



2017/0332(COD)

15.5.2018

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DRAFT REPORT

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))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Michel Dantin

(Recast – Rule 104 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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)

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 (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 xxx¹,
 - having regard to the opinion of the Committee of the Regions of xxx²,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
 - having regard to the letter of xxx from 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 (A8-0000/2018),
- 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

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

³ OJ C 77, 28.3.2002, p. 1.

codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, 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.

Amendment 1

Proposal for a directive

Recital 3

Text proposed by the Commission

(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 Council⁶⁸ and Directive 2001/83/EC of the European Parliament and of the Council⁶⁹. 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. In the case of water intended for human consumption put into bottles or containers intended for sale or used in the manufacture, preparation or treatment of food, the water should comply with the provisions of this Directive until the point of compliance (i.e. the tap), and 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 Council⁷⁰.

Amendment

(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 Council⁶⁸ and Directive 2001/83/EC of the European Parliament and of the Council⁶⁹. 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 Annex I, Part A, to this Directive.*** In the case of water intended for human consumption put into bottles or containers intended for sale or used in the manufacture, preparation or treatment of food, the water should comply with the provisions of this Directive until the point of compliance (i.e. the tap), and 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 Council⁷⁰.

⁶⁸ 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).

⁶⁹ 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).

⁷⁰ 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).

⁶⁸ 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).

⁶⁹ 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).

⁷⁰ 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).

Or. fr

Amendment 2

Proposal for a directive Recital 4

Text proposed by the Commission

(4) Following the conclusion of the European citizens' initiative on the right to water (Right2Water)⁷¹, a Union-wide public consultation was launched and a Regulatory Fitness and Performance (REFIT) Evaluation of Directive 98/83/EC was performed⁷². 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

Amendment

(4) Following the conclusion of the European citizens' initiative on the right to water (Right2Water)⁷¹, a Union-wide public consultation was launched and a Regulatory Fitness and Performance (REFIT) Evaluation of Directive 98/83/EC was performed⁷². 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. In addition, the European citizens' initiative on the right to water identified as a distinct problem the fact that part of the population, especially marginalised groups, has no access to water intended for human consumption, which is also a commitment under Sustainable Development Goal 6 of UN Agenda 2030. 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 infrastructure⁷³.

⁷¹ COM(2014) 177 final

⁷² SWD(2016) 428 final

⁷³ 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".

information, and the disparities between approval systems for materials in contact with water intended for human consumption. In addition, the European citizens' initiative on the right to water identified as a distinct problem the fact that part of the population, especially marginalised groups, has no access to water intended for human consumption, which is also a commitment under Sustainable Development Goal 6 of UN Agenda 2030. 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 infrastructure⁷³, **and by what is sometimes insufficient knowledge of water systems.**

⁷¹ COM(2014) 177 final

⁷² SWD(2016) 428 final

⁷³ 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".

Or. fr

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

(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

Amendment

(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 review⁷⁴, 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.**

⁷⁴ 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.

in light of technical and scientific progress. In view of the results of that review⁷⁴, enteric pathogens and Legionella should be controlled **and** six chemical parameters or parameter groups should be added. **The WHO recommendations, which are based on the most up-to-date scientific data and evidence at international level, should be followed and the parametric values adjusted accordingly.** For lead, the WHO noted that concentrations should be as low as reasonably practical, and for chromium, the value remains under WHO review.

⁷⁴ 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.

Or. fr

Amendment 4

Proposal for a directive Recital 6

Text proposed by the Commission

(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) 2015/1787⁷⁵ allows water suppliers to remove a**

Amendment

(6) The WHO also recommended that three parametric values be made less stringent and five parameters be removed from the list. **Those parametric values and parameters had been set in previous revisions, on the basis of the precautionary principle, in the absence of sufficient scientific data and evidence.**

parameter from the list to be monitored under certain conditions. Treatment techniques to meet those parametric values are already in place.

Those shortcomings having been rectified as a result of analytical advances and improved scientific knowledge, the parametric values and parameters concerned ought to be adjusted on the basis of the WHO recommendations, which are based on the scientific state of the art. Additional parameters or more stringent parametric values would generate additional costs for water suppliers, in terms of investment in infrastructure and treatment, which would have an impact on the price of water for consumers. That runs counter to the objective of affordable access to water for all.

⁷⁵ *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).*

Or. fr

Amendment 5

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(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. Endocrine disrupting substances in water intended for human consumption are a case in point: as scientific knowledge currently stands, they pose no potential risk to human health, but, in the light of their*

potential risk to the environment, it is warranted to place them on a watchlist. Accordingly, Member States ought to monitor these emerging parameters separately.

Or. fr

Amendment 6

Proposal for a directive Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Indicator parameters have no direct public-health impact. However, they are important indicators of how water production and distribution facilities are functioning and of water quality. They can identify water treatment deficiencies and should therefore be monitored by Member States.

Or. fr

Amendment 7

Proposal for a directive Recital 8

Text proposed by the Commission

Amendment

(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

(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

Quality⁷⁶. 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 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 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 Manual⁷⁷; 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) ("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.

Quality⁷⁶. 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 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 more effectively factor in 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 Manual⁷⁷; 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 *internal* distribution systems, *in particular on priority premises* (e.g. Legionella or lead) ("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, *stakeholders responsible for pollution or risks of pollution* and water suppliers.

⁷⁶ 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

⁷⁷ 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

⁷⁶ 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

⁷⁷ 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

Or. fr

Amendment 8

Proposal for a directive Recital 9

Text proposed by the Commission

(9) The hazard assessment should be geared towards 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 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 Council⁷⁸), 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). Those parameters should be used as markers that trigger action by competent

Amendment

(9) The hazard assessment should be geared towards 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 risk of pollution to,*** 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 Council⁷⁸), 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,***

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, in cooperation with *water suppliers and* stakeholders.

⁷⁸ 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).

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.

⁷⁸ 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).

Or. fr

Amendment 9

Proposal for a directive Recital 11

Text proposed by the Commission

(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. 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, a *domestic* distribution risk assessment is therefore more suited to address this issue. In addition, the potential

Amendment

(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 *internal* distribution system. Since imposing a unilateral obligation to monitor all private and public premises for this pathogen would lead to unreasonably high

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 Council⁷⁹**. The information referred to in Articles 31 and 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁸⁰ 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 WHO⁸¹, and that the migration from **construction products 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.**

⁷⁹ 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).

⁸⁰ Regulation (EC) No 1907/2006 of the

costs **and would contravene the subsidiarity principle, an internal** distribution risk assessment is therefore more suited to address this issue, **in particular on priority premises accessed by large numbers of people or vulnerable groups**. In addition, the potential risks stemming from products and materials in contact with water intended for human consumption should also be considered in the *internal* distribution risk assessment. The *internal* distribution risk assessment should therefore include, inter alia, focusing monitoring on priority premises, assessing the risks stemming from the *internal* distribution system and related products and materials in contact with water. The information referred to in Articles 31 and 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁸⁰ 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 **on priority premises**, in line with the guidance of the WHO⁸¹, and that the migration from **substances and materials in contact with water does not endanger human health.**

⁸⁰ 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).

⁸¹ "Legionella and the prevention of Legionellosis", World Health Organisation, 2007, http://www.who.int/water_sanitation_health/emerging/legionella.pdf

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).

⁸¹ "Legionella and the prevention of Legionellosis", World Health Organisation, 2007, http://www.who.int/water_sanitation_health/emerging/legionella.pdf

Or. fr

Amendment 10

Proposal for a directive Recital 12

Text proposed by the Commission

(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. 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***

Amendment

(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. 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. ***That situation stems from the fact that there are no minimum European hygiene standards for all products and materials in contact with water intended for human consumption, that being essential for fully ensuring mutual recognition between Member***

Regulation allows for the development of European standards harmonising the assessment methods for construction products in contact 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 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 Programme⁸², 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 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.

States. The removal of technical barriers and conformity of all products and materials in contact with water intended for human consumption at Union level may 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 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 in this connection.

⁸² SWD(2016) 185 final

Or. fr

Justification

Regulation (EU) No 305/2011 does not cover all materials in contact with water; and the issue of materials in contact with water is addressed only in connection with Article 10 (and not at all stages in the water chain). Should a mandate be adopted for CEN in late 2018, it is not known how long CEN would need in order to draw up the relevant standard. Will CEN have a mandate to develop a harmonised method for material performance analysis? It may be that such a method would not make it possible to lay down minimum hygiene requirements at EU level.

Amendment 11

Proposal for a directive Recital 14

Text proposed by the Commission

(14) The risk-based approach should gradually be applied by all water suppliers, including small 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. When applying the risk-based approach, security concerns should be taken into account.

