for,** in accordance with other Union legislation. [Am. 217]

Very small water suppliers may be exempted from the requirements referred to in points (a), (b) and (c) of this paragraph, provided that the competent authority has prior and up to date documented knowledge of the relevant parameters referred to in those points. This exemption shall be reviewed by the competent authority at least every three years and updated where necessary. [Am. 77]

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 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;~~

⁽³⁹⁾ 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).

⁽⁴⁰⁾ 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).

Thursday 28 March 2019

~~(b) allow water suppliers to decrease the monitoring frequency of certain parameters, 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. [Am. 78]~~

~~4. In such cases where a water supplier is allowed to decrease the monitoring frequency as referred to in paragraph 2(b), Member States shall continue to regularly monitor those parameters in the body of water covered by the hazard assessment. [Am. 79]~~

~~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: [Am. 80]~~

~~(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; [Am. 178]~~

~~(aa) ensure that polluters, in cooperation with water suppliers and other relevant stakeholders, take preventive measures to reduce or avoid the level of treatment required and to safeguard the water quality, including measures referred to in point (d) of Article 11(3) of Directive 2000/60/EC as well as additional measures deemed necessary on the basis of the monitoring carried out under point (d) of paragraph 1 of this Article; [Am. 82]~~

~~(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 **and avoid any additional treatment, when prevention measures are considered not viable or not effective enough to address the pollution source in a timely manner;** [Am. 83]~~

~~(ba) where measures set out in points (aa) and (b) have not been deemed sufficient to provide adequate protection for human health, require water suppliers to carry out additional monitoring of certain parameters at the point of abstraction or treatment, if strictly necessary to prevent health risks. [Am. 84]~~

Member States shall regularly review any such measure.

5a. Member States shall inform water suppliers using the body or parts of bodies of water covered by the hazard assessment of the results of the monitoring carried out under point (d) of paragraph 1 and may, on the basis of those monitoring results, and of the information collected under paragraphs 1 and 2 and gathered under Directive 2000/60/EC:

(a) allow water suppliers to decrease the monitoring frequency of certain parameters, or the number of parameters being monitored, without requiring them to carry out a supply risk assessment, provided that the parameters concerned are not core parameters within the meaning of point 1 of Part B of Annex II, and provided that no factor that can be reasonably anticipated is likely to cause deterioration of the quality of the water;

(b) where a water supplier is allowed to decrease the monitoring frequency as referred to in point (a), continue to regularly monitor those parameters in the body of water covered by the hazard assessment. [Am. 85]

Article 9

Supply risk assessment, **monitoring and management** [Am. 86]

1. Member States shall ensure that water suppliers perform a supply risk assessment **in accordance with Part C of Annex II**, providing for the possibility to adjust the monitoring frequency for any parameter listed in Annex I, parts A, ~~and~~ **B and Ba** that are not core parameters according to part B of Annex II, depending on their occurrence in the raw water. [Am. 87]

Thursday 28 March 2019

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~~ **of Annex II, and depending on their occurrence in the raw water and the treatment set-up.** [Am. 88]

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. [Am. 89]

1a. Member States may exempt very small water suppliers from paragraph 1, provided that the competent authority has prior and up to date documented knowledge of the relevant parameters and deems there to be no risk to human health as a result of such exemptions, and without prejudice to the authority's obligations under Article 4.

The exemption shall be reviewed by the competent authority every three years or when any new pollution hazard is detected in the catchment area, and updated where necessary. [Am. 90]

2. Supply risk assessments shall be ~~approved by the competent authorities~~ **responsibility of the water suppliers who shall ensure that they comply with this Directive. To this end, water suppliers may request the support of competent authorities.**

Member States may require competent authorities to approve or monitor water suppliers' supply risk assessments. [Am. 91]

2a. On the basis of the results of the supply risk assessment carried out pursuant to paragraph 1, Member States shall ensure that water suppliers establish a water safety plan tailored to the risks identified and proportionate to the size of the water supplier. By way of example, that water safety plan may concern the use of materials in contact with water, water treatment products, possible risks stemming from leaking pipes, or measures to adapt to present and future challenges, such as climate change, and shall be further specified by the Member States. [Am. 92]

Article 10

Domestic distribution risk assessment, monitoring and management [Am. 93]

1. Member States shall ensure that a domestic distribution risk assessment is performed **in priority premises**, comprising the following elements: [Am. 94]

- (a) an 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;~~ [Am. 95]
- (b) regular monitoring of the parameters listed in Annex I, part C, in **priority premises** where ~~the potential danger to human health is considered highest. Relevant parameters and premises for monitoring shall be selected on the basis of~~ **specific risks to water quality have been identified during** the assessment performed under point (a). [Am. 96]

