



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 08.07.1998
COM(1998) 388 final

95/ 0010 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

on the Quality of Water Intended for Human Consumption

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

On 4 January 1995, the Commission adopted a "Proposal for a Council Directive on the Quality of Water intended for Human Consumption" (COM(94)612 final - 95/0010 SYN).

On 28 April 1995 (OJ C 131, 30.5.1995, p.5) (co-operation procedure pursuant to Article 130S1) the proposal was presented to the Council.

The Economic and Social Committee gave its opinion on 21 December 1995 (OJ C 82, 19.3.96).

The Committee of the Regions gave its opinion on 19 September 1995 (OJ C 100, 2.4.1996).

The European Parliament gave its opinion (first reading) at its sitting of 12 December 1996 (OJ C 020, 20.1.1997).

The Commission adopted the amended proposal (COM(97)228 final - 95/0010 SYN of 4.06.1997; OJ C 213, 15.7.1997).

At its meeting on 16 October 1997, the Council reached a political agreement with a view to adopting a common position.

The Council's common position was adopted on 19 December 1997 (OJ C 91, 26.3.98)

The European Parliament gave its opinion (second reading) at its sitting of 13 May 1998.

The Commission has examined the amendments proposed by Parliament at its second reading and has included a number of them in this re-examined proposal. In this memorandum the Commission's position on each of the amendments approved by Parliament at its second reading is explained.

In general the Commission cannot accept the amendments which are, in its opinion, unworkable, or which will make implementation unduly onerous. On the other hand the Commission can accept amendments which improve the clarity of the text and which remove any possible areas of ambiguity or doubt. The Commission can also accept those amendments which improve still further the transparency of the Directive.

Therefore, the Commission can accept amendments: 6, 8, 15 and 19 without reservation as all these amendments improve the text of the Directive, through textual changes or through improvement of the transparency; amendments 12 and 29 can be accepted in part with some necessary redrafting for reasons of coherence with the other provisions of the Directive.

In addition the Commission can accept in principle amendments: 13, 26 and 30. The following comments are represented on these amendments:

Amendment 13

Amendment 13 refers to disinfection of water and proposes to add "that there is no new contamination from disinfection degradation products". A redrafting is necessary to make it factually correct.

Amendment 26

Amendment 26 proposes the addition of a parameter for radioactivity in Annex I, part B. The Commission following the advice given by the Group of experts under Article 31 EURATOM Treaty Committee accepts to include radioactivity parameter in Annex I, part C (indicator parameter). gross α and gross β activity should for the time being only be included but not quantified. For tritium a value of 100 Bq/l is proposed, the total indicative dose is 0.1 mSv/y. The Commission undertakes to provide further guidance, on how the indicative dose parameter shall be translated in practical terms. The appropriate values for total α and total β and the monitoring frequencies under Annex II will be defined in due time.

Amendment 30

Amendment 30 refers to a study to be carried out into the issue of endocrine disrupters on which to base a proposal on the basis of Article 189b. The Commission welcomes the idea. It should not, though, be put into a Directive as within some time it will be irrelevant.

Amendment 12

The Commission is of the opinion that the reference is indeed better placed in Article 6(2) than in Article 2(2) as it makes the text more comprehensible. The text can be transferred as it is in the Common Position.

The second issue of amendment 12 refers to a report to be produced by Member States on the incidence of lead piping and on plans to replace this lead. In principle the Commission can agree with the idea of plans that Member States should present within five years to explain how Member States will comply with the lead-related provisions.

Amendment 29

Amendment 29 calls for Member States to produce a report on areas with high THM values. The Commission can accept the concept of such a report to be produced by Member States.

The Commission cannot accept the remaining amendments, namely: 1, 3, 4, 5, 9, 11, 14, 16, 21, 22, 23, 24, 25, 27, 28 and 31.

Amendments 1,3,4,5,9,11,14,21,23

These amendments either do not add anything new to the text, or are irrelevant in this Directive or are already covered by the Treaty.

Amendment 16 and Amendment 22

Amendments 16 and 22 seek to change the derogation provisions under Articles 9(1) and 15(1). Acceptance of these amendments could put at stake the adoption of the Directive as the Council reached a very difficult agreement on this point. The Commission believes that the main concerns of the Parliament have been taken into account as derogations can be granted only when there is no potential human health risk and the water supply cannot be maintained by any other reasonable means. Additionally the derogations are limited in time and the Commission remains involved.

Amendment 24

Amendment 24 seeks to lower the parametric value for THM to 80 µg/l. The Commission is of the opinion that the value retained in the Common Position represents an appropriate balance between health and practical considerations.

Amendment 25

A reference to endocrine disrupters is added to Article 4(1)a (amendment 8), but at present it is thought to be premature to introduce a parameter in Annex I, B.

Amendment 27

Even though it is desirable to use the same sampling method all over the European Union, this might not always be possible due to various factors.

Amendment 28

Amendment 28 proposes 10 years to comply with the lead standard. The Commission cannot accept such a timetable. The proposed compliance period is 15 years, and this is based on what the Commission believes to be the best balance between the protection of human health, and the economic consequences of achieving such a standard.