Amendment

(14) The risk-based approach should gradually be applied by all water suppliers, including 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. When applying the risk-based approach, security concerns **and concerns relating to the ‘polluter pays’ principle** should be taken into account.

Or. fr

Amendment 12

Proposal for a directive Recital 15

Text proposed by the Commission

(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. In addition, **it is important to clarify that** failure to meet the minimum requirements for values relating to microbiological and chemical parameters **should automatically be considered by Member States as a potential danger** to human health. In cases where remedial action is necessary to

Amendment

(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. In addition, **in the event of** failure to meet the minimum requirements for values relating to microbiological and chemical parameters, **Member States should determine whether or not that constitutes** a potential risk to human health. **To that end, Member States should take account of, in particular, the**

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.

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.

Or. fr

Amendment 13

Proposal for a directive

Recital 16

Text proposed by the Commission

(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 proved to be ***burdensome*** for Member States ***and Commission alike***. ***In addition***, in some cases, it led to delays in remedial actions being taken, as the possibility for derogation was considered ***as*** 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.*** 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.***

Amendment

(16) Member States should 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 ***useful*** for Member States, ***given the scale of ambition of the legislation. 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 ***to be*** a transitional period. ***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. The provision 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 continue to apply, *too, in accordance with the arrangements laid down by the provisions in force when the derogation procedure is launched.*

Or. fr

Amendment 14

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) The Commission, in its reply to the European citizens' initiative 'Right2Water' in 2014⁸³, 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"⁸⁴. This is 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, when setting water tariffs in accordance with the principle of recovery of costs set out in 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

Amendment

(17) The Commission, in its reply to the European citizens' initiative 'Right2Water' in 2014⁸³, 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"⁸⁴. This is 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, when setting water tariffs in accordance with the principle of recovery of costs set out in 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 Rights⁸⁵ 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 access to water at national level whilst enjoying some 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 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.

⁸³ COM(2014) 177 final

⁸⁴ COM(2014) 177 final, p. 12.

⁸⁵ 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).

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 Rights⁸⁵ 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 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.

⁸³ COM(2014) 177 final

⁸⁴ COM(2014) 177 final, p. 12.

⁸⁵ 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).

Or. fr

Amendment 15

Proposal for a directive Recital 18

Text proposed by the Commission

(18) The European Parliament, in its Resolution on the "follow-up to the European citizens' initiative

Amendment

(18) The European Parliament, in its Resolution on the "follow-up to the European citizens' initiative

Right2Water"⁸⁶, "requested that Member States should pay special attention to the needs of vulnerable groups in society". The specific situation of minority cultures, such as Roma, Sinti, 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 Strategies⁸⁸ and the Council Recommendation on effective Roma integration measures in the Member States⁸⁹. 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. 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, 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.

Right2Water"⁸⁶, "requested that Member States should pay special attention to the needs of vulnerable groups in society". The specific situation of minority cultures, such as Roma, Sinti, 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 Strategies⁸⁸ and the Council Recommendation on effective Roma integration measures in the Member States⁸⁹. 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. ***With regard for the principle of water cost recovery as laid down in Article 9 of Directive 2000/60/EC, Member States shall 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, 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 shall ensure that they have sufficient financial resources and technical and material capacities. In particular, the distribution of water for vulnerable and marginalised groups ought not to be disproportionately costly for local public authorities.***

⁸⁶ P8_TA(2015)0294

⁸⁷ P8_TA(2015)0294, paragraph 62.

⁸⁸ COM(2014) 209 final

⁸⁹ 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).

⁸⁶ P8_TA(2015)0294

⁸⁷ P8_TA(2015)0294, paragraph 62.

⁸⁸ COM(2014) 209 final

⁸⁹ 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).

Or. fr

Amendment 16

Proposal for a directive Recital 19

Text proposed by the Commission

(19) The 7th Environment Action Programme to 2020 ‘Living well, within the limits of our planet’⁹⁰, 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 is easily accessible, for instance on a website whose link should be actively distributed. 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 water. 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. For very large water suppliers, additional information on, inter alia, energy efficiency, management, governance, cost***

Amendment

(19) The 7th Environment Action Programme to 2020 ‘Living well, within the limits of our planet’⁹⁰, 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*** is easily accessible, for instance on a website whose link should be actively distributed. 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 ***the outcome of action to monitor water suppliers as regards water quality*** parameters. For very large water suppliers, additional information on, inter alia, energy efficiency, management, governance, ***tariff*** structure, and treatment applied, should also be available on-line. ***The purpose of better consumer knowledge of relevant information*** and

structure, and treatment applied, should also be available on-line. ***It is assumed that*** better consumer knowledge and improved transparency ***will contribute to increasing*** citizens' confidence in the water supplied to them. This in turn is expected to lead to increased use of tap water, thereby contributing to reduced plastic litter and greenhouse gas emissions, and a positive impact on climate change mitigation and the environment as a whole.

⁹⁰ 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).

improved transparency ***should be to increase*** citizens' confidence in the water supplied to them. This in turn is expected to lead to increased use of tap water, thereby contributing to reduced plastic litter and greenhouse gas emissions, and a positive impact on climate change mitigation and the environment as a whole.

⁹⁰ 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).

Or. fr

Amendment 17

Proposal for a directive Recital 20

Text proposed by the Commission

(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) on the volume consumed, the cost structure of the tariff charged by the water supplier, including variable and fixed costs, as well as on the price per litre of water intended for human consumption, thereby allowing a comparison with the price of bottled water.

Amendment

(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) on the volume consumed ***per year, changes in consumption, a comparison with average household consumption***, the cost structure of the tariff charged by the water supplier, including variable and fixed costs, as well as on the price per litre of water intended for human consumption, thereby allowing a comparison with the price of bottled water.

Or. fr

Amendment 18

Proposal for a directive Recital 21

Text proposed by the Commission

(21) The principles to be considered in the setting of water tariffs, namely recovery of costs for water services and polluter pays, are set out in 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 – 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 issue should be addressed by increasing transparency and consumer information on leakage rates **and energy efficiency**.

Amendment

(21) The **fundamental** principles to be considered in the setting of water tariffs, namely recovery of costs for water services and polluter pays, are set out in 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 – 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 issue should be addressed by increasing transparency and consumer information on leakage rates.

Or. fr

Amendment 19

Proposal for a directive Recital 25

Text proposed by the Commission

(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**

Amendment

(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 **any available WHO recommendations, and on relevant**

any available WHO recommendations.

scientific, analytical and epidemiological data.

Or. fr

Amendment 20

Proposal for a directive Recital 28

Text proposed by the Commission

(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. 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/Euratom⁹⁶ 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

Amendment

(28) In order to adapt this Directive to scientific and technical progress or to specify monitoring requirements for the purposes of the hazard and **internal** 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. 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/Euratom⁹⁶ 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.

necessary and should be deleted.

⁹⁶ 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).

⁹⁶ 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).

Or. fr

Amendment 21

Proposal for a directive Article 2 – paragraph 1 – point 1

Text proposed by the Commission

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 other domestic purposes in both public and private premises, regardless of its origin and whether it is supplied from a distribution network, supplied from a tanker or, *for spring waters*, put in bottles .

Amendment

1. ‘water intended for human consumption’ shall mean: (a) all water either in its original state or after treatment, intended for drinking, cooking, food preparation or production, or other domestic purposes in both public and private premises, regardless of its origin and whether it is supplied from a distribution network, supplied from a tanker or put in bottles *or containers*;

Or. fr

Amendment 22

Proposal for a directive Article 2 – paragraph 1 – point 1 – point b (new)

Text proposed by the Commission

Amendment

(b) all water used in food production companies for the manufacture, processing, preservation or marketing of products or substances intended for human consumption, unless the competent national authorities are satisfied that the water quality cannot

affect the hygiene of the end food products, in line with Regulation (EC) No 852/2004 of the European Parliament and of the Council^{1a}.

^{1a}. Regulation (EU) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

Or. fr

Justification

Aside from the mineral waters, which are governed by specific provisions (Directive 2009/54/EC), and packaged spring water, there are other packaged waters which do not come from the distribution network. In addition, all types of water packaging should be covered, without exception. In line with Regulation (EU) No 852/2004 on the hygiene of foodstuffs, this provision should be retained in the directive and reference should be made to the regulation.

Amendment 23

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

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.

Amendment

2. ‘**internal** 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.

Or. fr

Justification

- The term ‘internal’ is more suitable because it covers networks in both private buildings and public establishments. The term ‘domestic’ refers only to networks in private homes.

Amendment 24

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

3. 'water supplier' shall mean ***an entity*** supplying at least 10 m³ of water intended for human consumption a day as an average.