With regard to the regular monitoring, **Member States shall ensure access referred to installations in priority premises for the first subparagraph, Member States purposes of sampling and** may set up a monitoring strategy focusing on priority premises, **in particular as regards Legionella pneumophila;** [Am. 97]

- (c) a verification of whether the performance of ~~construction products~~ **and materials** 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~~ **protection of human health.** [Am. 98]

Thursday 28 March 2019

(ca) a verification of whether the materials used are suitable for contact with water intended for human consumption and whether the requirements specified in Article 11 are met. [Am. 99]

2. Where Member States consider, on the basis of the assessment carried out under paragraph 1(a), that there is a risk to human health stemming from the domestic distribution system **in priority premises** 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 C, are not met, Member States shall **ensure that appropriate measures are taken to eliminate or reduce the risk of non-compliance with the parametric values set out in Part C of Annex I.**

~~(a) take appropriate measures to eliminate or reduce the risk of non-compliance with the parametric values set out in Annex I, part 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;~~

~~(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 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. [Am. 100]~~

2a. With a view to reducing the risks connected to domestic distribution across all the domestic distribution systems, Member States shall:

(a) encourage owners of public and private premises to carry out a domestic distribution risk assessment;

(b) inform consumers and owners of public and private premises about measures to eliminate or reduce the risk of non-compliance with the quality standards for water intended for human consumption due to the domestic distribution system;

(c) 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;

(d) promote training for plumbers and other professionals dealing with domestic distribution systems and the installation of construction products and materials in contact with water; and

(e) for *Legionella*, in particular *Legionella pneumophila*, ensure that effective control and management measures which are proportionate to the risk are in place to prevent and address possible outbreaks of the disease. [Am. 101]

Thursday 28 March 2019

Article 10a

Minimum hygiene requirements for products, substances and materials in contact with water intended for human consumption

1. Member States shall take all necessary measures to ensure that substances and materials for the manufacture of all new products in contact with water intended for human consumption, placed on the market and used for abstraction, treatment or distribution, or the impurities associated with such substances:

- (a) do not directly or indirectly reduce the protection of human health provided for in this Directive;
- (b) do not affect the smell or taste of water intended for human consumption;
- (c) are not present in water intended for human consumption at a concentration above the level necessary to achieve the purpose for which they are used; and
- (d) do not promote microbial growth.

2. For the purposes of ensuring the harmonised application of paragraph 1, by ... [three years after the date of entry into force of this Directive], the Commission shall adopt delegated acts in accordance with Article 19 in order to supplement this Directive by laying down the minimum hygiene requirements and the list of substances that are used for production of materials in contact with water intended for human consumption, and are approved in the Union, including specific migration limits and special conditions of use wherever applicable. The Commission shall regularly review and update this list in line with the latest scientific and technological developments.

3. In order to support the Commission in adopting and amending the delegated acts pursuant to paragraph 2, a standing committee shall be set up consisting of representatives appointed by the Member States who may call on the assistance of experts or advisers.

4. Materials in contact with water intended for human consumption, which are covered by other Union legislation, such as Regulation (EU) No 305/2011 of the European Parliament and of Council ⁽⁴¹⁾, shall comply with paragraphs 1 and 2 of this Article. [Am. 102]

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~~ it 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. [Am. 103]

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, and of the parameters set in accordance with Article 5(2), in accordance with Annex II, and, where a supply risk assessment is performed, in accordance with Article 9;

⁽⁴¹⁾ Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).

Thursday 28 March 2019

- (b) monitoring of the parameters listed in Annex I, part C, 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).
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.

5a. Member States shall communicate to the Commission the results of the monitoring carried out in accordance with the monitoring of parameters listed in Part Ca of Annex I by ... [three years from the date of entry into force of this Directive], and thereafter once a year.

The Commission is empowered to adopt delegated acts in accordance with Article 19 in order to amend this Directive by updating the substances included on the watch list set out in Part Ca of Annex I. The Commission may decide to add substances where there is a risk of such substances being present in water intended for human consumption and posing a potential risk to human health, but in respect of which scientific knowledge has not demonstrated a risk to human health. To that end, the Commission shall make use in particular of the scientific research of the WHO. The addition of any new substance shall be duly justified under Article 1 of this Directive. [Am. 104]

5b. By ... [one year after the date of entry into force of this Directive], the Commission shall adopt delegated acts in accordance with Article 19 in order to supplement this Directive by adopting a methodology to measure the microplastics listed in the watch list set out in Part Ca of Annex I. [Am. 105]

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 **at the point of compliance referred to in Article 6** is immediately investigated in order to identify the cause. **[Am. 106]**
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, 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 potential danger to human health.