Amendment 31

Amendment 31 calls for copper to be moved from Annex I, Part B (chemical parameters) to Annex I, Part C (indicator parameters). As is explained in the explanatory memorandum WHO guideline values for drinking water quality have been used as a basis for the proposed Directive. The Commission has followed the WHO's health-based guideline on copper. In the rolling revision, which took place in Geneva in April 1997, this value did not change. The Commission will review the parametric value for copper and its classification following the revision of the WHO guidelines.

Re-examined proposal for a

COUNCIL DIRECTIVE

on the Quality of Water intended for human consumption

Article 2(2)

“domestic distribution system” shall mean the pipework, fittings and appliances which are installed between the taps that are normally used for human consumption 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, except in premises and establishments where water is supplied to the public, such as schools, hospitals and restaurants.

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Article 4(1)(a)

(a) is free from any micro-organisms and parasites and from any substances which, in numbers or concentrations, constitute a potential danger to human health, and

(a) is free from any micro-organisms and parasites, endocrine disrupting chemicals and from any other substances which, in numbers or concentrations, constitute a potential danger to human health, and

Article 6(2)

2. In the case of water covered by paragraph 1(a), Member States shall be deemed to have fulfilled their obligations under this Article and under Articles 4 and 8(2) where it can be established that non-compliance with the parametric values set in accordance with Article 5 is due to the domestic distribution system or the maintenance thereof.

2. In the case of water covered by paragraph 1(a), Member States shall be deemed to have fulfilled their obligations under this Article and under Articles 4 and 8(2) where it can be established that non-compliance with the parametric values set in accordance with Article 5 is due to the domestic distribution system or the maintenance thereof, except in premises and establishments where water is supplied to the public, such as schools, hospitals and restaurants.

Member States must produce a report and forward it to the Commission, in accordance with Article 13 (5), on the incidence of lead piping in households and come forward within five years of the entry into force of this Directive, with a plan of practical measures to be taken, such as lead pipe replacement or other measures under

paragraph (3), to fulfil their obligations.

Article 7 (1)

1. Member States shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out, in order to check that the water available to consumers meets the requirements of this Directive and in particular the parametric values set in accordance with Article 5. Samples should 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 is verified.

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Article 8 (2)

2. If, despite the measures taken to meet the obligations imposed in Article 4(1), water intended for human consumption does not meet the parametric values set in accordance with Article 5, and subject to Article 6(2), the Member State concerned shall ensure that the necessary remedial action is taken as soon as possible to restore its quality, having regard inter alia to the extent to which the relevant parametric value has been exceeded and to the potential danger to human health.

2. If, despite the measures taken to meet the obligations imposed in Article 4(1), water intended for human consumption does not meet the parametric values set in accordance with Article 5, and subject to Article 6(2), the Member State concerned shall ensure that the necessary remedial action is taken as soon as possible to restore its quality and shall give priority to their enforcement action, having regard to the extent to which the relevant parametric value has been exceeded and to the potential danger to human health.

Article 10

Member States shall take all measures necessary to ensure that no substances or materials for new installations used in the preparation or distribution of water intended for human consumption or impurities associated with such substances or materials for new installations remain in water intended for human consumption in

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concentrations higher than is necessary for the purpose of their use and do not, either directly or indirectly reduce the protection for human health provided for in this Directive, without prejudice to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (1).

concentrations higher than is necessary for the purpose of their use and do not, either directly or indirectly reduce the protection for human health provided for in this Directive, whereby the interpretative documents and technical specifications pursuant to Article 3(1) and Article 4(1) of the Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (1) shall respect the requirements of this Directive.

Annex I, Part B, note 10

Note 10: Where possible, without compromising disinfection, Member States should strive for a lower value.

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For the water referred to in Article 6(1)(a), (b) and (d), the value must be met, at the latest, ten calendar years after entry into force of this Directive. The parametric value for total THMs from five years after entry into force of this Directive until ten years after its entry into force is 150 µg/l.

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Member States must ensure that all appropriate measures are taken to reduce the concentration of THMs in water intended for human consumption as much as possible during the period needed to achieve compliance with the parametric value.

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When implementing the measures to achieve this value, Member States must progressively give priority to those areas where THM concentrations in water intended for human consumption are highest.

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Member States must produce a report and forward it to the Commission, in accordance with Article 13(5), on areas with high THM values and come forward within 5 years with a plan of practical measures to be taken, necessary to comply with the THM related provisions.

Annex I, Part C, entry 11 a (new), (after "oxidizability")

Parameter	Parametric value	Unit	Note
<u>Radioactivity:</u>			
<u>tritium</u>	<u>100</u>	<u>becquerel/l</u>	Note 11
<u>total α activity</u>	<u>no value at present</u>	<u>becquerel/l</u>	Note 8, 11
<u>total β activity</u>	<u>no value at present</u>	<u>becquerel/l</u>	Note 9, 11
<u>total indicative dose</u>	<u>0,10</u>	<u>mSv/year</u>	Note 10, 11

Note 8: Total α : except radon and short-lived radon decay products.

Note 9: Total β : except ^{40}K , tritium and short-lived radon decay products.

Note 10: Further guidance on the assessment of the annual individual effective dose, in comparison with the total indicative dose, will be provided in due time.

Note 11: the monitoring frequencies under Annex II, will be defined in due time.

ISSN 0254-1475

COM(98) 388 final

DOCUMENTS

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14 05 10 15

Catalogue number : CB-CO-98-403-EN-C

ISBN 92-78-37360-5

Office for Official Publications of the European Communities

L-2985 Luxembourg