

ÖVGW's Proposed amendments (version 2018-06-12)

On the Legislative proposal of the EU Commission on the EC Drinking Water Directive of 1 February 2018

Amendment proposal No. 1

Article 2 (4 – 6) Proposal of the EC	Article 2 (4 – 6) Amendment proposal of ÖVGW
<p>4. 'small water supplier' shall mean a water supplier supplying less than 500 m³ per day or serving less than 5 000 people.</p> <p>5. 'large water supplier' shall mean a water supplier supplying at least 500 m³ per day or serving at least 5 000 people.</p> <p>6. 'very large water supplier' shall mean a water supplier supplying at least 5 000 m³ per day or serving at least 50 000 people.</p>	<p>4. 'small water supplier' shall mean a water supplier supplying less than 500 m³ per day or serving less than 5 000 people.</p> <p>5. 'large water supplier' shall mean a water supplier supplying at least 500 m³ per day or serving at least 5 000 people.</p> <p>6. 'very large water supplier' shall mean a water supplier supplying at least 5 000 m³ per day or serving at least 50 000 people.</p>

Justification
<p>The division of water companies according to size thresholds should be left to the Member States as it depends very much on the local structure. Furthermore, the classification only impacts the frequency and extent of consumers' online information in accordance with Annex IV (2) and (7) and the implementation period of the risk assessment of the water supply under Article 7 (3). Therefore a Union wide provision must be considered disproportionate.</p> <p>It should also be noted that the legislative proposal of the European Commission concerning the size of water suppliers seems to have been arbitrary and that the number of persons does not correspond to the daily supply of water when the conversion factor in Annex II, Part B, paragraph 2, note 2 is used. The sizing is also generally not consistent with Table I in Annex II, Part B, paragraph 2, which uses other daily quantities.</p>

Amendment proposal No. 2

Article 2 (7) Proposal of the EC	Article 2 (7) Amendment proposal of ÖVGW
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.	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 should be identified by Member States.

Justification

It should be avoided to give concrete examples, as these may limit the scope of application. The identification of priority premises should be reserved to the member state only.

Amendment proposal No. 3

Article 5 (2) Proposal of the EC	Article 5 (2) Amendment proposal of ÖVGW
2. The values set in accordance with paragraph 1 shall not be less stringent than those set out in Annex I. As regards the parameters set out in Annex I, Part C, the values need be fixed only for monitoring purposes and for the fulfilment of the obligations imposed in Article 12.	2. The values set in accordance with paragraph 1 shall not be less stringent than those set out in Annex I. As regards the parameters set out in Annex I, Part C, the values need be fixed only for monitoring purposes and for the fulfilment of the obligations imposed in Article 12.

Justification

The removal of the indicator parameters from Annex I - Part C (current Directive) poses a problem, because this means that an important link between drinking water quality and the water quality of drinking water resources is gone. The existing list of indicator parameters with parametric values should be adapted and re-introduced. This is also an important base for the evaluation of the acceptability of drinking water for the public. Therefore, this amendment re-inserts the current Art. 5(2). The reference to Art. 8 needs to be changed to Art. 12.

Amendment proposal No. 4

Article 6 (2) Proposal of the EC	Article 6 (2) Amendment proposal of ÖVGW
<p>(..)</p> <p>2. In the case of water covered by paragraph 1(a), Member States shall be deemed to have fulfilled their obligations under this Article and under Articles 4 and 8(2) where it can be established that non-compliance with the parametric values set in accordance with Article 5 is due to the domestic distribution system or the maintenance thereof except in premises and establishments where water is supplied to the public, such as schools, hospitals and restaurants.</p>	<p>(...)</p> <p>2. In the case of water covered by paragraph 1(a), Member States shall be deemed to have fulfilled their obligations under this Article and under Articles 4 and 12 where it can be established that non-compliance with the parametric values set in accordance with Article 5 is due to the domestic distribution system or the maintenance thereof except in priority premises.</p>

Justification
<p>ÖVGW proposes the reintroduction of this provision, since the water supplier should not be deemed responsible for the exceedance of parametric values at the tap within domestic distribution systems. The drinking water quality at the tap lies within the responsibility of the building owners.</p>

Amendment proposal No. 5

Article 7 (2 - 4) Proposal of the EC	Article 7 (2 - 4) Amendment proposal of ÖVGW
<p>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.</p> <p>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 3 years, and updated where necessary.</p> <p>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.</p>	<p>2. Hazard assessments shall be carried out by [6 years after the end-date for transposition of this Directive]. They shall be reviewed every 6 years, and updated where necessary.</p> <p>3. Supply risk assessments shall be carried out by 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.</p> <p>4. Domestic distribution risk assessments shall be carried out by [6 years after the end-date for transposition of this Directive]. They shall be reviewed every 6 years, and updated where necessary.</p>

Justification

In order to take account of the national supply structure and the fact, that a hazard and risk assessment depends strongly on the resource, the implementation and updating period of the risk-based approach should be determined by the individual member states, (but shall not exceed 6 years), irrespective of the type and size of the utilities and the focus on the supply system (catchment area, water supply, domestic installation).
Generally, the new risk-based approach should first be widely tested in practice, evaluated and, in particular, adapted for smaller utilities before it is mandatory for all water suppliers. In any case, Member States should be given the option to switch to the risk-based approach. An approach based on the results of the already carried out monitoring of water bodies under Articles 7 and 8 of Directive 2000/60 / EC is also conceivable.

Amendment proposal No. 6

Article 8 (1, d, iv) Proposal of the EC	Article 8 (1, d, iv) Amendment proposal of ÖVGW
<p>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.</p> <p>(d) regular monitoring in the bodies of water covered by the hazard assessment of relevant pollutants selected from the following lists:</p> <p>(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.</p>	<p>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 100 m³ per day on average.</p> <p>(d) regular monitoring in the bodies of water covered by the hazard assessment of relevant pollutants relevant for the water supply and that are selected from the following lists:</p> <p>(iv) other relevant pollutants that are relevant for the water supply, such as microplastic 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.</p>

Justification

Substances identified as pollutants to the water supply should be examined as part of the hazard assessment of bodies of water used for the abstraction of water intended for human consumption, in order to know the state of affairs in the member states.

Amendment proposal No. 7

Article 8 (5) Proposal of the EC	Article 8 (5) Amendment proposal of ÖVGW
5. On the basis of the information collected under paragraphs 1 and 2 and gathered under Directive 2000/60/EC, Member States shall take the following measures in cooperation with water suppliers and other stakeholders, or ensure that those measures are taken by the water suppliers:	5. On the basis of the information collected under paragraphs 1 and 2 and gathered under Directive 2000/60/EC, Member States shall take the following measures in cooperation with water suppliers and other stakeholders. or ensure that those measures are taken by the water suppliers:

Justification

The protection of water bodies is the task of the Member States, which also ensure the necessary balance of interests. The member state should not shirk the responsibility for prevention and mitigation measures. Furthermore, those cannot be delegated to a single user (water supplier), which also has no possibility of enforcing the cleanliness of the water body. Measures taken by the water supplier resemble much of an end-of-pipe strategy. In addition, Article 8 (5) runs counter to Article 11 (3) (d) of Directive 2000/60/EC.