In case of non-compliance with the parametric values set out in Annex I, part C, remedial action shall include the measures set out in ~~points (a) to (f)~~ of Article 10(2a). **[Am. 107]**

Thursday 28 March 2019

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 other remedial action is taken that is necessary to protect human health.

Member States shall ~~automatically~~ consider ~~any~~ a 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, **except where the competent authorities consider the non-compliance with the parametric value to be trivial.** [Am. 108]

4. In the cases described in paragraphs 2 and 3, **where the non-compliance with the parametric values is considered to be a potential danger to human health**, Member States shall as soon as possible take all of the following measures: [Am. 109]

- (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.

The measures referred to in points (a), (b) and (c) shall be taken in cooperation with the water supplier concerned. [Am. 110]

5. **Where non-compliance is established at the point of compliance**, 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. [Am. 111]

Article 12a

Derogations

1. **Member States may provide for derogations from the parametric values set out in Part B of Annex I, or set in accordance with Article 5(2), up to a maximum value to be determined by them, provided that such derogations do not constitute 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. Such derogations shall be limited to the following cases:**

- (a) a new water supply zone;
- (b) a new source of pollution detected in a water supply zone or parameters newly searched or detected.

Derogations shall be limited to as short a time as possible and shall not exceed three years in duration, towards the end of which period Member States shall conduct a review to determine whether sufficient progress has been made.

In exceptional circumstances, a Member State may grant a second derogation in respect of points (a) and (b) of the first subparagraph. Where a Member State intends to grant such a second derogation, it shall communicate the review, along with the grounds for its decision on the second derogation, to the Commission. Such second derogation shall not exceed three years in duration.

2. **Any derogation granted in accordance with paragraph 1 shall specify the following:**

- (a) the grounds for the derogation;

Thursday 28 March 2019

- (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; and*
- (f) *the required duration of the derogation.*

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(2) is sufficient to remedy the problem within 30 days, the information provided for in paragraph 2 of this Article need not be specified in the derogation.*

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 in the derogation.

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 had 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.*

The obligations referred to in the first subparagraph 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 1 000 m³ a day as an average or serving more than 5 000 people, 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.*
[Am. 112]

Article 13

Access to water intended for human consumption

1. Without prejudice to Article 9 of Directive 2000/60/EC **and to the principles of subsidiarity and proportionality**, Member States shall, **whilst taking into account the local and regional perspectives and circumstances for water distribution**, take all necessary measures to improve **universal** 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, **or with limited access**, to water intended for human consumption, **including vulnerable and marginalised groups**, and reasons for lack of access (~~such as belonging to a vulnerable and marginalised group~~), assessing possibilities **and taking actions** 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;

Thursday 28 March 2019

- (aa) **ensuring the public supply of water intended for human consumption;**
- (b) setting up and maintaining outdoors and indoors equipment, **including refill points**, for free access to water intended for human consumption in public spaces, **particularly in areas of high footfall; this shall be done where technically feasible, in a manner that is proportionate to the need for such measures and taking into account specific local conditions, such as climate and geography;**
- (c) promoting water intended for human consumption by:
- (i) launching campaigns to inform citizens about the **high** quality of ~~such~~ tap water **and to raise awareness of the nearest designated refill point;**
- (ia) **launching campaigns to encourage the general public to carry reusable water bottles and launching initiatives to raise awareness of the location of refill points;**
- (ii) ~~encouraging~~ **ensuring** the **free** provision of such water in administrations and public buildings, **as well as discouraging the use of water put in single use plastic bottles or containers in such administrations and buildings;**
- (iii) encouraging the ~~free~~ provision of such water **for free or for a low service fee, for customers** in restaurants, canteens, and catering services. [Am. 113, 165, 191, 208, 166, 192, 169, 195, 170, 196, 197 and 220]
2. On the basis of the information gathered under paragraph 1(a), Member States shall take ~~all necessary~~ measures **that they consider necessary and appropriate** to ensure access to water intended for human consumption for vulnerable and marginalised groups. [Am. 114]

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.

2a. Where obligations laid down in this Article are incumbent on local public authorities under national law, Member States shall ensure that such authorities have the means and resources to ensure access to water intended for human consumption and that any measures in that regard are proportionate to the capacities and size of the distribution network concerned. [Am. 173, 199 and 209]

2b. Taking into account the data collected under the provisions set out in point (a) of Article 15(1), the Commission shall collaborate with Member States and the European Investment Bank to support municipalities in the Union which lack the necessary capital in order to enable them to access technical assistance, available Union funding and long-term loans at a preferential interest rate, particularly for the purpose of maintaining and renewing water infrastructure in order to ensure the provision of high quality water, and to extend water and sanitation services to vulnerable and marginalised population groups. [Am. 174, 200 and 210]