Amendment

3. 'water supplier' shall mean ***the public authority in charge of the production and distribution of water intended for human consumption and*** supplying at least 10 m³ of water intended for human consumption a day as an average. ***Producers of packaged water shall not be regarded as water suppliers within the meaning of this Directive. A water supplier may hand over the management of all or part of the water production or supply activities to a third party. If they do so, the contract between the water supplier and the third party shall specify each party's responsibilities under this Directive.***

Or. fr

Justification

This definition makes it possible to distinguish between the public authority responsible for a service and the entity (public or private) which operates the service. Packaged waters are already covered by food laws (Regulation (EC) No 882/2004) that set out rules on monitoring, sampling and risk assessment. The purpose of this amendment is to clarify the text under consideration here and avoid duplications.

Amendment 25

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

4. 'small water supplier' shall mean a water supplier supplying less than ***500*** m³ per day or serving less than 5 000 people.

Amendment

4. 'small water supplier' shall mean a water supplier supplying less than ***1 000*** m³ per day or serving less than 5 000 people.

Or. fr

Amendment 26

Proposal for a directive

Article 2 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

4a. 'medium water supplier' shall mean a water supplier supplying at least 1000 m³ per day or serving at least 5 000 people.

Or. fr

Justification

The amendment proposes the introduction of a new category in order to take better account of the range of sizes of suppliers in Member States and strike a better balance between the size of a supplier and the nature of its obligations under the directive.

Amendment 27

Proposal for a directive

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

5. 'large water supplier' shall mean a water supplier supplying at least **500** m³ per day or serving at least **5 000** people.

5. 'large water supplier' shall mean a water supplier supplying at least **10 000** m³ per day or serving at least **50 000** people.

Or. fr

Amendment 28

Proposal for a directive

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

6. 'very large water supplier' shall mean a water supplier supplying at least **5 000** m³ per day or serving at least **50 000**

6. 'very large water supplier' shall mean a water supplier supplying at least **20 000** m³ per day or serving at least **100 000**

people.

people.

Or. fr

Amendment 29

Proposal for a directive Article 2 – paragraph 1 – point 7

Text proposed by the Commission

7. 'priority premises' shall mean large premises with many *users* potentially exposed to water-related risks, such as hospitals, healthcare institutions, buildings with a lodging facility, penal institutions and campgrounds, as identified by Member States.

Amendment

7. 'priority premises' shall mean large premises with many ***people, in particular vulnerable persons***, potentially exposed to water-related risks, such as hospitals, healthcare institutions, ***schools and universities, crèches***, buildings with a lodging facility, penal institutions and campgrounds, as identified by Member States.

Or. fr

Amendment 30

Proposal for a directive Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. As regards the parameters set out in Annex I, Part B(a), the values shall be fixed only for monitoring purposes and for the sake of ensuring that the requirements set out in Article 12 are met.

Or. fr

Justification

These parameters have no direct bearing on public health. However, they are important indicators of how well water production and distribution systems are operating and of water quality. These parameters may highlight shortcomings in the treatment of water.

Amendment 31

Proposal for a directive Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The microbiological parameters set out in Annex I, Part A, shall not apply to packaged spring water.

Or. fr

Justification

The microbiological parameters for packaged spring water are already set out in Article 5 of Directive 2009/54/EC.

Amendment 32

Proposal for a directive Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) in the case of **spring** waters , at the point at which the water is put into the bottles.

(c) in the case of **packaged** waters, at the point at which the water is put into the bottles **or in containers**.

Or. fr

Justification

This provision should apply to all types of packaging for the type of water covered by point (c).

Amendment 33

Proposal for a directive Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In the case of water covered by paragraph 1(a), Member States shall be deemed to have fulfilled their obligations under this

Article where it can be established that non-compliance with the parametric values set under Article 5 is caused by a private distribution system or the maintenance thereof, except in premises and establishments where water is supplied to the public, such as schools, hospitals and restaurants.

Or. fr

Justification

This paragraph should be kept as it clarifies the division of responsibility between water providers and building owners. Water providers should not be held responsible for non-compliance with the parametric values when such non-compliance is a result of pollution within private domestic facilities.

Amendment 34

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. Member States shall ensure that the supply, treatment and distribution of water intended for human consumption is subject to **an appropriate** risk-based approach **which is proportional to the size of the water supplier and which takes account of local constraints**, composed of the following elements:

Or. fr

Amendment 35

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) a hazard assessment of bodies of water used for the abstraction of water intended for human consumption, in

Amendment

(a) a hazard assessment of bodies of water **or parts of bodies of water** used for the abstraction of water intended for

accordance with Article 8;

human consumption, in accordance with Article 8;

Or. fr

Justification

The extent of the body of water in question is relevant under Directive 2000/60/EC, but not always under this directive. In some cases, the bodies of water used for abstraction often extend well beyond the supplier's distribution area. The supplier's responsibility and the resources available to it under the directive for risk assessment, surveillance and management should therefore be restricted in some cases to just part of a body of water.

Amendment 36

Proposal for a directive Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) *a domestic* distribution risk assessment, in accordance with Article 10.

Amendment

(c) *an internal* distribution risk assessment, in accordance with Article 10.

Or. fr

Amendment 37

Proposal for a directive Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) a clear and suitable division of responsibilities between the various stakeholders as defined by the Member States, in particular as regards the bodies of water, domestic supply apparatus and the national institutional and legal framework.

Or. fr

Justification

It is essential for Member States to set out a clear division of responsibilities, on the basis of

the polluter-pays principle, taking account of the powers and resources of the various stakeholders.

Amendment 38

Proposal for a directive Article 7 – paragraph 2

Text proposed by the Commission

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**, and updated where necessary.

Amendment

2. Hazard assessments shall be carried out by [3 years after the end-date for transposition of this Directive]. They shall be reviewed every **six years, taking account of the requirement for Member States to identify bodies of water provided for in Article 7 of Directive 2000/60/EC**, and updated where necessary.

Or. fr

Justification

The implementation of Article 8 of the directive should be included in the timetable in Directive 2000/60/EC, given that bodies of water used for the abstraction of water for human consumption are monitored under Directive 2000/60/EC.

Amendment 39

Proposal for a directive Article 7 – paragraph 3

Text proposed by the Commission

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.

Amendment

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 **and medium** 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.

Or. fr

Amendment 40

Proposal for a directive Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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 set out in Article 11 and Article 13 of Directive 2000/60/EC respectively.

Or. fr

Amendment 41

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. **Domestic** distribution risk assessments shall be carried out by [3 years after the end-date for transposition of this Directive]. They shall be reviewed every 3 years, and updated where necessary.

4. **Internal** distribution risk assessments **in the places listed 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.

Or. fr

Amendment 42

Proposal for a directive Article 8 – title

Text proposed by the Commission

Amendment

Hazard assessment of bodies of water used for the abstraction of water intended for

Hazard assessment, **monitoring and management** of bodies of water used for

human consumption

the abstraction of water intended for
human consumption

Or. fr

Justification

This article is not limited to the assessment of, but also covers measures for monitoring and managing risks relating to, bodies of water.

Amendment 43

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to **Articles 6 and 7 of** Directive 2000/60/EC, Member States shall ensure that a hazard assessment is performed covering the bodies 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:

Amendment

1. Without prejudice to Directive 2000/8/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:

Or. fr

Amendment 44

Proposal for a directive
Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) identification of and geo-references for all abstraction points in the bodies of water covered by the hazard assessment;

Amendment

(a) identification of and geo-references for all abstraction points in the bodies of water covered by the hazard assessment. **Given that these data are potentially sensitive, in particular in the context of public health protection, they shall be protected and communicated only to the relevant authorities;**

Justification

These sensitive data must be protected in order to prevent them from being used for illegal purposes, which could pose a risk to public health. Terrorism is one such risk.

Amendment 45

Proposal for a directive
Article 8 – paragraph 1 – point c

Text proposed by the Commission

(c) identification of hazards and possible pollution sources affecting the bodies of water covered by the hazard assessment. To that end, Member States may use the review of the impact of human activity undertaken in accordance with Article 5 of Directive 2000/60/EC and information on significant pressures collected in accordance with point 1.4 of Annex II to that Directive;

Amendment

(c) identification of hazards and possible pollution sources affecting the bodies of water, ***or parts of bodies of water***, covered by the hazard assessment. To that end, Member States may use the review of the impact of human activity undertaken in accordance with Article 5 of Directive 2000/60/EC and information on significant pressures collected in accordance with point 1.4 of Annex II to that Directive;

Or. fr

Amendment 46

Proposal for a directive
Article 8 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) regular monitoring in the bodies of water covered by the hazard assessment of relevant pollutants selected from the following lists:

Amendment

(d) regular monitoring in the bodies of water covered by the hazard assessment of relevant pollutants selected from the following lists, ***depending on the degree of danger the pollutants pose to human health and their concentration***:

Or. fr

Amendment 47

Proposal for a directive

Article 8 – paragraph 1 – point d – point iv

Text proposed by the Commission

(iv) other relevant pollutants, such as **microplastics**, or river basin specific pollutants established by Member States on the basis of the review of the impact of human activity undertaken in accordance with Article 5 of Directive 2000/60/EC and information on significant pressures collected in accordance with point 1.4 of Annex II to that Directive.