Amendment proposal No. 8

Article 9 (1) Proposal of the EC	Article 9 (1) Amendment proposal of ÖVGW
1. 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. 2. Supply risk assessments shall be approved by the competent authorities.	1. 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. 2. Supply risk assessments shall be the responsibility of the water suppliers.

Justification

For clarity, reference should be made to the addressed supply risk assessment in Part C of Annex II.

Amendment proposal No. 9

Article 10 (1(d), 2 (c)) Proposal of the EC	Article 10 (1(d), 2 (c)) Amendment proposal of ÖVGW
<p>1.</p> <p>2. (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 noncompliance with the parametric values after supply;</p>	<p>1. (d) a verification of whether the materials used are suitable for contact with drinking water and whether the requirements specified in Article 11 are met.</p> <p>2. (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 noncompliance with the parametric values after supply;</p>

Justification

Materials regarded as components of construction products in contact with drinking water must be suitable for this field of application. Specific hygiene requirements are set out in Article 10a NEW. This additional Article of the Drinking Water Directive opens up the possibility that test methods described in harmonized European Standards, such as EN 16421 "Influence of materials on water for human consumption — Enhancement of microbial growth (EMG)" can be linked with specific requirements (migration, microbial growth). Solely checking whether or not the performance of construction products that come into contact with drinking water meets the requirements of the Construction Products Regulation (EU) No. 305/2011 is not sufficient because the main features of the Declaration of Performance do not yet cover health protection as dealt with in the Drinking Water Directive.

The planned regulation on the adaptation of the distributed drinking water (conditioning, treatment) to the materials of the domestic distribution system is not feasible and represents a paradigm shift, which is rejected. Such a paradigm shift would significantly increase the processing effort of the water companies to adapt drinking water to unsuitable materials used in domestic distribution systems. In addition, newly introduced materials would in turn be able to trigger treatment measures. Such measures should not be the responsibility of the water company but of the Member State and the landlord or landowner.

So far, the principle has been valid for a variety of reasons that a selection of the materials used in the drinking water installation is based on the nature of the distributed drinking water. This principle should remain.

Amendment proposal No. 10a NEW

Article 10a Proposal of the EC	Article 10a Amendment proposal of ÖVGW
	<p><i>(1) Member States shall take all necessary measures to ensure that the substances or materials that are used in new installations for the treatment or distribution of water intended for human consumption, and any contamination originating in such substances and materials in new installations in water intended for human consumption are not left behind in concentrations that are higher than required for their intended purpose and that would compromise, either directly or indirectly, the protection of human health as provided for in this Directive.</i></p> <p><i>The materials used for the construction or maintenance of installations that are used for the abstraction, treatment or distribution of water intended for human consumption shall</i></p> <ul style="list-style-type: none"> <i>- neither directly or indirectly compromise the protection of human health,</i> <i>- not adversely affect the odour or taste of the water,</i> <i>- neither directly or indirectly jeopardise human health through migration of substances or chemicals,</i> <i>- not enhance microbial growth.</i> <p><i>(2) For the purpose of the requirements of this Directive, materials in contact with drinking water shall be deemed fit for use in drinking water if they meet the following requirements:</i></p> <ul style="list-style-type: none"> <i>- For metallic materials: Only approved materials as listed in Annex VII(2.1) shall be used. No further testing of metallic materials to meet hygienic requirements is necessary.</i> <i>- For organic materials or materials with organic admixtures/ingredients: Only approved materials as listed in Annex VII(2.2) shall be used.</i> <i>- Follow successfully the assessment criteria as listed in Annex VII(3).</i> <i>- For all organic materials or materials with organic admixtures/ingredients the given limit values in Annex VII(3) have to be met.</i> <i>- The testing conditions in Annex VII(4) shall be applied.</i>

	<p>(3) By [2 years after the end-date for transposition of this Directive], the Commission shall be empowered to adopt delegated acts determining the minimum hygienic requirements to be respected by materials in contact with drinking water to protect human health in line with paragraph 1. These requirements shall comprise parameters and minimum parametric values covering at least the release of hazardous substances, enhancement of microbial growth and formation of odour and taste.</p> <p>(4) The manufacturers of products in contact with drinking water shall demonstrate that materials comply with Annex VII specification by drawing up a Declaration of Performance according to the Construction Products Regulation (EU) No. 305/2011. The applicable system of assessment and verification of constancy of performance and its certification by notified product certification bodies shall be System 1+ in accordance with Article 28 in conjunction with Annex V(1.1) of Regulation No. 305/2011. This approach (Annex VII) and System 1+ shall be applicable to all products that are not covered by Regulation No. 305/2011, but are in contact with drinking water.</p>
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Justification
<p>The Proposal of the Commission plans to delete the existing Article 10 “Quality assurance of treatment, equipment and materials”. Some aspects of the use of construction products in drinking water installations are dealt with in the new Article 10. From the point of view of precautionary consumer health protection, rules for the assessment of materials, i.e. for the components of construction products, shall be the same throughout Europe. Hygienic requirements as regards the migration of chemical substances that pose a hazard to human health, that enhance microbial growth and that adversely affect odour and taste may not be adopted in the form of harmonized European Standards in the context of EU standardisation work. Only in this way will the test methods described in harmonized European Standards, such as EN 16421 “Influence of materials on water for human consumption — Enhancement of microbial growth (EMG)” be assessable and binding throughout Europe. This promotes both consumer health protection and the free movement of goods in the Single European Market.</p> <p>This procedure fits into the general dictum of the Drinking Water Directive, Article 1 “Objective”, par. 2, to protect human health from adverse effects of any contamination of water intended for human consumption by ensuring its fitness for human consumption and purity.</p> <p>The specific hygiene requirements are set out in Annex VII (NEW). The results of the 4MS Initiative should be included in the practical implementation. As regards the continuation of the hygiene requirements, the legal format of an implementation act is deemed appropriate.</p>

Amendment proposal No. 11

Article 11 (1) Proposal of the EC	Article 11 (1) Amendment proposal of ÖVGW
<p>1. Member States shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out, in order to check that the water available to consumers meets the requirements of this Directive and in particular the parametric values set in accordance with Article 5. Samples should be taken so that they are representative of the quality of the water consumed throughout the year. In addition, Member States shall take all measures necessary to ensure that, where disinfection forms part of the preparation or distribution of water intended for human consumption, the efficiency of the disinfection treatment applied is verified, and that any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.</p>	<p>1. Member States shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out, in order to check that the water available to consumers meets the requirements of this Directive and in particular the parametric values set in accordance with Article 5. Samples should be taken so that they are representative of the quality of the water consumed throughout the year. In addition, Member States shall take all measures necessary to ensure that, where disinfection forms part of the preparation or distribution of water intended for human consumption, the efficiency of the disinfection treatment applied is verified. and that any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.</p>