Article 14

Information to the public

1. Member States shall ensure that adequate, ~~and~~ up-to-date **and accessible** information on water intended for human consumption is available, online **or in other user-friendly ways**, to all persons supplied, in accordance with Annex IV, **while complying with applicable data protection rules.** [Am. 116]

Thursday 28 March 2019

2. Member States shall ensure that all persons supplied receive regularly and at least once a year, and in the most appropriate **and easily accessible** form (for instance on their invoice or by smart applications) ~~without having to request it, as determined by the competent authorities~~, the following information: [Am. 117]

(a) ~~where costs are recovered through a tariff system~~, information on ~~the cost structure of the tariff charged per cubic metre of water intended for human consumption, including the distribution of fixed and variable costs, presenting at least costs related to the following elements;~~ [Am. 118]

~~(i) measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(5); [Am. 119]~~

~~(ii) treatment and distribution of water intended for human consumption; [Am. 120]~~

~~(iii) waste water collection and treatment; [Am. 121]~~

~~(iv) measures taken pursuant to Article 13, in case such measures have been taken by water suppliers; [Am. 122]~~

(aa) **information on the quality of water intended for human consumption, including the indicator parameters;** [Am. 123]

(b) **where the costs are recovered through a tariff system**, the price of **the supply of** water intended for human consumption ~~supplied per litre and cubic metre, and the price invoiced per litre; where the costs are not recovered through a tariff system, the total annual costs borne by the water system to ensure compliance with this Directive, accompanied by contextual and relevant information on how water intended for human consumption is supplied to the area;~~ [Am. 124]

(ba) **the treatment and distribution of water intended for human consumption;** [Am. 125]

(c) the volume consumed by the household, at least per year or per billing period, together with yearly trends of **household** consumption, **if technically feasible and only if this information is available to the water supplier;** [Am. 126]

(d) comparisons of the yearly water consumption of the household with an average consumption for a household ~~in the same category,~~ **when applicable in accordance with point (c);** [Am. 127]

(e) a link to the website containing the information set out in Annex IV.

Member States shall set out a clear division of responsibilities with regard to the provision of information under the first subparagraph between water suppliers, stakeholders and competent local bodies. The Commission ~~may~~ **is empowered to** adopt implementing **delegated** acts **in accordance with Article 19 supplementing this Directive** by 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).~~ [Am. 128]

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 measures taken under Article 13, and on the share of their population that has access to water intended for human consumption;

Thursday 28 March 2019

- (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~~ **risk** 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. **[Am. 129]**

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 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~~ **is empowered to** adopt ~~implementing~~ **delegated** acts **in accordance with Article 19 supplementing this Directive by** 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. **[Am. 130]**

~~The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 20(2).~~ **[Am. 131]**

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.

Thursday 28 March 2019

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 **and the share of the population without access to water;** [Am. 132]
 - (c) provisions concerning the information to be provided to the public under Article 14 and Annex IV, **including a user friendly overview at Union level of the information listed in point 7 of Annex IV.** [Am. 133]

2a. The Commission shall, no later than ... [five years after the final deadline for transposition of this Directive] — and afterwards where appropriate — submit a report to the European Parliament and to the Council on the potential threat to sources of water intended for human consumption from microplastics, medicines and, if necessary, other newly occurring pollutants and on the appropriate associated potential health risks. The Commission is empowered to adopt, if necessary, delegated acts in accordance with Article 19 in order to supplement this Directive by establishing maximum levels for microplastics, medicinal products and other newly occurring pollutants in water intended for human consumption. [Am. 134]

Thursday 28 March 2019

Article 18

Review and amendment of Annexes

1. At least every five years, the Commission shall review Annex I in the light of scientific and technical progress .

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 Annexes I to IV where necessary, to adapt 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).

2a. By ... [five years after the date of entry into force of this Directive], the Commission shall review whether Article 10a has led to a sufficient level of harmonisation of hygienic requirements on materials and products in contact with water intended for human consumption and, if necessary, take further appropriate measures. [Am. 135]

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].
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.

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.

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.

Thursday 28 March 2019

*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 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.~~ [Am. 136]

*Article 24**Entry into force*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union* .

*Article 25**Addressees*

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President

Thursday 28 March 2019

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
<i>Clostridium perfringens</i> spores	0	Number/100 ml
Coliform bacteria	0	Number/100 ml
Enterococci	0	Number/100 ml
<i>Escherichia coli</i> (<i>E. coli</i>)	0	Number/100 ml
Heterotrophic plate counts (HPC) 22°	No abnormal change	
Somatic coliphages	0	Number/100 ml
Turbidity	<1	NTU
Note	The parameters set out in this Part shall not apply to spring and mineral waters in accordance with Directive 2009/54/EC.	