Amendment

(iv) other relevant pollutants, such as river basin specific pollutants established by Member States on the basis of the review of the impact of human activity undertaken in accordance with Article 5 of Directive 2000/60/EC and information on significant pressures collected in accordance with point 1.4 of Annex II to that Directive.

Or. fr

Justification

As yet, there is no scientific data suggesting that microplastics pose a risk to human health, nor indeed has a consistent approach to testing been taken. The inclusion of the pollutant in the directive is therefore unjustified and would lead to differences in implementation between the Member States.

Amendment 48

Proposal for a directive

Article 8 – paragraph 3 – point a

Text proposed by the Commission

(a) **require water suppliers to carry out additional monitoring or treatment of certain parameters;**

Amendment

deleted

Or. fr

Amendment 49

Proposal for a directive

Article 8 – paragraph 3 – point b

Text proposed by the Commission

(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.

Amendment

(b) allow water suppliers to decrease the monitoring frequency of certain parameters ***or the number of parameters being monitored if those parameters are not affected by the distribution network***, 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.

Or. fr

Amendment 50

Proposal for a directive

Article 8 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) require water suppliers to carry out additional monitoring for certain parameters at the point of abstraction;

Or. fr

Amendment 51

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

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***

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 stakeholders:

suppliers:

Or. fr

Amendment 52

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) prevention measures to ***avoid treatment or*** 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;

Or. fr

Amendment 53

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

(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.

Amendment

(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.***

Or. fr

Amendment 54

Proposal for a directive

Article 9 – title

Text proposed by the Commission

Supply risk assessment

Amendment

Supply risk assessment, ***monitoring and***

Justification

This article is not limited to the assessment but also provides for measures to monitor and manage supply risks.

Amendment 55

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that water suppliers perform a supply risk assessment providing for the possibility to adjust the monitoring frequency for any parameter listed in Annex I, parts A and B that are not core parameters according to part B of Annex II, depending on their occurrence in the raw water.

Amendment

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

Amendment 56

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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***.

Amendment

For those parameters Member States shall ensure that water suppliers can deviate from the sampling frequencies set out in Annex II, part B, ***depending on their occurrence in the raw water***.

Amendment 57

Proposal for a directive Article 9 – paragraph 1 – subparagraph 3

Text proposed by the Commission

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.

Amendment

To that end, water suppliers shall 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.

Or. fr

Amendment 58

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

2. Supply risk assessments shall be **approved by the competent authorities.**

Amendment

2. Supply risk assessments shall be **the responsibility of the water suppliers.**

Or. fr

Justification

If the Member States ensure that each water supplier carries out a proper supply risk assessment, it would be a disproportionate measure to require the competent authorities to validate that assessment for each water supplier.

Amendment 59

Proposal for a directive Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. On the basis of the results of the risk assessment carried out pursuant to paragraph 1, Member States shall ensure that water suppliers establish an action

plan tailored to the risks identified and proportionate to the size of the water supplier. By way of example, the plan may concern the use of materials in contact with water, water treatment products or measures to adapt to future challenges, such as climate change.

Or. fr

Justification

With a view to fully applying the risk-based approach, this article should provide for an action plan concerning the management of the risks identified in the assessment and monitoring under this article.

Amendment 60

Proposal for a directive

Article 10 – title

Text proposed by the Commission

Domestic Distribution Risk Assessment

Amendment

Internal distribution risk assessment,
monitoring and management

Or. fr

Amendment 61

Proposal for a directive

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that ***a domestic*** distribution risk assessment is performed, comprising the following elements:

Amendment

1. Member States shall ensure that ***an internal*** distribution risk assessment is performed ***in priority premises as defined in Article 2(7)***, comprising the following elements:

Or. fr

Amendment 62

Proposal for a directive Article 10 – paragraph 1 – point a

Text proposed by the Commission

(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**;

Amendment

(a) an assessment of the potential risks associated with the **internal** 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;

Or. fr

Amendment 63

Proposal for a directive Article 10 – paragraph 1 – point b – subparagraph 1

Text proposed by the Commission

(b) regular monitoring of the parameters listed in Annex I, part C, in premises **where the potential danger to human health is considered highest. Relevant parameters and premises for monitoring shall be selected** on the basis of the assessment performed under point (a).

Amendment

(b) regular monitoring of the parameters listed in Annex I, part C, in **priority premises identified as presenting specific risks to water quality** on the basis of the assessment performed under point (a).

Or. fr

Amendment 64

Proposal for a directive Article 10 – paragraph 1 – point b – subparagraph 2

Text proposed by the Commission

With regard to the regular monitoring referred to in the first subparagraph,

Amendment

Member States shall ensure access to systems in priority premises for the

Member States may set up a monitoring strategy *focusing on priority premises*;

purposes of sampling and may set up a monitoring strategy, *in particular as regards Legionella pneumophila*;

Or. fr

Justification

To comply with the obligations under this article, water suppliers should be given access to internal distribution systems to enable them to carry out such an assessment. Furthermore, according to the conclusions of the WHO and the European Centre for Disease Prevention and Control (ECDC), Legionella pneumophila is the primary cause of Legionnaires' disease in Europe.

Amendment 65

Proposal for a directive Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) a verification of *whether* the performance of **construction products** in contact with water intended for human consumption *is adequate in relation to the essential characteristics linked to the basic requirement for construction works specified in point 3(e) of Annex I to Regulation (EU) No 305/2011.*

Amendment

(c) a verification of the performance of **products and materials** in contact with water intended for human consumption.

Or. fr

Justification

The regulation on construction materials does not appear to be adapted to the specific features of materials in contact with water, in particular because it does not cover quality criteria in terms of hygiene. Also, the regulation allows the material analysis methods to be harmonised but does not set a minimum quality requirement.

Amendment 66

Proposal for a directive Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

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 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:

Amendment

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 **internal** 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 **take appropriate measures to eliminate or reduce the risk of non-compliance with the parametric values set out in Annex I, part C.**

Or. fr

Amendment 67

**Proposal for a directive
Article 10 – paragraph 2 – point a**

Text proposed by the Commission

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

Amendment

deleted

Or. fr

Amendment 68

**Proposal for a directive
Article 10 – paragraph 2 – point b**

Text proposed by the Commission

(b) **take all necessary measures to ensure that the migration of substances or chemicals from construction products used in the preparation or distribution of**

Amendment

deleted

water intended for human consumption does not, either directly or indirectly, endanger human health;

Or. fr

Justification

The reference to the rules on construction materials raises questions in that it only allows for the methods for analysing the performance of materials to be defined, and not for minimum hygiene requirements to be laid down. But this is essential to ensure the quality of water intended for human consumption and to prevent any potential risk to human health.

Amendment 69

**Proposal for a directive
Article 10 – paragraph 2 – point c**

Text proposed by the Commission

Amendment

(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;* *deleted*

Or. fr

Justification

This provision is not compatible with the ‘polluter pays’ principle. The nature of the water should not be changed in ‘anticipation’ of a potential deterioration due to non-compliant distribution systems. On the other hand, the nature of the water (additional treatment) over the entire distribution network cannot be changed if the problem occurs in only part of the network.

Amendment 70

**Proposal for a directive
Article 10 – paragraph 2 – point d**

Text proposed by the Commission

Amendment

(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;* *deleted*

Or. fr

Amendment 71

Proposal for a directive Article 10 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) *organise training for plumbers and other professionals dealing with domestic distribution systems and the installation of construction products;* *deleted*

Or. fr

Amendment 72

Proposal for a directive Article 10 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) *for Legionella, ensure that effective control and management measures are in place to prevent and address possible disease outbreaks.* *deleted*

Or. fr

Amendment 73

Proposal for a directive Article 10 – paragraph 2 a (new)

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

(a) encourage owners of private building to carry out an internal distribution risk assessment;

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

(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 internal 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 disease outbreaks.

Or. fr

Amendment 74

Proposal for a directive Article 10 a (new)

Article 10a

Minimum requirements for products and materials in contact with water

1. Member States shall take all necessary measures to ensure that substances and materials for the manufacture of new products in contact with water intended for human consumption 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 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 paragraph 1, the Commission shall be empowered to 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 and materials in contact with water intended for human consumption approved in the EU.