Justification
<p>The requirement for the disinfection by-products is indefinite and therefore cannot be met. When using disinfectants, by-products are always formed - to keep any contamination as low as possible is an open formulation from which no legal requirement can be derived.</p>

Amendment proposal No. 12

Article 12 (1, 3) Proposal of the EC	Article 12 (1, 3) Amendment proposal of ÖVGW
<p>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.</p> <p>3. Regardless of whether or not any failure to meet the parametric values has occurred, Member States shall ensure that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited or its use restricted or such and that any other remedial action is taken that as is necessary to protect human health. In such</p>	<p>1. Member States shall ensure that any verified 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.</p> <p>3. Regardless of whether or not any failure to meet the parametric values has occurred, Member States shall ensure that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited or its use restricted or such and that any other remedial action is taken that as is necessary to protect human health. In such</p>

<p>cases consumers shall be informed promptly thereof and given the necessary advice. 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.</p>	<p>cases consumers shall be informed promptly thereof and given the necessary advice. Member States shall consider for any failure to meet the minimum requirements for parametric values set out in Annex I, parts A and B, whether such failure constitutes a potential danger to human health.</p>
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Justification
<p>Monitoring results indicating failures to meet parameter values need to be validated in order to avoid non necessary measures, in cases where non-compliances are due to failures in sampling or analysis.</p> <p>The last sentence of Art. 12 (3) is technically incomprehensible. Furthermore, the Commission's justification, which considers this provision to be necessary because of certain infringement procedures, is not technically motivated. E.g. the parameters turbidity, coliform bacteria, colony counts or somatic coliphages are not pathogens but indicators which, according to the current state of the art, lead to a clarification of the causes and corrective measures. An exceedance of those indicator parameters is not, by definition, a health hazard. This also applies correspondingly to the chemical parameters of this proposal, whose parametric values have been shown to have no health relevance, but are purely precautionary (EDC, PFAS, PSM, endocrine disrupting substances, etc.). The consequences of a provision which values any exceedance of a parametric value as an immediate "health hazard", although in some cases there is no health risk, would only unnecessarily reduce consumer confidence in their drinking water! It would therefore be reasonable for the Member States to check for each non-compliance whether a danger to human health is given.</p>

Amendment proposal No. 13

Article 12 (4) Proposal of the EC	Article 12 (4) Amendment proposal of ÖVGW
<p>4. In the cases described in paragraphs 2 and 3, Member States shall as soon as possible take all of the following measures:</p> <p>(a) notify all affected consumers of the potential danger to human health and its cause, of the exceedance of a parametric value and of the remedial actions taken, including prohibition, restriction or other action;</p> <p>(b) give, and regularly update, the necessary advice to consumers on conditions of consumption and use of the water, taking particular account of potential vulnerable groups;</p> <p>(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.</p>	<p>4. In the cases described in paragraphs 2 and 3, when non-compliance is considered as a potential danger to human health Member States shall as soon as possible take all of the following measures:</p> <p>(a) notify all affected consumers of the potential danger to human health and its cause, of the exceedance of a parametric value and of the remedial actions taken, including prohibition, restriction or other action;</p> <p>(b) give, and regularly update, the necessary advice to consumers on conditions of consumption and use of the water, taking particular account of potential vulnerable groups;</p> <p>(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.</p>

Justification
<p>Member States shall assess if the non-compliance is a potential danger to human health. With the deletion of Art. 9 the proposal deletes the provisions for derogations. This leaves Member States and water suppliers with the situation that temporary exceedances of parameters can no longer be embedded in a legal framework. Combined with the deletion of Art. 6 (2) and the exception for notification to consumers in case of trivial non-compliances, the proposed changes constitute a too rigid system leading to legal and practical problems. Provisions are lacking on how Member States should act in case of temporary exceedances and non-compliances which cause no immediate risk to human health. Therefore it needs to be clarified that Member States shall take the measures indicated in Art. 12(4), only where there is a potential danger to human health and the competent authorities have been consulted and involved.</p>

Amendment proposal No. 14

Article 9 Proposal of the EC	Article 12 (6) Amendment proposal of ÖVGW
<p>(6)</p> <p>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(3), up to a maximum value to be determined by them, provided no derogation constitutes a potential danger to human health and provided that the supply of water intended for human consumption in the area concerned cannot otherwise be maintained by any other reasonable means. 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.</p> <p>2. In exceptional circumstances, a Member State may ask the Commission for a third derogation for a period not exceeding three years. The Commission shall take a decision on any such request within three months.</p> <p>3. Any derogation granted in accordance with paragraphs 1 or 2 shall specify the following:</p> <p>(a) the grounds for the derogation;</p> <p>(b) the parameter concerned, previous relevant monitoring results, and the maximum permissible value under the derogation;</p> <p>(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;</p> <p>(d) an appropriate monitoring scheme, with an increased monitoring frequency where necessary;</p> <p>(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;</p> <p>(f) the required duration of the derogation.</p>	<p>(6)</p> <p>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(3), up to a maximum value to be determined by them, provided no derogation constitutes a potential danger to human health; and provided that the supply of water intended for human consumption in the area concerned cannot otherwise be maintained by any other reasonable means. 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 derogation, it shall keep a national record and with the grounds for its decision.</p> <p>2. Any derogation granted shall specify the following:</p> <p>(a) the grounds for the derogation;</p> <p>(b) the parameter concerned, previous relevant monitoring results, and the maximum permissible value under the derogation;</p> <p>(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;</p> <p>(d) an appropriate monitoring scheme, with an increased monitoring frequency where necessary;</p> <p>(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;</p> <p>(f) the required duration of the derogation.</p> <p>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(1) is sufficient to remedy the problem within 30 days, the requirements of number 2 need not be applied.</p>

<p>4. If the competent authorities consider the non-compliance with the parametric value to be trivial, and if action taken in accordance with Article 8(2) is sufficient to remedy the problem within 30 days, the requirements of paragraph 3 need not be applied. In that event, only the maximum permissible value for the parameter concerned and the time allowed to remedy the problem shall be set by the competent authorities or other relevant bodies.</p> <p>5. Recourse may no longer be had to paragraph 4 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.</p> <p>6. 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 4 unless the competent authorities decide otherwise.</p> <p>7. With the exception of derogations granted in accordance with paragraph 4 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 persons, including the information specified in paragraph 3.</p> <p>8. This Article shall not apply to water intended for human consumption offered for sale in bottles or containers.</p>	<p><i>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.</i></p> <p><i>4. Recourse may no longer be had to number 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.</i></p> <p><i>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.</i></p> <p><i>These obligations shall not apply in the circumstances described in number 3 unless the competent authorities decide otherwise.</i></p> <p><i>6. This Article shall not apply to water intended for human consumption offered for sale in bottles or containers.</i></p>
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Justification
<p>For parameter value exceedances of eg. plant protection products and their relevant metabolites, sustained countermeasures often show a time-delayed success. In particular, the use of authorized plant protection products (pesticides) plays a major role here and it should be prevented that one-time deviations oblige the water supplier to set up treatment plants. If one eliminates the possibility of permitting deviations, a water supplier would be forced - for precautionary reasons - to set up treatment plants, since short-term exceedances of the parameter values cannot be ruled out. Furthermore, it must be discussed against this background whether every exceedance of the parameter value automatically represents a potential threat to human health. This provision would also mean that a risk assessment is based on the risk of a parameter exceedance and that the parameter values are not</p>

precautionary values but health-related limit values. The parameter deviation rules from Article 9 98/83/EC should therefore be reintroduced in adapted form.