[Am. 179]

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	µg/l	
Arsenic	10	µg/l	
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 0,1	µg/l	

Thursday 28 March 2019

Parameter	Parametric value	Unit	Notes
Boron	1,0 1,5	mg/l	
Bromate	10	µg/l	
Cadmium	5,0	µg/l	
Chlorate	0,25	mg/l	
Chlorite	0,25	mg/l	
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	Sum of the following nine representative substances: monochloro-, dichloro-, and trichloro-acetic acid, mono- and dibromo-acetic acid, bromochloroacetic acid, bromodichloroacetic 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	
Nickel	20	µg/l	
Nitrate	50	mg/l	Member States shall ensure that the condition $\frac{[\text{nitrate}]}{50} + \frac{[\text{nitrite}]}{3} \leq 1$, 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.

Thursday 28 March 2019

Parameter	Parametric value	Unit	Notes
Nitrite	0,50	mg/l	Member States shall ensure that the condition $\frac{[\text{nitrate}]}{50 + [\text{nitrite}]} \leq 1$, 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	<p>Pesticides' means:</p> <ul style="list-style-type: none"> — organic insecticides, — organic herbicides, — organic fungicides, — organic nematocides, — organic acaricides, — organic algicides, — organic rodenticides — organic slimicides, — related products (<i>inter alia</i>, growth regulators) <p>and their relevant metabolites as defined in Article 3(32) of Regulation (EC) No 1107/2009⁽¹⁾.</p> <p>The parametric value applies to each individual pesticide.</p> <p>In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide, the parametric value is 0,030 µg/l.</p>
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.
PFAS	0,10	µg/l	<p>PFAS' means each individual per- and polyfluoroalkyl substance (chemical formula: C_nF_{2n+1}-R).</p> <p>The formula shall also introduce a differentiation between 'long-chain' and 'short-chain' PFASs. This Directive shall apply only to 'long-chain' PFASs.</p> <p>This parametric value for individual PFAS substances shall only apply to those PFAS substances, which are likely to be present and which are hazardous to human health, according to the hazard assessment referred to in Article 8 of this Directive.</p>

Thursday 28 March 2019

Parameter	Parametric value	Unit	Notes
PFASs — Total	0,50	µg/l	PFASs Total' means the sum of per- and polyfluoroalkyl substances (chemical formula: C _n F _{2n+1} -R). <i>This parametric value for PFASs Total shall only apply to those PFAS substances, which are likely to be present and which are hazardous to human health, according to the hazard assessment referred to in Article 8 of this Directive.</i>
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	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.

(¹) 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 (O) L 309, 24.11.2009, p. 1).

[Am. 138 and 180]

PART Ba

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		

Thursday 28 March 2019

<i>Indicator parameters</i>			
<i>Parameter</i>	<i>Parametric value</i>	<i>Unit</i>	<i>Notes</i>
<i>Conductivity</i>	2 500	$\mu\text{S cm}^{-1}$ at 20 °C	Note 1
<i>Hydrogen ion concentration</i>	$\geq 6,5$ and $\leq 9,5$	pH units	Notes 1 and 3
<i>Iron</i>	200	$\mu\text{g/l}$	
<i>Manganese</i>	50	$\mu\text{g/l}$	
<i>Odour</i>	<i>Acceptable to consumers and no abnormal change</i>		
<i>Sulphates</i>	250	mg/l	Note 1
<i>Sodium</i>	200	mg/l	
<i>Taste</i>	<i>Acceptable to consumers and no abnormal change</i>		
<i>Colony count at 22 °C</i>	<i>No abnormal change</i>		
<i>Coliform bacteria</i>	0	Number/100 ml	
<i>Total organic carbon (TOC)</i>	<i>No abnormal change</i>		
<i>Turbidity</i>	<i>Acceptable to consumers and no abnormal change</i>		

Note 1:

The water should not be aggressive.

Note 2:

This parameter need not be measured unless the water originates from or is influenced by surface water. In the event of non-compliance with this parametric value, the Member State concerned shall investigate the supply to ensure that there is no potential danger to human health arising from the presence of pathogenic micro-organisms, e.g. cryptosporidium.

Note 3:

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.

[Am. 139]

Thursday 28 March 2019

PART C

Parameters relevant for the domestic distribution risk assessment

Parameter	Parametric value	Unit	Notes
<i>Legionella pneumophila</i>	< 1 000	Number/l	In case the parametric value <1 000/l is not met for Legionella, resampling for Legionella pneumophila shall be done. If Legionella pneumophila is not present, the parametric value for Legionella is <10 000/l.
<i>Legionella</i>	<10 000	Number/l	If Legionella pneumophila, whose parametric value is < 1 000/l, is not present, the parametric value for Legionella shall be <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 shall be 10 µg/l.