3. Materials in contact with water intended for human consumption which are covered by other EU legislation, such as Regulation (EU) No 305/2011 of the European Parliament and of Council^{1a}, shall comply with the requirements of paragraphs 1 and 2.

^{1a} 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 088, 4.4.2011, p. 5).

Or. fr

Justification

The draft standardisation of the CEN in Regulation 305/2011 is deficient and does not provide the guarantees necessary for mutual recognition. On the basis of the current Article 10 (98/83/EC) and the work undertaken by several Member States, the harmonisation approach is preferred. This will ensure that all products and materials in contact with water in the EU are safe and remove obstacles to the internal market.

Amendment 75

Proposal for a directive

Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure that additional monitoring is carried out for substances included on the watch list set out in Annex Ia. Member States shall define the representative sample of premises used for monitoring, on the basis of available data. The monitoring frequency shall be at least once every 12 months.

Member States shall communicate to the Commission the results of the monitoring carried out in accordance with the first subparagraph for the first time on ... [three years from the date of entry into force of this Directive], and thereafter every 12 months.

The Commission shall be 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 Annex Ia. The Commission may propose to add substances where they present a risk of occurrence in water intended for human consumption and pose 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 work of the WHO. The addition of any new substance shall be duly justified under Article 1 of this

Directive.

Or. fr

Justification

Based on the precautionary principle and the model watch list laid down in Directive 2013/39 amending the Water Framework Directive (2000/60/EC), substances should be placed on a 'watch list' pending clearer scientific evidence.

Amendment 76

**Proposal for a directive
Article 12 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that any failure to meet the parametric values set in accordance with Article 5 is immediately investigated in order to identify the cause.

Amendment

1. Member States shall ensure that any failure to meet the parametric values set in accordance with Article 5 **at the point of consumption** is immediately investigated in order to identify the cause.

Or. fr

Justification

It should be made clear that, where applicable, non-compliance must be established at the point of consumption, in particular at the tap.

Amendment 77

**Proposal for a directive
Article 12 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

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(2).

Amendment

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 Article 10(2**a**).

Or. fr

Amendment 78

Proposal for a directive

Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States shall automatically consider any failure to meet the minimum requirements for parametric values set out in Annex I, parts A and B, **as** a potential danger to human health.

Amendment

Where the minimum requirements for parametric values set out in Annex I, parts A and B, **are not met, Member States shall determine whether or not it constitutes** a potential danger to human health.

Or. fr

Justification

Not every failure to meet parametric values constitutes a danger to human health. It depends on the type of parameter concerned (whether or not it is a core parameter) and the level of non-compliance. It is up to the Member States' competent authorities to conduct a risk assessment and to determine whether or not it constitutes a danger to human health.

Amendment 79

Proposal for a directive

Article 12 – paragraph 4 – introductory part

Text proposed by the Commission

4. In the cases described in paragraphs 2 and 3, Member States shall as soon as possible take all of the following measures:

Amendment

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

Or. fr

Amendment 80

Proposal for a directive

Article 12 – paragraph 4 – point c

Text proposed by the Commission

(c) inform consumers once it has been

Amendment

(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.

established that there is no longer a potential danger to human health and inform them that the service has resumed back to normal. ***This shall be done in cooperation with the water supplier.***

Or. fr

Amendment 81

Proposal for a directive Article 12 – paragraph 5

Text proposed by the Commission

5. ***The*** competent authorities or other relevant bodies shall decide what action under paragraph 3 shall be taken, bearing in mind the risks to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

Amendment

5. ***Where non-compliance is established at the point of consumption,*** *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.

Or. fr

Amendment 82

Proposal for a directive Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Derogations

1. Member States may provide for derogations from the parametric values set out in Annex I, Part B, or set in accordance with Article 5(2), up to a maximum value to be determined by them, provided no derogation constitutes a potential danger to human health and provided that the supply of water intended

for human consumption in the area concerned cannot otherwise be maintained by any other reasonable means. Derogations shall be limited to as short a time as possible and shall not exceed three years, towards the end of which a review shall be conducted to determine whether sufficient progress has been made.

Where a Member State intends to grant a second derogation, it shall communicate the review, along with the grounds for its decision on the second derogation, to the Commission. No such second derogation shall exceed three years.

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

(a) the grounds for the derogation;

(b) the parameter concerned, previous relevant monitoring results, and the maximum permissible value under the derogation;

(c) the geographical area, the quantity of water supplied each day, the population concerned and whether or not any relevant food-production undertaking would be affected;

(d) an appropriate monitoring scheme, with an increased monitoring frequency where necessary;

(e) a summary of the plan for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing; et

(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 recourse to the derogations provided for in this Article shall ensure that the population affected by any such derogation is promptly informed in an appropriate manner of the derogation and of the conditions governing it. In addition the Member State shall, where necessary, ensure that advice is given to particular population groups for which the derogation could present a special risk.

These obligations shall not apply in the circumstances described in paragraph 3 unless the competent authorities decide otherwise.

6. With the exception of derogations granted in accordance with paragraph 3, a Member State shall inform the Commission within two months of any derogation concerning an individual supply of water exceeding 1 000 m³ a day as an average or serving more than 5 000 people, including the information specified in paragraph 2.

This Article shall not apply to water intended for human consumption offered for sale in bottles or containers.

Or. fr

Justification

Removing derogations could have a counterproductive effect, encouraging water suppliers to prioritise curative treatments to the detriment of preventive measures in order to avoid non-compliance. The purpose of the Directive is to put in place preventive measures throughout the chain and reduce the risks of pollution at source. Suppliers, including small and medium-sized suppliers, need to have a certain latitude to implement this approach. The derogations should, however, be tightened up, by reducing them to a maximum of two.

Amendment 83

Proposal for a directive

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 9 of Directive 2000/60/EC, Member States shall take all necessary measures to improve access for all to water intended for human consumption and promote its use on their territory. This shall include ***all of*** the following measures:

Amendment

1. Without prejudice to Article 9 of Directive 2000/60/EC ***and the proportionality principle***, Member States shall take all necessary measures to improve access for all to water intended for human consumption and promote its use on their territory. This shall include, ***for example***, the following measures:

Or. fr

Amendment 84

Proposal for a directive

Article 13 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. fr

Justification

In terms of privacy, it would be more appropriate to identify groups rather than people.

Amendment 85

Proposal for a directive

Article 13 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) setting up and maintaining ***outdoor or indoor*** equipment for free access to water intended for human consumption in public spaces; ***These measures shall take account of specific local conditions, such as climate.***

Or. fr

Amendment 86

Proposal for a directive

Article 13 – paragraph 1 – point c – point iii

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 87

Proposal for a directive

Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

On the basis of the information gathered under paragraph 1(a), Member States shall take all ***necessary*** measures to ensure access to water intended for human consumption for vulnerable and

Amendment

On the basis of the information gathered under paragraph 1(a), Member States shall take all measures ***that they consider necessary*** to ensure access to water intended for human consumption for

marginalised groups.

vulnerable and marginalised groups.

Or. fr

Amendment 88

Proposal for a directive

Article 13 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where obligations are incumbent on local public authorities under this Article, Member States shall ensure that they are proportionate to:

(i) the resources of the distribution network concerned;

(ii) the size of the network;

(iii) the nature of the interest at stake;

Or. fr

Justification

It is not possible for drinking water to be supplied using outdoor equipment throughout the whole year in certain regions with a harsh climate. It is not possible, for example, in mountain or polar areas, where external water supply equipment cannot be maintained below a certain temperature. Moreover, this provision should not lead to disproportionate costs for the local public authorities, in particular in the case of a large influx of people or where people arrive only temporarily.

Amendment 89

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that adequate and up-to-date information on water intended for human consumption is available online to all persons supplied, in accordance with Annex IV.

1. Member States shall ensure that adequate and up-to-date information on water intended for human consumption is available online to all persons supplied, in accordance with Annex IV, ***while respecting the principle of data protection.***

Amendment 90

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) information on the **cost** structure of the tariff charged per cubic metre of water intended for human consumption, including fixed and variable costs, **presenting at least costs related to the following elements:**

(a) information on the **method of management, the** structure of the tariff charged per cubic metre of water intended for human consumption, including fixed and variable costs:

Or. fr

Amendment 91

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point a – point i

Text proposed by the Commission

Amendment

(i) **measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(5);**

deleted

Or. fr

Amendment 92

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point a – point ii

Text proposed by the Commission

Amendment

(ii) **treatment and distribution of water intended for human consumption;**

deleted

Or. fr

Amendment 93

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point a – point iii

Text proposed by the Commission

Amendment

(iii) *waste water collection and treatment;* *deleted*

Or. fr

Amendment 94

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point a – point iv

Text proposed by the Commission

Amendment

(iv) *measures taken pursuant to Article 13, in case such measures have been taken by water suppliers;* *deleted*

Or. fr

Amendment 95

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) *information on water quality;*

Or. fr

Amendment 96

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the price of water intended for (b) the price of *the supply of* water

human consumption supplied per *litre and*
cubic metre;

intended for human consumption supplied
per cubic metre, *and the price invoiced per*
litre of water;

Or. fr

Justification

The proposal makes no change of substance but makes it possible to point out that costs related to water as invoiced to the consumer are mainly due to water services (collection, purification and distribution of water) and less to the resource itself.