Amendment proposal No. 15

Article 14 (2, a, e) Proposal of the EC	Article 14 (2, a, e) Amendment proposal of ÖVGW
<p>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:</p> <p>(i) measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(5); (ii) treatment and distribution of water intended for human consumption; (iii) waste water collection and treatment; (iv) measures taken pursuant to Article 13, in case such measures have been taken by water suppliers;</p> <p>(e) The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided under the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).</p>	<p>a. information on the cost structure 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:</p> <p>(i) measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(5); (ii) treatment and distribution of water intended for human consumption; (iii) waste water collection and treatment; (iv) measures taken pursuant to Article 13, in case such measures have been taken by water suppliers;</p> <p>(e) The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided under the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).</p>

Justification

With the introduction of Article 14 on information to the public, the Commission has gone far beyond the original scope of the Drinking Water Directive. The chosen breakdown of the cost structure is very arbitrary and the actual information gain and added value for the public is questionable in this flood of metrics. It should also be noted that the factors influencing the cost of water supply are extremely diverse and therefore comparability, especially throughout Europe, is not given. Rather, one should reduce the concrete design to meaningful information in order to be able to take account of the regional conditions and thus leave it to the member states in accordance with the principle of subsidiarity. The empowerment of the Commission to adopt implementing acts in this context is too broad and therefore rejected.

Amendment proposal No. 16

Article 15 (1. (b), 4) Proposal of the EC	Article 15 (1. (b), 4) Amendment proposal of ÖVGW
<p>1. (b) set up by ... [3 years after the end-date for transposition of this Directive], and update every 3 years thereafter, a data set containing the hazard and domestic distribution risk assessments performed in accordance with Articles 8 and 10, respectively, including the following elements:</p> <p>4. The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided in accordance with paragraphs 1 and 3, including detailed requirements regarding the indicators, the Union-wide overview maps and the Member State overview reports referred to in paragraph 3. The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 20 (2).</p>	<p>1. (b) set up by ... [6 years after the end-date for transposition of this Directive], and update every 6 years thereafter, a data set containing the hazard and domestic distribution risk assessments performed in accordance with Articles 8 and 10, respectively, including the following elements:</p> <p>4. The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided in accordance with paragraphs 1 and 3, including detailed requirements regarding the indicators, the Union-wide overview maps and the Member State overview reports referred to in paragraph 3. The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 20 (2).</p>

Justification
<p>Corresponding to Article 8 and 10 the time for transposition and interval for reviews should be changed to 6 years.</p> <p>The empowerment of the Commission to adopt implementing acts in this context is too broad. Implemented acts are beyond the competence of the European Parliament and the Council and are therefore rejected.</p>

Amendment proposal No. 17

Article 18 (2) Proposal of the EC	Article 18 (2) Amendment proposal of ÖVGW
<p>2. The Commission is empowered to adopt delegated acts in accordance with Article 19 amending Annexes I to IV where necessary, to adapt them to scientific and technical progress or to specify monitoring requirements for the purposes of the hazard and domestic distribution risk assessments pursuant to Article 8(1)(d) and Article 10(1)(b).</p>	<p>2. The Commission is empowered to adopt delegated acts in accordance with Article 19 amending Annexes III to IV where necessary, to adapt them to scientific and technical progress or to specify monitoring requirements for the purposes of the hazard and domestic distribution risk assessments pursuant to Article 8(1)(d) and Article 10(1)(b).</p>

Justification
<p>The empowerment of the Commission to adopt delegated acts should be limited to Annex III only.</p>

Amendment proposal No. 18

Article 19 Proposal of the EC	Article 19 Amendment proposal of ÖVGW
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. 2. The power to adopt delegated acts referred to in Article 18(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive]. 3. The delegation of power referred to in Article 18(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</p>	<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. 2. The power to adopt delegated acts referred to in Article 18(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive]. 3. The delegation of power referred to in Article 18(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to</p>

<p>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>6. A delegated act adopted pursuant to Article 18(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>	<p>the European Parliament and to the Council.</p> <p>6. A delegated act adopted pursuant to Article 18(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>
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Justification
<p>The empowerment of the Commission to adopt delegated acts is too broad. Delegated acts are beyond the competence of the European Parliament and the Council, and for that reason, they are not transparent and are therefore rejected.</p>

Amendment proposal No. 19

Annex I (A) Proposal of the EC	Annex I (A) Amendment proposal of ÖVGW
<i>Clostridium perfringens</i> spores 0 Number/100 ml	<i>Clostridium perfringens</i> spores 0 Number/100 ml
<i>Coliform bacteria</i> 0 Number/100 ml	<i>Coliform bacteria</i> 0 Number/100 ml
Enterococci 0 Number/100 ml	Enterococci 0 Number/100 ml
Escherichia coli (E. coli) 0 Number/100 ml	Escherichia coli (E. coli) 0 Number/100 ml
<i>Heterotrophic plate counts (HPC) 22°C No abnormal change</i>	<i>Heterotrophic plate counts (HPC) 22°C No abnormal change</i>
<i>Somatic coliphages</i> 0 Number/100 ml	<i>Somatic coliphages</i> 0 Number/100 ml
<i>Turbidity < 1 NTU</i>	<i>Turbidity < 1 NTU</i>