[Am. 140]

PART Ca

Emerging parameters under monitoring

Microplastics	<i>The monitoring shall be carried out in accordance with the methodology for measuring microplastics laid down in the delegated act referred to in Article 11(5b)</i>
---------------	--

[Am. 141]

Thursday 28 March 2019

ANNEX II
MONITORING

PART A

General objectives and monitoring programmes for water intended for human consumption

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 and the 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.

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:

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
≤ 10 000	Daily
>10 000	Online

In addition, monitoring programmes may consist of:

- (a) inspections of records of the functionality and maintenance status of equipment;

Thursday 28 March 2019

(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. 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 parameters

Escherichia coli (*E. coli*), ~~*Clostridium perfringens* spores, and somatic coliphages~~ **enterococci** are considered 'core parameters' and may not be subject to a supply risk assessment in accordance with part C of this Annex. They shall always be monitored at the frequencies set out in Table 1 of point 2. [Am. 142]

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

		Minimum number of samples per year	
≤ 100		10 ^a	
> 100	≤ 1 000	10 ^a	
> 1 000	≤ 10 000	50 ^b	
> 10 000	≤ 100 000	365	
> 100 000		365	
Volume (m³) of water distributed or produced each day within a supply zone (See Notes 1 and 2) m ³		Group A parameter (microbiological parameter) - number of samples per year (See Note 3)	Group B parameter (chemical parameter) - number of samples per year
	≤ 100	> 0 (See Note 4)	> 0 (See Note 4)
	> 100	4	1

Thursday 28 March 2019

		Minimum number of samples per year	
> 1 000	≤ 10 000	4 + 3 <i>For each 1 000 m³/d and part thereof of the total volume</i>	1 + 1 <i>For each 1 000 m³/d and part thereof of the total volume</i>
> 10 000	≤ 100 000		3 + 1 <i>for each 10 000 m³/day and part thereof of the total volume</i>
> 100 000			12 + 1 <i>for each 25 000 m³/day and part thereof of the total volume</i>

a: ~~all samples are to be taken during times when the risk of treatment breakthrough of enteric pathogens is high.~~

b: ~~at least 10 samples are to be taken during times when the risk of treatment breakthrough of enteric pathogens is high.~~

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.

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. 4 300 m³/day = 16 samples (four for the first 1 000 m³/day + 12 for additional 3 300 m³/day).**

Note 4: Member States that have decided to exempt individual supplies under Article 3(2)(b) **of this Directive** shall apply these frequencies only for supply zones that distribute between 10 and 100 m³ per day. [Am. 186]

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);

Thursday 28 March 2019

- (b) additional monitoring is required for the purposes of Article 11(6);
 - (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).
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.

Thursday 28 March 2019

- 2a. ***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. [Am. 144]***
 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.
-

Thursday 28 March 2019

ANNEX IIa

Minimum hygiene requirements for substances and materials for the manufacture of new products coming into contact with water intended for human consumption:

- (a) a list of substances approved for use in the manufacture of materials, including, but not limited to, organic materials, elastomers, silicones, metals, cement, ion exchange resins and composite materials, and products made therefrom.*
 - (b) specific requirements for the use of substances in materials and products made therefrom.*
 - (c) specific restrictions on the migration of certain substances into water intended for human consumption.*
 - (d) hygiene rules regarding other properties required for compliance.*
 - (e) basic rules to verify compliance with points (a) to (d).*
 - (f) rules concerning sampling and analysis methods to verify compliance with points (a) to (d). [Am. 145]*
-

Thursday 28 March 2019

ANNEX III

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)

PART B

Chemical parameters for which performance characteristics are specified

1. Chemical 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⁽¹⁾, 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 Part B 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.

⁽¹⁾ 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).

Thursday 28 March 2019

Table 1
Minimum performance characteristic 'Uncertainty of measurement'

Parameters	Uncertainty of measurement (See Note 1) % of the parametric value	Notes
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	
Chlorate	30	
Chlorite	30	
Chromium	30	
Copper	25	
Cyanide	30	See Note 3
1,2-dichloroethane	40	
Epichlorohydrin	30	
Fluoride	20	
HAAs	50	
Lead	25	
Mercury	30	
Microcystin-LR	30	
Nickel	25	
Nitrate	15	

Thursday 28 March 2019

Parameters	Uncertainty of measurement (See Note 1) % of the parametric value	Notes
Nitrite	20	
Nonylphenol	50	
Pesticides	30	See Note 4
PFASs	50 20	
Polycyclic aromatic hydrocarbons	30	See Note 5
Selenium	40	
Tetrachloroethene	30	See Note 6
Trichloroethene	40	See Note 6
Trihalomethanes — total	40	See Note 5
Uranium	30	
Vinyl chloride	50	

[Am. 177 and 224]

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 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	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 5	The performance characteristics apply to individual substances, specified at 25 % of the parametric value in Part B of Annex I.
Note 6	The performance characteristics apply to individual substances, specified at 50 % of the parametric value in Part B of Annex I.