Amendment 97

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) the volume consumed by the household, at least per year or per billing period, together with yearly trends of consumption;

Amendment

(c) the volume consumed by the household, at least per year or per billing period, together with yearly trends of *household* consumption;

Or. fr

Amendment 98

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

(d) comparisons of the yearly water consumption of the household with an average consumption for a household *in the same category*;

Amendment

(d) comparisons of the yearly water consumption of the household with an average consumption for a household;

Or. fr

Amendment 99

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) set up, and update annually thereafter, a data set containing information on drinking water incidents that have caused potential **danger** to human health, regardless of whether any failure to meet the parametric values occurred, that lasted for more than 10 consecutive days and that affected at least 1 000 people, including the causes of those incidents and remedial actions taken in accordance with Article 12.

Amendment

(d) set up, and update annually thereafter, a data set containing information on drinking water incidents that have caused potential **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.

Or. fr

Amendment 100

Proposal for a directive

Article 19 – paragraph 2

Text proposed by the Commission

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].

Amendment

2. The power to adopt delegated acts referred to in **Articles 10a(2), 11(5a), third subparagraph, and** 18(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive].

Or. fr

Amendment 101

Proposal for a directive

Article 23 – paragraph 2

Text proposed by the Commission

2. Derogations granted by Member States in accordance with Article 9 of

Amendment

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.***

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.

Or. fr

Amendment 102

Proposal for a directive Annex I – part A – paragraph 1 (new)

Text proposed by the Commission

Amendment

Bottled waters are excluded from the scope of Annex I, Part A.

Or. fr

Amendment 103

Proposal for a directive Annex I – part A – table

Text proposed by the Commission

Parameter	Parametric value	Parameter
<i>Clostridium perfringens</i> <i>spores</i>	<i>0</i>	<i>Number/100 ml</i>
<i>Coliform bacteria</i>	<i>0</i>	<i>Number/100 ml</i>
Enterococci	0	Number/100 ml
Escherichia coli (E. coli)	0	Number/100 ml
<i>Heterotrophic plate counts (HPC) 22°C</i>	<i>No abnormal change</i>	
<i>Somatic coliphages</i>	<i>0</i>	<i>Number/100 ml</i>
<i>Turbidity</i>	<i>< 1</i>	<i>NTU</i>

Amendment

Parameter	Parametric value	Parameter
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Enterococci	0	Number/100 ml
Escherichia coli (E. coli)	0	Number/100 ml

Or. fr

Justification

According to WHO recommendations, the parameters deleted from Annex I, Part A, are relevant as indicators of the effectiveness of treatment. They are therefore reinserted in Annex I, Part Ba, concerning indicator parameters.

Amendment 104

**Proposal for a directive
Annex I – part B – table**

Text proposed by the Commission

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	µg/l	
Boron	1,0	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	
<i>Haloacetic acids (HAAs)</i>	80	µg/l	<i>Sum of the following nine representative substances: monochloro-, dichloro-, and trichloro-acetic acid, mono- and dibromo-acetic acid, bromochloroaceti</i>

			<i>c acid, bromodichloroacetic acid, dibromochloroacetic acid and tribromoacetic acid.</i>
Lead	5	µg/l	<i>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.</i>
Mercury	1,0	µg/l	
Microcystin-LR	10	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.
Nitrite	0.50	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 (NO₃) and nitrite (NO₂), is complied with and that the value of 0,10 mg/l for nitrites is complied with ex water treatment works.

<i>Nonylphenol</i>	<i>0,3</i>	<i>µg/l</i>
Pesticides	0,10	µg/l

‘Pesticides’ means:

organic insecticides,

organic herbicides,

organic fungicides,

organic nematocides,

organic acaricides,

organic algicides,

organic rodenticides

organic slimicides,

related products (inter alia, growth regulators) and their relevant metabolites as defined in Article 3(32) of Regulation (EC) No 1107/2009¹.

The parametric value applies to each individual pesticide.

In the case of aldrin, dieldrin,

Pesticides — Total	0,50	µg/l	heptachlor and heptachlor epoxide, the parametric value is 0,030 µg/l. 'Pesticides — Total' means the sum of all individual pesticides, as defined in the previous row, detected and quantified in the monitoring procedure.
<i>PFAS</i>	<i>0,10</i>	µg/l	<i>'PFAS' means each individual per- and polyfluoroalkyl substance (chemical formula: C_nF_{2n+1}-R).</i>
<i>PFASs - Total</i>	<i>0,50</i>	µg/l	<i>'PFASs Total' means the sum of per- and polyfluoroalkyl substances (chemical formula: C_nF_{2n+1}-R).</i>
Polycyclic aromatic hydrocarbons	0,10	µg/l	Sum of concentrations of the following specified compounds: benzo(b)fluoranth ene, benzo(k)fluoranth ene, benzo(ghi)peryle ne, and indeno(1,2,3- cd)pyrene.
Selenium	<i>10</i>	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, dibromochlorome thane, bromodichlorome thane.
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 (OJ L 309 24.11.2009, p. 1).

Amendment

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	20	µg/l	
Arsenic	10	µg/l	
Benzene	1,0	µg/l	
Benzo(a)pyrene	0,010	µg/l	
Boron	2,4	mg/l	
Bromate	10	µg/l	
Cadmium	5.0	µg/l	
Chlorate	0,7	mg/l	<i>In accordance with WHO recommendations, Member States shall aim to achieve an average annual value lower than 0,35 mg/l, without compromising the disinfection of water.</i>
Chlorite	0,7	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	
Lead	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 [nitrate]/50 + [nitrite]/3 ≤ 1, where the square brackets signify the concentrations in mg/l for nitrate (NO ₃) and nitrite (NO ₂), is complied with and that the value of 0,10 mg/l for nitrites is complied with ex water treatment works.
Nitrite	0.50	mg/l	Member States

shall ensure that the condition $[\text{nitrate}]/50 + [\text{nitrite}]/3 \leq 1$, where the square brackets signify the concentrations in mg/l for nitrate (NO₃) and nitrite (NO₂), is complied with and that the value of 0,10 mg/l for nitrites is complied with ex water treatment works.

Pesticides

0,10

µg/l

‘Pesticides’ means:

organic insecticides,

organic herbicides,

organic fungicides,

organic nematocides,

organic acaricides,

organic algicides,

organic rodenticides

organic slimicides,

related products (inter alia, growth regulators) and their relevant metabolites as defined in Article 3(32) of Regulation (EC) No 1107/2009¹.

The parametric

			value applies to each individual pesticide.
			In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide, the parametric value is 0,030 µg/l.
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.
<i>PFOS</i>	<i>0,18</i>	µg/l	
<i>PFOA</i>	<i>0,07</i>	µg/l	
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	30	µg/l	
Tetrachloroethene and Trichloroethene	10	µg/l	Sum of concentrations of specified parameters
Trihalomethanes — Total	100	µg/l	Where possible, without compromising disinfection,

			Member States shall strive for a lower value.
			Sum of concentrations of the following specified compounds: chloroform, bromoform, dibromochloromethane, bromodichloromethane.
Uranium	30	µg/l	
Vinyl chloride	0.50	µg/l	The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.

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 (OJ L 309 24.11.2009, p. 1).

Or. fr

Justification

As regards antimony, boron, chlorate, chlorite and selenium: value set in accordance with WHO recommendations. As regards haloacetic acids (HAAs): according to WHO recommendations, this parameter is relevant as an indicator of the effectiveness of treatment. It is therefore reinserted in Annex I, Part Ba, concerning indicator parameters.