Annex I (C) Proposal of the EC	Annex I (C) Amendment proposal of ÖVGW
<p>Aluminium 200 µg/l</p> <p>Ammonium 0.50 mg/l</p> <p>Chloride 250 mg/l Note 1</p> <p>Clostridium perfringens (including spores) 0 number/100ml Note 2</p> <p>Colour Acceptable to consumers and no abnormal change</p> <p>Conductivity 2500 µS cm⁻¹ at 20°C Note 1</p> <p>Hydrogen ion concentration ≥ 6,5 and ≤ 9,5 pH units Notes 1 and 3</p> <p>Iron 200 µg/l</p> <p>Manganese 50 µg/l</p> <p>Odour Acceptable to consumers and no abnormal change</p> <p>Oxidisability 5.0 mg/l O₂ Note 4</p> <p>Sulphate 250 mg/l Note 1</p> <p>Sodium 200 mg/l</p> <p>Taste Acceptable to consumers and no abnormal change</p> <p>Colony count 22° No abnormal change Coliform bacteria 0 number/100ml Note 5</p> <p>Total organic carbon (TOC) No abnormal change Note 6</p> <p>Turbidity Acceptable to consumers and no abnormal change Note 7</p>	<p><i>Clostridium perfringens (including spores): 0/100ml</i> <i>Addition of the note: "The parameter is only to be tested in drinking water from surface waters or surface-water-affected groundwater."</i></p> <p><i>Coliform bacteria: 20/ 100ml</i></p> <p><i>Colony count at 22 °C: 100/ ml</i></p> <p><i>Turbidity: Acceptable to consumers and no abnormal change</i> <i>Note: In the treatment of surface water, a value of not greater than 1.0 NTU is sought in the water at the output of the water treatment plant.</i></p> <p><i>Microcystin-LR 10 µg/l</i> <i>Note: The parameter is only to be tested in drinking water from surface waters.</i></p> <p><i>Aluminium 200 µg/l</i></p> <p><i>Ammonium 0.5 mg/l</i></p> <p><i>Chloride 250 mg/l Note: the Water should not be aggressive</i></p> <p><i>Colour acceptable to consumers and no abnormal change</i></p> <p><i>Conductivity 2500 µS cm⁻¹ at 20°C Note: The Water should not be aggressive</i></p> <p><i>Hydrogen ion concentration ≥ 6,5 and ≤ 9,5 pH units</i> <i>Note: The water should not be aggressive. 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.</i></p> <p><i>Iron 200 µg/l</i></p> <p><i>Manganese 50 µg/l</i></p>

	<p>Odour Acceptable to consumers and no abnormal change</p> <p>Sulphate 250 mg/l Note: The water should not be aggressive.</p> <p>Sodium 200 mg/l</p> <p>Taste Acceptable to consumers and no abnormal change</p> <p>Total organic carbon (TOC) no abnormal change</p>
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Justification

The Commission justifies the deletion of the previous indicator parameters (Annex I, current part C) with the argument that these parameters provide no health-related data. The parameters are moved to the new Annex IV "Information to the public to be provided online", however without parameter values. Since the indicator parameters are important operational quantities and quality and acceptance criteria, such as:

- Odour, taste: important for the quality and acceptance of drinking water;
- DOC (TOC) and pH value: important for the dosage of disinfectants;

Iron and manganese: important for the prevention of unwanted deposits;

Annex I, part C "Indicator parameters" should be retained in its familiar form. The microbiological parameters (coliform bacteria, *Clostridium perfringens* incl. spores, heterotrophic plate count) as well as turbidity and microcystin-LR should also be put on the list of indicator parameters that is to be re-introduced, together with parameter values, because of their proven indicator function.

Owing to the indicator function of *Clostridium perfringens*, this parameter should be included in Annex I, part C "Indicator parameters" that should be introduced again.

According to EN ISO 14189, the vegetative cells and the spores are determined. A limitation to the spores alone is not considered to be useful. Therefore the parameter is to be changed to "*Clostridium perfringens* (including spores)". *Clostridium perfringens* is only likely to occur in drinking water abstracted from surface waters or ground water that is affected by surface water. Testing this parameter at the waterworks output only makes sense in these cases.

Coliform bacteria are not pathogens and not suitable indicators of faecal contamination. They are, however, useful and necessary as process parameters in water abstraction, treatment and distribution in order to indicate operational problems.

The parameter "heterotrophic plate count" is used for non-specific detection of bacteria in general and not of pathogens or faecal indicators. However, determining the colony count as a process parameter is useful and necessary for operational monitoring. This parameter should therefore be put on the list of indicator parameters (previously Annex I, part C).

Turbidity is used for operations and process monitoring. This parameter should therefore be put on the list of indicator parameters. The parameter value should be consistent – currently there is a discrepancy between the values set out in Annexes I and II (< 1 and < 0.3 NTU, respectively.) The turbidity should be given the proven previous parameter value "acceptable to consumers and no abnormal change" as well as the proven note.

Measurement of microcystin-LR in groundwater does not make sense because there are no microcystin-LR forming agents. Microcystin-LR is, however, a useful process parameter for process control, when surface water is used for drinking water supply. This should be acknowledged by adding this parameter to Annex I, part C, that is to be re-introduced.

Routine tests for somatic coliphages in all drinking waters do not provide any added value in quality assurance and the protection of human health. Therefore the parameter should be deleted.

Amendment proposal No. 20

Annex I (B) Proposal of the EC	Annex I (B) Amendment proposal of ÖVGW
<p>Acrylamid 0.10 µg/l Antimony 5.0 µg/l Arsenic 10 µg/l Benzene 1.0 µg/l Benzo(a)pyrene 0.010µg/l Beta-estradiol 0.001 µg/l Bisphenol A 0.01 µg/l Boron 1.0 mg/l Bromate 10µg/l</p> <p>Cadmium 5 µg/l</p> <p>Chlorate 0.25 mg/l</p> <p>Chlorite 0.25 mg/l</p> <p>Chromium: 25 µg/l</p>	<p>Acrylamid 0.5 µg/l Antimony 20.0 µg/l Arsenic 10µg/l Benzene 1.0 µg/l Benzo(a)pyrene 0.010µg/l Beta-estradiol 0.001 µg/l Bisphenol A 0.01 µg/l Boron 2.4 mg/l Bromate 10µg/l Addition of notes: Member States may allow short-term exceedances in emergency situations (up to 700 µg/l for chlorate). Chlorite, chlorate trihalomethanes and bromate need only be measured if the corresponding disinfectants are used for the disinfection of drinking water.</p> <p>Cadmium 5 µg/l</p> <p>Chlorate 0.7 mg/l Addition of notes: Member States may allow short-term exceedances in emergency situations (up to 700 µg/l for chlorate). Chlorite, chlorate trihalomethanes and bromate need only be measured if the corresponding disinfectants are used for the disinfection of drinking water</p> <p>Chlorite 0.7 mg/l Addition of notes: Member States may allow short-term exceedances in emergency situations (up to 700 µg/l for chlorate). Chlorite, chlorate trihalomethanes and bromate need only be measured if the corresponding disinfectants are used for the disinfection of drinking water</p> <p>Chromium: 50 µg/l</p>