Thursday 28 March 2019

ANNEX IVINFORMATION TO THE PUBLIC ~~TO BE PROVIDED ONLINE~~ [Am. 146]

The following information shall be accessible to consumers on-line *or* in a *equally* user-friendly and customized way ways: [Am. 147]

- (1) identification of the relevant water supplier, *the area and number of people supplied, and the method of water production*; [Am. 148]
- (2) *a review of* the most recent monitoring results *per water supplier*, for parameters listed in Annex I, parts A, ~~and B~~ *and Ba*, including frequency ~~and location 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: [Am. 149]
 - (a) one month, for very large water suppliers;
 - (b) six months for *medium and* large water suppliers; [Am. 202]
 - (c) one year for *very small and* small water suppliers; [Am. 203]
- (3) in case of *potential danger to human health as determined by competent authorities following an* exceedance of the parametric values set in accordance with Article 5, information on the potential danger to human health and the associated health and consumption advice or a hyperlink providing access to such information; [Am. 150]
- (4) ~~a summary of the relevant supply risk assessment~~; [Am. 151]
- (5) information on the ~~following~~ indicator parameters *listed in part Ba of Annex I* and associated parametric values:
 - (a) ~~Colour~~;
 - (b) ~~pH (Hydrogen ion concentration)~~;
 - (c) ~~Conductivity~~;
 - (d) ~~Iron~~;
 - (e) ~~Manganese~~;
 - (f) ~~Odour~~;
 - (g) ~~Taste~~;
 - (h) ~~Hardness~~;
 - (i) ~~Minerals, anions/cations dissolved in water~~:
 - ~~Borate BO_3~~
 - ~~Carbonate CO_3^{2-}~~
 - ~~Chloride Cl~~
 - ~~Fluoride F~~
 - ~~Hydrogen Carbonate HCO_3~~
 - ~~Nitrate NO_3~~
 - ~~Nitrite NO_2~~
 - ~~Phosphate PO_4^{3-}~~
 - ~~Silicate SiO_2~~
 - ~~Sulphate SO_4^{2-}~~

Thursday 28 March 2019

- Sulphide S_2
- Aluminium Al
- Ammonium NH_4^+
- Calcium Ca
- Magnesium Mg
- Potassium K
- Sodium Na

~~Those parametric values and other non-ionised compounds and trace elements may be displayed with a reference value and/or an explanation; [Am. 152]~~

- (6) advice to consumers including on how to reduce water consumption **where appropriate and use water responsibly according to local conditions**; [Am. 153]
- (7) for **large and** very large water suppliers, annual information on: [Am. 154]
 - (a) the overall performance of the water system in terms of efficiency, including leakage rates and energy consumption per cubic meter of delivered water **levels as determined by the Member States**; [Am. 155]
 - (b) information on management ~~model~~ and ~~governance~~ **the ownership structure** of the water **supply by the water** supplier, including the composition of the board; [Am. 156]
 - (c) water quantity supplied yearly and trends;
 - (d) **where costs are recovered through a tariff system**, information on the ~~cost~~ structure of the tariff charged to consumers per cubic meter of water, including fixed and variable costs, ~~presenting at least as well as~~ 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; [Am. 157]
 - (e) 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~~ **undertaken, under way and planned, as well as the financing plan**; [Am. 158]
 - (f) types of water treatment and disinfection applied;
 - (g) summary and statistics of consumer complaints, and ~~of timeliness and adequacy of responses to problems~~ **how they are resolved**; [Am. 159]
- (8) access to historical data for information under points (2) and (3), dating back up to 10 years, **and not earlier than the date of transposition of this Directive** upon request. [Am. 160]

Thursday 28 March 2019

ANNEX V

Part A

Repealed Directive with list of the successive amendments thereto
(referred to in Article 23)

Council Directive 98/83/EC (OJ L 330, 5.12.1998, p. 32)	
Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1)	Only point 29 of Annex II
Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ L 188, 18.7.2009, p. 14)	Only point 2.2 of the Annex
Commission Directive (EU) 2015/1787 (OJ L 260, 7.10.2015, p. 6)	

Part B

Time-limits for transposition into national law
(referred to in Article 23)

Directive	Time-limit for transposition	
98/83/EC	25 December 2000	
(EU) 2015/1787	27 October 2017	