Amendment 105

Proposal for a directive Annex I – part B a (new)

Text proposed by the Commission

Amendment

Indicator parameters

<i>Parameter</i>	<i>Parametric value</i>	<i>Unit</i>	<i>Notes</i>
<i>Aluminium</i>	<i>200</i>	<i>µg/l</i>	
<i>Ammonium</i>	<i>0,50</i>	<i>mg/l</i>	
<i>Chloride</i>	<i>250</i>	<i>mg/l</i>	<i>Note 1</i>
<i>Clostridium perfringens (including spores)</i>	<i>0</i>	<i>Number/100 ml</i>	<i>Note 2</i>
<i>Colour</i>	<i>Acceptable to consumers and no abnormal change</i>		
<i>Conductivity</i>	<i>2 500</i>	<i>µS cm-1 at 20°C</i>	<i>Note 1</i>
<i>Hydrogen ion concentration</i>	<i>≥ 6,5 and ≤ 9,5</i>	<i>pH units</i>	<i>Notes 1 and 3</i>
<i>Iron</i>	<i>200</i>	<i>µg/l</i>	
<i>Manganese</i>	<i>50</i>	<i>µg/l</i>	
<i>Odour</i>	<i>Acceptable to consumers and no abnormal change</i>		
<i>Sulphates</i>	<i>250</i>	<i>mg/l</i>	<i>Note 1</i>
<i>Sodium</i>	<i>200</i>	<i>mg/l</i>	
<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>	<i>0</i>	<i>Number/100 ml</i>
<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 must 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.

Or. fr

Justification

These parameters have no direct public-health impact. However, they are important indicators of how water production and distribution systems operate and of water quality. These parameters may highlight shortcomings in the treatment and thus the quality of water intended for human consumption.

Amendment 106

**Proposal for a directive
Annex I – part C**

Text proposed by the Commission

Parameters relevant for the domestic distribution risk assessment

Parameter	Parametric value	Unit	Notes
Legionella	< 1 000	Number/l	<i>If the parametric value <1 000/l is not met for Legionella, resampling for</i>

				<i>Legionella pneumophila shall be done. If Legionella pneumophila is not present, the parametric value for Legionella is <10 000/l.</i>
Lead	5	µg/l		<i>The value shall be met, at the latest, by ... [ten years after the date of entry into force of this Directive]. The parametric value for lead until that date is 10 µg/l.</i>

Amendment

Parameters relevant for the domestic distribution risk assessment

Parameter	Parametric value	Unit	Notes
Legionella pneumophila	< 1 000	Number/l	
Legionella	< 10 000	Number/l	<i>If Legionella pneumophila, whose parametric value is < 1 000/l, is not present, the parametric value for Legionella is <10 000/l.</i>
Lead	10	µg/l	

Or. en

Justification

According to the conclusions of the WHO and the European Centre for Disease Prevention and Control (ECDC), Legionella pneumophila is the cause of 95% of cases of Legionnaires' disease in Europe. As there are at least 58 species of Legionella bacteria, it seems appropriate to conduct the first tests on the species that is most dangerous and most relevant in terms of public health, before focusing on other legionella species. According to experts, this approach would make it possible to obtain results several days earlier.

Amendment 107

Proposal for a directive Annex I a (new)

Text proposed by the Commission

Amendment

List of parameters included on the watch list

In accordance with Article 11(5a) of this Directive, Member States shall ensure that regular monitoring is carried out for substances placed on the watch list as shown in Table 1 of this annex.

Table 1 – substances included on the watch list

Endocrine disruptors (including nonylphenol, beta-estradiol (50-28-2) and bisphenol A)

Or. en

Justification

In accordance with the precautionary principle and taking as a model the watch list laid down in Directive 2013/39, substances should be placed on a ‘watch list’ pending clearer scientific evidence. According to the WHO’s conclusions, as scientific knowledge currently stands, the three endocrine disruptors in Table 1 pose no potential risk to human health. However, in the light of their potential risk to the environment, these substances should be placed under scrutiny pending new scientific data.

Amendment 108

Proposal for a directive Annex II – part B – point 2 – table 1

Text proposed by the Commission

Table 1

Minimum frequency of sampling and analysis for compliance monitoring	
Volume (m ³) of water distributed or produced each day within a supply zone	Minimum number of samples per year
≤ 100	10a

> 100	≤ 1 000	10a
> 1 000	≤ 10 000	50b
> 10 000	≤ 100 000	365
	> 100 000	365

Amendment

Table 1

Minimum frequency of sampling and analysis for compliance monitoring

Volume (m ³) of water distributed or produced each day within a supply zone		Minimum number of samples per year – <i>fundamental parameters</i>	<i>Minimum number of samples per year – all non-fundamental parameters</i>
	≤ 100	6	1
> 100	≤ 1 000	12	2
> 1000	≤ 5000	24^b	4
> 5000	≤ 10 000	52^b	4
> 10 000	≤ 50 000	104	6
> 50 000	≤ 100 000	208^b	6
	> 100 000	365	12

Or. en

Justification

The insertion of new parameters and increasing of sampling frequency would generate disproportionate additional costs for suppliers, a point which does not seem to be sufficiently taken into account in the impact assessment. Without prejudice to the requirement of water quality and public health protection, it is proposed to adjust the categories of supply zones and sampling frequencies, maintaining a strict approach to the fundamental parameters, as the concentration of parameters which are not fundamental does not justify daily monitoring.

Amendment 109

**Proposal for a directive
Annex III – part B – point 1 – table 1**

Text proposed by the Commission

Table 1

Minimum performance characteristic 'Uncertainty of measurement'

Parameter	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	
<i>Beta-estradiol (50-28-2)</i>	50	
<i>Bisphenol A</i>	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	
Nitrite	20	
<i>Nonylphenol</i>	50	
Pesticides	30	See Note 4
<i>PFAS</i>	50	
Polycyclic aromatic	30	See Note 5

hydrocarbons		
Selenium	40	
Tetrachloroethene	30	See Note 6
Trichloroethene	40	See Note 6
Trihalomethanes — total	40	See Note 5
Uranium	30	
Vinyl chloride	50	

Amendment

Table 1

Minimum performance characteristic ‘Uncertainty of measurement’

Parameter	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	
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	
Nitrite	20	
Pesticides	30	See Note 4
PFOA	50	
PFOS	50	
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	

Or. en

Amendment 110

Proposal for a directive Annex IV – paragraph 1 – point 2 – introductory part

Text proposed by the Commission

(2) the most recent monitoring **results** for parameters listed in Annex I, parts A and B, 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:

Amendment

(2) **a summary of** the most recent **results from the monitoring of water suppliers** for parameters listed in Annex I, parts A and B, 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:

Or. fr

Justification

In order to protect the security of water infrastructure, it seems inappropriate to make such

information public.

Amendment 111

Proposal for a directive

Annex IV – paragraph 1 – point 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) nine months for medium-sized water suppliers;

Or. fr

Amendment 112

Proposal for a directive

Annex IV – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) in case of 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;

(3) in case of exceedance of the parametric values set in accordance with Article 5, information on the potential danger to human health, ***if appropriate as determined by the Member States in Article 12(3)***, and the associated health and consumption advice or a hyperlink providing access to such information;

Or. fr

Amendment 113

Proposal for a directive

Annex IV – paragraph 1 – point 5

Text proposed by the Commission

Amendment

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

deleted

(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-}*
- *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;

Or. fr

Justification

These parameters are reinserted in Annex I, in the section devoted to indicator parameters.

Amendment 114

Proposal for a directive Annex IV – paragraph 1 – point 7 – point a

Text proposed by the Commission

(a) the overall performance of the water system in terms of efficiency, including leakage rates **and energy consumption** per cubic meter of delivered water;

Amendment

(a) the overall performance of the water system in terms of efficiency, including leakage rates per cubic meter of delivered water;

Or. fr

Justification

Despite its relevance to energy efficiency, this indicator does not seem to fall within the scope of this Directive. On the other hand, it does not provide a basis for making a meaningful comparison among the various suppliers of water, which are subject to various specific local constraints and handicaps.

Amendment 115

Proposal for a directive Annex IV – paragraph 1 – point 7 – point b

Text proposed by the Commission

(b) information on management **and governance** of the water **supplier**, **including the composition of the board**;

Amendment

(b) information on **the** management of the water **supply by the water supplier**;

Or. fr

Amendment 116

Proposal for a directive Annex IV – paragraph 1 – point 7 – point d

Text proposed by the Commission

(d) information on the **cost** structure of the tariff **charged to consumers** per cubic meter of water, including **fixed and variable costs, presenting at least** costs

Amendment

(d) information on the structure of the tariff per cubic meter of water, including costs related to measures taken by water suppliers for the purposes of the hazard

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;

assessment pursuant to Article 8(4), treatment and distribution of water intended for human consumption, and costs related to measures for the purposes of Article 13, where such measures have been taken by water suppliers;

Or. fr

Amendment 117

Proposal for a directive Annex IV – paragraph 1 – point 7 – point e

Text proposed by the Commission

(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;*

Amendment

(e) the amount of investment *undertaken, under way and planned;*

Or. fr

EXPLANATORY STATEMENT

Access to high quality drinking water remains an important issue for EU citizens and one which affects their daily lives, their health and their activities. The Drinking Water Directive is one of the pillars of current EU water legislation. Initially drafted at the end of the 1980s, today this text ensures a compliance rate of over 99 % with regard to high-quality water supply in the EU. However, Directive 98/83/EC has been in force for 20 years and has not undergone any significant recasts since then. This revised directive thus aims to align drinking water quality standards with the most up-to-date scientific data and to adapt the legislative framework in order better to meet new challenges, such as climate change and the transition to a circular economy.