<p>Note: 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.</p> <p>Copper 2.0 mg/l Cyanide 50 µg/l 1,2-dichloroethane 3µg/l Epichlorhydrin 0.10 µg/l Fluoride 1.5 mg/l Haloacetic acids (HAAs) 80 µg/l Lead: 5µg/l Note: 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.</p> <p>Mercury 1.0 µg/l Microcystin-LR 10µg/l Nickel 20µg/l Nitrate 50 mg/l Nitrite 0.5 mg/l Nonylphenol 0.3 µg/l Pesticides 0.1 µg/l Pesticides total 0.50 µg/l PFAS: 0.1µg/l 'PFAS' means each individual per- and polyfluoroalkyl substance (chemical formula: C_nF_{2n+1}-R). PFAS total 0.5 µg/l Polycyclic aromatic hydrocarbons 0.1 µg/l</p> <p>Selenium 10µg/l</p> <p>Tetrachloroethene and trichloroethene 10 µg/l</p> <p>Total trihalomethanes 100 µg/l</p> <p>Uranium 30 µg/l Vinyl chloride 0.50 µg/l</p>	<p>Note: 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.</p> <p>Copper 2.0 mg/l Cyanide 50 µg/l 1,2-dichloroethane 3µg/l Epichlorhydrin 0.40 µg/l Fluoride 1.5 mg/l Haloacetic acids (HAAs) 80 µg/l Lead: 10 µg/l Note: 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.</p> <p>Mercury 1.0 µg/l Microcystin-LR 10µg/l Nickel 20µg/l Nitrate 50 mg/l Nitrite 3.0 mg/l Nonylphenol 0.3 µg/l Pesticides 0.1 µg/l Pesticides total 0.50 µg/l PFAS: 0.1µg/l 'PFAS' means each individual per- and polyfluoroalkyl substance (chemical formula: C_nF_{2n+1}-R). PFAS total 0.5 µg/l Polycyclic aromatic hydrocarbons 0.1 µg/l PFOA 4.0 µg/l PFOS 0.4 µg/l</p> <p>Selenium 40µg/l</p> <p>Tetrachloroethene and trichloroethene 40 µg/l, 20 µg/l</p> <p>Total trihalomethanes 100 µg/l Addition of notes: Member States may allow short-term exceedances in emergency situations (up to 700 µg/l for chlorate). Chlorite, chlorate trihalomethanes and bromate need only be measured if the corresponding disinfectants are used for the disinfection of drinking water.</p> <p>Uranium 30 µg/l Vinyl chloride 0.50 µg/l</p>
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Justification

Due to the low occurrence of benzene, cyanide, 1,2 dichlorethane, mercury and polycyclic aromatic hydrocarbons in drinking water (usually as a result of a pollution incident), the WHO study on the evaluation of quality parameters recommends that the listed chemical substances should be deleted. The Commission's justification for continuing to use these parameters that no new work would arise since water suppliers already have treatment capacities needed to comply with the parameter values is not appropriate. Moreover, cases are conceivable where water suppliers – when continuing to use these parameters – would even have to install a new treatment system despite the fact that, in accordance with the scientific expertise of WHO, these substances could be omitted. This requirement is therefore to be challenged not only from a hygienic but also from an economic point of view. Moreover, the reference to the possibility of taking advantage of the flexibility of monitoring in accordance with Article 9, and thus of omitting testing for these substances, is not a viable alternative if the substances identified by the WHO for deletion occur in concentrations that do not satisfy the flexibility criterion (< 30 % of the parameter value).

WHO proposes no guideline values for substances with endocrine effect and currently sees no evidence for a health risk in the context of drinking water. The Commission has selected the three substances as benchmark parameters because they occur in surface waters that are affected by discharge of treated waste water and other discharges. The very low parameter value for bisphenol A of 10 ng/l, for example, has been derived from ecological objectives. The Commission explains that these substances are of relatively low solubility in water and are easily removable with conventional adsorption methods. The motivation for the need for regulation is derived from the precautionary principle. For drinking water, however, the parameter values should be derived in each case on the basis of a human-toxicological assessment. Requirements for the protection of water bodies should not be part of the scope of the Drinking Water Directive. Such regulations should be made in the Water Framework Directive. The parameters nonylphenol and bisphenol A should be dealt with in the context of requirements for materials in contact with drinking water, as before (see amendment proposals to Article 10 and new Article 10a).

Adding the notes for chlorate, chlorite, total trihalomethanes and bromate is necessary to ensure adequate protection of the population in emergency situations; the hygienic safety takes priority over a short-term exceedance of a parameter value. The WHO guideline value for chlorate is recommended to provide some orientation. Measuring chlorite, chlorate, trihalomethanes and bromate as disinfection by-products only makes sense if the corresponding disinfection methods are also used.

Measuring haloacetic acids is covered under the monitoring of THMs.

The WHO study on the evaluation of quality parameters recommends that the current parameter value of 10 µg/l for lead should be retained. There is no new scientific evidence to justify a further reduction of the parameter value. The use of lead is required for engineering reasons in the manufacture of fittings made of metallic materials. As a result of great efforts on the part of industry and the Member States, the use of lead has been reduced to a minimum in recent decades. Germany, France, the Netherlands and the United Kingdom have developed a common approach for the assessment of hygienic harmlessness in a common initiative since 2007. This includes an assessment basis for metallic materials ("Metallic materials – acceptance of metallic materials used for products in contact with drinking water"; part B – 4MS Common Composition List; <https://www.umweltbundesamt.de/themen/wasser/trinkwasser/trinkwasserverteilen/anererkennung-harmonisierung-4ms-initiative>). The metallic materials listed therein contain between 0.2 % and 3.5 % of lead. The vast majority of the tested and assessed alloys have a lead content of significantly less than 2 %. With the stipulation of drinking water hygiene

requirements in the Drinking Water Directive (Article 10a NEW), uniform criteria applicable throughout Europe can be specified that take into account the Commission's intention to make further arrangements for lead in drinking water, also with a view to precautionary consumer health protection, by specifying parameter values for the migration of substances. This procedure fits into the general dictum of the Drinking Water Directive, Article 1 "Objective", par. 2, to protect human health from adverse effects of any contamination of water intended for human consumption by ensuring its fitness for human consumption and purity.

A further reduction of the parameter value for lead – also against the background that there is no new scientific evidence for this – would restrict the use of modern metallic materials. Even innovative materials, such as the dezincification-resistant material CW 511, contain minute amounts of lead. Water in contact with this and other materials would possibly not comply with the reduced parameter value despite the fact that these materials are almost lead-free, which would render all the efforts of the last decades in the field of hygienic assessment of the alloys completely useless. Many of the materials classified as suitable could no longer be used.

It should also be borne in mind that a further reduction of the lead content in metallic materials could have a significant impact on the corrosion resistance of components. PVC pipes where lead had been used as a stabiliser are often installed in existing water distribution networks. Such pipes were installed from early 1990 to 2005. PVC pipes installed after 2005 also contain small amounts of lead because of material recycling. Complete exclusion of lead is only possible with new products without recycled material. This means that PVC-U pipelines will contain lead, although in very small quantities, even beyond the transitional period. In its Proposal, the EU Commission provides for a regular review of Annex I (where these parameter values are specified) and for the possibility of adapting Annex I to scientific progress. Stricter parameter values can thus be specified for the parameter lead if future scientific developments justify this, even before the end of the transitional period of 10 years.

The WHO is currently reviewing the parameter value for chromium in drinking water and recommends that the current parameter value of 50 µg/l for chromium should be retained for the time being. In its Proposal, the EU Commission provides for a regular review of Annex I (where these parameter values are specified) and for the possibility of adapting Annex I to scientific progress. Stricter parameter values can thus be specified for the parameter for chromium if future scientific developments justify this, even before the end of the transitional period of 10 years.