Thursday 28 March 2019

ANNEX VI

CORRELATION TABLE

Directive 98/83/EC	This Directive
Article 1	Article 1
Article 2, introductory wording	Article 2, introductory wording
Article 2 pts. 1 and 2	Article 2 pts. 1 and 2
—	Article 2 pts. 3 to 8
Article 3(1), introductory wording	Article 3(1), introductory wording
Article 3(1)(a) and (b)	Article 3(1)(a) and (b)
Article 3(2) and (3)	Article 3(2) and (3)
Article 4(1), introductory wording	Article 4(1), introductory wording
Article 4(1)(a) and (b)	Article 4(1)(a) and (b)
Article 4(1), 2 nd subparagraph	Article 4(1)(c)
Article 4(2)	Article 4(2)
Article 5(1) and (2)	Article 5(1)
Article 5(3)	Article 5(2)
Article 6(1) pts (a) to (c)	Article 6, pts (a) to (c)
Article 6(1), pt (d)	—
Article 6(2)	—
Article 6(3)	—
—	Article 7
—	Article 8
—	Article 9
—	Article 10
Article 7(1)	Article 11(1)
Article 7(2)	Article 11(2) introductory wording

Thursday 28 March 2019

Directive 98/83/EC	This Directive
—	Article 11(2), pts (a) to (c)
Article 7(3)	Article 11(3)
Article 7(4)	—
Article 7(5)(a)	Article 11(4) introductory wording
Article 7(5)(b)	Article 11(4)(a)
Article 7(5)(c)	Article 11(4)(b)
Article 7(6)	Article 11(5)
Article 8(1)	Article 12(1)
Article 8(2)	Article 12(2), 1st subparagraph
—	Article 12(2), 2nd subparagraph
Article 8(3)	Article 12(3), 1st subparagraph
—	Article 12(3), 2nd subparagraph
—	Article 12(4), pts (a) to (c)
Article 8(4)	Article 12(5)
Article 8(5) to (7)	—
Article 9	—
Article 10	—
—	Article 13
—	Article 14
—	Article 15
—	Article 16
—	Article 17
Article 11(1)	Article 18(1), 1 st subparagraph
—	Article 18(1), 2nd subparagraph
Article 11(2)	—
—	Article 18(2)
—	Article 19

Thursday 28 March 2019

Directive 98/83/EC	This Directive
Article 12(1)	Article 20(1)
Article 12(2), 1 st subparagraph	Article 20(1)
Article 12(2), 2 nd subparagraph	—
Article 12(3)	—
Article 13	—
Article 14	—
Article 15	—
—	Article 21
Article 17(1) and (2)	Article 22(1) and (2)
Article 16(1)	Article 23(1)
Article 16(2)	—
—	Article 23(2)
Article 18	Article 24
Article 19	Article 25
Annex I, part A	Annex I, part A
Annex I, part B	Annex I, part B
Annex I, part C	—
—	Annex I, part C
Annex II, Part A (1)(a) to (c)	Annex II, Part A (1)(a) to (c)
Annex II, Part A (2) 1 st subparagraph	Annex II, Part A (2) 1 st subparagraph
—	Annex II, Part A (2) 2 nd subparagraph and table
Annex II, Part A (2) 2 nd subparagraph	Annex II Part A (2) 3 rd subparagraph
Annex II, Part A (3)	—
Annex II, Part A (4)	Annex II, Part A (3)
Annex II, Part B (1)	—
Annex II, Part B (2)	Annex II, Part B (1)

Thursday 28 March 2019

Directive 98/83/EC	This Directive
Annex II, Part B (3)	Annex II, Part B (2)
Annex II, Part C (1)	—
Annex II, Part C (2)	Annex II, Part C (1)
Annex II, Part C (3)	—
Annex II, Part C (4)	Annex II, Part C (2)
Annex II, Part C (5)	Annex II, Part C (3)
—	Annex II, Part C (4)
Annex II, Part C (6)	—
Annex II, Part D, pts (1) to (3)	Annex II, Part D, pts (1) to (3)
Annex III, 1 st and 2 nd subparagraphs	Annex III, 1 st and 2 nd subparagraphs
Annex III, part A, 1 st and 2 nd subparagraphs	—
Annex III, part A, 3 rd subparagraph, points (a) to (f)	Annex III, part A, 3 rd subparagraph points (a) to (h)
Annex III, part B, (1), 1 st subparagraph	Annex III, part B, (1), 1 st subparagraph
Annex III, part B, (1), 2 nd subparagraph	—
Annex III, part B, (1), 3 rd subparagraph and Table 1	Annex III, part B, (1), 2 nd subparagraph and Table 1
Annex III, part B, (1), Table 2	—
Annex III, part B, (2)	Annex III, part B, (2)
Annex IV	—
Annex V	—
—	Annex IV
—	Annex V
—	Annex VI