In its REFIT evaluation, the Commission identified four areas with room for improvement, namely the list of parameters, the use of a risk-based approach, the need for greater transparency and consumer access to information on the water they consume and lastly, the materials which come into contact with drinking water. Your rapporteur fully supports these priorities and proposes a number of amendments as summarised below.

Updating drinking water quality parameters

The quality parameters set out in Annex I are the cornerstone of this directive. They set the level of ambition of the text in order to achieve its very purpose, namely the quality of water for human consumption. The parameters have not been revised in depth since 1998, which prompted the European office of the World Health Organisation (WHO) to issue some recommendations with a view to updating the list of parameters and parametric values laid down in Directive 98/83/EC. While your rapporteur endorses the Commission's approach incorporating most of the WHO recommendations for updating the list of parameters, he does not support the proposals to adopt a stricter framework for several parameters in accordance with the precautionary principle. Based as they are on the most comprehensive scientific state of the art, the WHO recommendations on water for human consumption provide the necessary human health safeguards. However, the setting of stricter parametric values for some substances, without any broad scientific consensus, would entail higher costs for all drinking water operators, starting with water suppliers which might carry out additional treatment. On the other hand, the introduction of values for new parameters, as proposed by the Commission (e.g. endocrine disruptors and microplastics), raises two issues. Firstly, since these values are based on environmental criteria, it is doubtful whether they are relevant in terms of their application to a text concerning human health. Endocrine disruptors are a case in point. Secondly, despite the growing interest they are arousing, research on microplastics is still at an early stage. In the absence of any firm evidence and of an analytical method validated by the scientific community, in your rapporteur's view this parameter should not be added to the text. Applying the precautionary principle and in keeping with the Water Framework Directive (2000/60/EC), he proposes introducing a list of parameters that should be placed on a 'watch list' in order to contribute to the improvement of scientific knowledge and anticipate the management of emerging pollutants.

Letting Member States retain responsibility for compliance with water quality standards

Once ambitious quality standards have been established, compliance with those standards is a prerequisite for achieving the purpose of this directive in practice. Since it is an EU directive, and in accordance with the principle of subsidiarity, your rapporteur believes that Member States should retain responsibility for enforcing these minimum quality requirements. To that end, he wishes to make the Member States responsible, in particular through their national drinking water authorities, for assessing the risks to human health in the event of non-compliance with the parametric values. Should those values be exceeded, this does not constitute per se a potential risk to human health. That depends on the type of parameter concerned (whether or not it is a basic parameter) and the level of non-compliance.

Furthermore, your rapporteur takes the view that the derogations should be maintained, whilst adapting them to circumstances and encouraging swifter, more effective compliance by Member States. This revised directive is very ambitious and takes a new (risk-based) approach which warrants a necessary period of adjustment for Member States and for water suppliers. Removing the option to use derogations could have a counter-productive effect, by encouraging water suppliers to prioritise curative treatments to the detriment of prevention measures. That would run counter to the rationale behind the risk-based approach.

A complete risk-based approach

Partially introduced in the 2015 revision, on a non-binding basis, the complete risk-based approach as proposed by the Commission on the basis of WHO recommendations is fully endorsed by your rapporteur. This will mean better water management to prevent the risk of pollution as early as possible and thus avoid or reduce the treatment of water intended for human consumption at the end of the chain. Several adjustments are deemed necessary.

First of all, the sharing of responsibilities between the various stakeholders responsible for water (the state, competent authorities, water suppliers, those responsible for pollution or the risk of pollution, citizens) could be clarified, in particular in Articles 7 to 10 of the draft revision. Accordingly, the risk-based approach should be applied in the light of the subsidiarity, precautionary and 'polluter pays' principles.

The dovetailing of the draft directive with other EU legislation in the field of water policy could also be improved. The implementation of the risk-based approach is closely linked to the objectives and provisions of the Water Framework Directive (2000/60/EC), in particular with regard to the hazard assessment and potential sources of pollution. As regards the implementation of the hazard assessment and risk management for the bodies of water used for the abstraction of water intended for human consumption, this could be somewhat clarified to ensure appropriate synergy between the two directives and avoid overlapping.

The implementation of the risk-based approach should also be proportional to the size and resources of water suppliers. This will substantially alter the way in which water suppliers operate. It will involve investments in infrastructure and will generate new operational costs, which have not been adequately taken into account in the Commission's impact assessment. One example of this is the cost of sampling for the monitoring of water quality. Your rapporteur thus proposes a number of adaptation measures for small and medium-scale water suppliers whose resources are more limited.

While your rapporteur agrees with the finding that a number of health problems relating to water intended for human consumption are linked to internal distribution systems (in

buildings), which calls for fresh measures, he takes the view that the Commission proposal is not fully consistent with the subsidiarity principle. In particular, the measures relating to risk assessment across all internal distribution networks appear to encroach upon the prerogatives of the Member States.

Your rapporteur supports an ambitious approach when it comes to priority premises accessed by large numbers of people or sensitive groups of individuals (government departments, schools, hospitals, etc.). For the rest, and for most internal distribution systems, your rapporteur believes that greater information should be given to consumers and building owners, to encourage those responsible to take the necessary measures.

Harmonisation of materials and products that come into contact with water

The provisions of Directive 98/83/EC concerning the equipment and materials that come into contact with water did not succeed in removing the obstacles to the internal market. Mutual recognition between Member States does not work. This is due, in particular, to the lack of minimum hygiene requirements for such products and materials. Doubts have been raised as to how this directive dovetails with Regulation (EU) No 305/2011 on construction materials. The latter does not cover all products and materials in contact with water and does not enable minimum quality requirements to be established, that being a prerequisite for fully ensuring mutual recognition between Member States. Uncertainties also remain with regard to the scope and time frame of the mandate given to the European Committee for Standardisation (CEN).

In order to remove these obstacles and ensure the safety of products and materials in contact with water, your rapporteur prefers to take an approach geared to harmonisation and the establishment of minimum quality standards. This work should draw on the relevant experience gained and advances made by a number of Member States.

Access to water for all

This new article is an important step forward and is based on the goal of achieving universal and equitable access to safe and affordable drinking water for all and on the European Citizens' Initiative 'Right2Water'. Your rapporteur supports this and proposes several adjustments to ensure that this provision complies with the principle of subsidiarity and proportionality. First of all, he believes that the provisions of the directive should prioritise access to high-quality and affordable water for all and thus avoid any unnecessary and unjustified safety measures which might increase the price of water for all consumers.

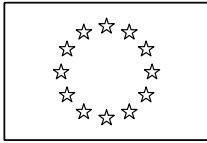
In accordance with the principle of cost recovery under Directive 2000/60/EC, according to which 'water pays for water', your rapporteur also takes the view that the provisions of this article should not lead to disproportionate costs for the local government authorities in charge of water, which would have a knock-on effect on consumers' water bills. Accordingly, a number of measures should be encouraged at Member State level.

Transparency and information for consumers

Transparency concerning water quality information and how it is provided to consumers is likely to encourage water operators to make every effort to meet their obligations in this area. In your rapporteur's view, such information is necessary, provided that it is comprehensible,

relevant and easily accessible to consumers. Furthermore, public information should not be implemented in such a way as to reduce public confidence in water intended for human consumption.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels,

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

COM(2017) 753 final of 1.2.2018 - 2017/0332 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 19 March 2018 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Directive of the European Parliament and of the Council recasting Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- the deletion of recital 18 of Directive 98/83/EC;
- the deletion of the first sentence of recital 26 of Directive 98/83/EC (*'Whereas it is important to prevent contaminated water causing a potential danger to human health'*);
- in Article 12(3), the replacement of the word '*or*' with the word '*and*';
- in Article 18(1), first subparagraph, the deletion of the final words '*under the procedure laid down in Article 189c of the Treaty*';
- in point 1(b) of Part A of Annex II, the replacement of the words '*to demonstrate that the obligations set out in Articles 4 and 5, and the parametric values laid down in Annex I, are being met*' with the words '*to demonstrate that the obligations set out in Article 4 and the parametric values set in accordance with Article 5 are being met*';
- in point 2 of Part C of Annex II, the replacement of the words '*in point 2 of Part B*' with the

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

words '*considered in the monitoring*';

- in point 3 of Part C of Annex II, the replacement of the words '*set out in point 2 of Part B*' with the words '*considered in the monitoring*';

- in the first paragraph of point 1 of Part B of Annex III, the deletion of the words '*and C*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

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