The substance group of PFAS includes a very large number of substances. In principle, all compounds with a CF₃ group (many plant protection agents and medicines, even trifluoroacetate) fall under the definition of PFAS and would have to be tested. A focus can thus be placed on health-relevant compounds while excluding toxicologically harmless, ubiquitously occurring compounds such as trifluoroacetate.

PFOA will be banned from the EU market with 2020 (VERORDNUNG (EU) 2017/1000). PFOS is now prohibited in the EU under Directive 2006/122/EC that came into force in June 2008.

Monitoring of these substances could force water suppliers to install advanced treatment facilities to meet the requirements for the parameter value. This leads to additional costs for water suppliers and an increase in tariffs for consumers. On a long term basis, a ban of PFOS and PFOAs will lead to a reduction of these substances in the environment, taking short-term investments in advanced treatment facilities ad absurdum.

Amendment proposal No. 21

Annex I (C) Proposal of the EC	Annex I (D) Amendment proposal of ÖVGW
<p>Annex 1 — Minimum requirements for parametric values used to assess the quality of water intended for human consumption, part C: Parameters relevant for the domestic distribution risk assessment</p> <p>Legionella: < 1000/l</p> <p>Lead: 5 µg/l</p>	<p>Annex 1 — Minimum requirements for parametric values used to assess the quality of water intended for human consumption, part D: Parameters relevant for the domestic distribution risk assessment</p> <p>Legionella < 10000/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> Legionella pneumophila: <1000 /l , <i>if water exceeds a temperature of 25°C</i></p> <p>Lead: 10 µg/l</p>

Justification

By re-introducing the previous Annex I, part C “Indicator parameters”, the table for risk assessment of drinking water installations will shift from part C to part D.

Monitoring of Legionella species other than Legionella pneumophila is considered by WHO to be inappropriate.

The reduction of lead to 5 µg /l is de facto a ban on lead in installation materials e.g. brass, therefore, according to WHO recommendations, the parameter value for lead should be maintained at 10 µg /l. This also corresponds to the technical specifications regarding material processing (machinability). However, the prevention of lead is fundamentally a matter of the Construction Products Directive.

Amendment proposal No. 22

Annex II (A) Proposal of the EC	Annex II (A) Amendment proposal of ÖVGW
<p>Turbidity: 0.3 NTU (95 %) and not > 0.5 NTU for 15 consecutive minutes</p>	<p>Turbidity: 0.3 NTU (95 %) and not > 0.5 NTU for 15 consecutive minutes</p>

Justification

Turbidity is used for operations and process monitoring. This parameter should therefore be put on the list of indicator parameters. The parameter value should be consistent – currently there is a discrepancy between the values set out in Annexes I and II. The turbidity should be given the proven previous parameter value “acceptable to consumers and no abnormal change” as well as a note.

Amendment proposal No. 23

Annex II (B) Proposal of the EC	Annex II (B) Amendment proposal of ÖVGW
<p><i>Escherichia coli</i> (E. coli), <i>Clostridium perfringens</i> spores, and somatic coliphages are considered 'core parameters' and may not be subject to a supply risk assessment in accordance with part C of this Annex. They shall always be monitored at the frequencies set out in Table 1 of point 2.</p>	<p><i>Escherichia coli</i> (E. coli) and enterococci, <i>Clostridium perfringens</i> spores, and somatic coliphages are considered a 'core parameters' and may shall not be subject to a supply risk assessment in accordance with part C of this Annex. They shall always be monitored at the frequencies set out in Table 1 of point 2.</p>

Justification
<p><i>Clostridium perfringens</i>, including spores, and somatic coliphages are only relevant for drinking water abstracted from surface water or surface-water-affected ground water. Making the testing of these parameters in drinking water obligatory for all types of water supplies does not provide any additional knowledge or an improvement in safety for human health.</p>

Amendment proposal No. 24

Annex II (B, Table 1) Proposal of the EC	Annex II (B, Table 1) Amendment proposal of ÖVGW	
<p>< 100 m³/day: 10 samples/year > 100 to ≤ 1 000 m³/day: 10 samples/year > 1 000 to ≤ 10 000 m³/day: 50 samples/year > 10 000 to ≤ 100 000 m³/day: 365 samples/year > 100 000 m³/day: 365 samples/year</p>	<p>< 100 m³/day: 10 samples/year > 100 to ≤ 1 000 m³/day: 10 samples/year > 1 000 to ≤ 10 000 m³/day: 50 samples/year > 10 000 to ≤ 100 000 m³/day: 365 samples/year > 100 000 m³/day: 365 samples/year</p>	
	<p><i>Group A parameters</i> <i>number of samples per year</i> ≤ 100 m³/day > 0 > 100 ≤ 1000 m³/day 4 > 1000 ≤ 10000 m³/day: 4 + 3 for each 1000 m³/d and part thereof of the total volume > 10000 ≤ 100000 m³/day: 4 + 3 for each 1000 m³/d and part thereof of the total volume > 100000 m³/day: 4 + 3 for each 1000 m³/d and part thereof of the total volume</p>	<p><i>Group B Parameters</i> <i>number of samples per year</i> ≤ 100 m³/day > 0 > 100 ≤ 1000 m³/day 1 > 1000 ≤ 10000 m³/day: 1 + 1 for each 4500 m³/d and part thereof of the total volume > 10000 ≤ 100000 m³/day: 3 + 1 for each 10000 m³/d and part thereof of the total volume > 100000 m³/day: 12 + 1 for each 25000 m³/d and part thereof of the total volume</p>

Justification

Retaining the existing, established regulation (Annex II “Monitoring”, Table B1 of 98/83/EC and corresponding notes) used to calculate the minimum frequencies in accordance with the drinking water output.

The existing and proven minimum frequency of sampling per size class of water utilities should be maintained, as the rigid limits of the new legislative proposal between the size classes lead to enormous costs and inequities. Water suppliers below 100 m³/day should not be included in the regulations on frequency and scope of investigation, but should be regulated subsidiary. Alternatively, it would be advisable to remove the micro-suppliers from the DWD, since the investigation costs for these companies increase almost tenfold (from € 250 up to € 18,000 in the first three years). This financial extra effort is in no relation to the hoped-for benefits and a financial burden that can only be countered by massive water price increases.

Amendment proposal No. 25

Annex III (A) Proposal of the EC	Annex III (A) Amendment proposal of ÖVGW
(a) Escherichia coli (E. coli) and coliform bacteria (EN ISO 9308-1 or EN ISO 9308-2) (b) Enterococci (EN ISO 7899-2) (c) Pseudomonas aeruginosa (EN ISO 16266) (d) colony count or heterotrophic plate counts at 22 °C (EN ISO 6222) (e) enumeration of culturable microorganisms — colony count 36 °C (EN ISO 6222) (e) Clostridium perfringens including spores (EN ISO 14189) (f) Turbidity (EN ISO 7027) (g) Legionella (EN ISO 11731) (h) Somatic coliphages (EN ISO 10705-2)	(a) Escherichia coli (E. coli) and coliform bacteria (EN ISO 9308-1 or EN ISO 9308-2) (b) Enterococci (EN ISO 7899-2) (c) Pseudomonas aeruginosa (EN ISO 16266) (d) colony count or heterotrophic plate counts at 22 °C (EN ISO 6222) e. Clostridium perfringens including spores (EN ISO 14189) (f) Turbidity (EN ISO 7027) (g) Legionella (EN ISO 11731) h. Somatic coliphages (EN ISO 10705-2)

Justification

The suggested method for Clostridium perfringens includes the entire group including spores, whereas in Annex I only the spores are explicitly recorded.

As somatic coliphages are deleted from Annex I the corresponding method can be deleted.

Amendment proposal No. 26

Annex IV (1 - 3) Proposal of the EC	Annex IV (1 – 3) Amendment proposal of ÖVGW
Information to the public to be provided online The following information shall be accessible to consumers on-line in a user-friendly and customized way:	Information to the public to be provided online The following information shall be accessible to consumers on-line in a user-friendly and customized way:

<p>(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.</p> <p>The monitoring results must not be older than:</p> <p>(a) one month, for very large water suppliers; (b) six months for large water suppliers; (c) one year for small water suppliers;</p> <p>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;</p>	<p>(2) the most current monitoring results for parameters listed in Annex I, parts A and B, including frequency (Annex II Part B (2) Table 1) and location of sampling points, relevant to the area of interest to the person supplied the supply area of the person supplied, together with the parametric value set in accordance with Article 5.</p> <p>The monitoring results must not be older than:</p> <p>(a) one month, for very large water suppliers; (b) six months for large water suppliers; (c) one year for small water suppliers;</p> <p>(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;</p>
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Justification
<p>Information must be accessible to all and must not exclude groups. Therefore, the information must not only be provided online. Other forms of notification (for example, on the water bill, publication in the community newspaper, etc.) must be provided, so that all consumers have access to this information.</p> <p>Against the background of the protection of critical infrastructures, which includes the water supply, a precise indication of the location of the sampling points is problematic and provides no additional knowledge to the consumer. For this reason, this should be deleted since the supply area is unambiguously known to the consumer.</p> <p>The obligation to provide information on potential dangers to human health as well as corresponding health and consumption recommendations if the specified parameter values are exceeded is technically impossible and cannot be relied upon the water supplier. This task should continue to be the responsibility of the competent authorities.</p>

Amendment proposal No. 27

Annex IV (5) Proposal of the EC	Annex IV (5) Amendment proposal of ÖVGW
<p>(5) information on the following indicator parameters and associated parametric values:</p> <p>(a) Colour; (b) pH (Hydrogen ion concentration); (c) Conductivity; (d) Iron; (e) Manganese;</p>	<p>(5) information on the following indicator parameters listed in Annex I, part C, Table 1 and associated parametric values;</p>

<p>(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;</p>	
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Justification
<p>The obligation to provide information includes those indicator parameters that have been listed in Annex I, part C of the Drinking Water Directive up to now. In the Proposal, the names of the parameters are just listed – an assessment by way of comparison with parameter values is not possible.</p>

Amendment proposal No. 28

Annex IV (6) Proposal of the EC	Annex IV (6) Amendment proposal of ÖVGW
<p>(6) advice to consumers including on how to reduce water consumption;</p>	<p>(6) where applicable, advice to consumers including on how to reduce water consumption;</p>

Justification
<p>Education on water-saving measures only makes sense in regions with water scarcity and disproportionate use of water.</p>

Amendment proposal No. 29

Annex IV (7, 8) Proposal of the EC	Annex IV (7, 8) Amendment proposal of ÖVGW
<p>7.</p> <p>(a) the overall performance of the water system in terms of efficiency, including leakage rates and energy consumption per cubic meter of delivered water;</p> <p>(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 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;</p> <p>(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;</p> <p>(g) summary and statistics of consumer complaints, and of timeliness and adequacy of responses to problems;</p> <p>(8) access to historical data for information under points (2) and (3), dating back up to 10 years, upon request.</p>	<p>7.</p> <p>(a) the overall performance of the water system in terms of efficiency, including leakage rates and energy consumption per cubic meter of delivered water;</p> <p>(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 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;</p> <p>(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;</p> <p>(g) summary and statistics of consumer complaints, and of timeliness and adequacy of responses to problems;</p> <p>(8) access to historical data for information under points (2) and (3), dating back up to 10 years, upon request.</p>

Justification

The information obligations are, same as in Article 14, too extensive. The concrete form should be left to the Member States according to the principle of subsidiarity and local self-government. Furthermore, the data set forth in paragraph 8 cannot be made useful online. An obligation of the water supplier to provide this data is therefore to be rejected.

Amendment proposal No. 30

Annex VII Amendment proposal of ÖVGW

Hygiene requirements for materials and treatment substances in contact with water intended for human consumption

1. Scope of application

For the purpose of the requirements of this Directive, materials and treatment substances in contact with drinking water shall be deemed fit for use in drinking water. The hygienic suitability for drinking water is set out in Article 10a and in Annex VII.

2. Assessment on the basis of the recipe

2.1 Whitelist of metallic materials for use in contact with water intended for human consumption (Part B – 4MS Common Composition List)

2.1.1 Introduction

2.1.2 Structure of the list

2.1.3 Whitelist of metallic materials suitable in terms of drinking water hygiene (4MS)

2.2 Whitelist of raw materials with application restrictions (components of these materials)

2.2.1 General information and approach

2.2.2 Structure of the whitelist of raw materials

2.2.3 Recipe check and migration test

2.2.4 Factors of Conversion (FC)

2.2.5 Organic materials: substances (whitelist of approved raw materials, with application restrictions where necessary)

2.2.6 Enamel and ceramic materials: whitelist of approved possible ingredients

2.2.7 Cementitious materials: approved materials (whitelist)

2.2.8 Compound materials: approved materials (whitelist)

3 Assessment criteria for the individual groups of materials

3.1 Metallic materials

3.2 Organic materials

3.2.1 Organoleptic properties (odour and taste) in hot water, warm water and cold water

3.2.2 TOC (as a parameter indicative of the migration of organic substances)

3.2.3 Additional requirements

3.2.4 Promotion of microbial growth

3.3 Enamel and ceramic materials

3.3.1 Requirements for the migration of elements (cold water, warm water, hot water)

3.3.2 Organoleptic properties

3.3.3 General hygiene

3.3.4 Migration of individual substances

3.3.5 TOC

3.3.6 Screening for unexpected substances

3.4 Cementitious materials

3.4.1 Organoleptic properties (turbidity, colour, odour and foaming tendencies)

3.4.2 Migration of individual substances (migration of substances such as arsenic, lead, cadmium)

3.4.3 TOC (as a parameter indicative of the migration of organic substances)

3.4.4 Screening for unexpected substances

3.4.5 Promotion of microbial growth

3.5 Compound materials

3.5.1 Organic constituents

3.5.2 Organoleptic properties

3.5.3 Migration of individual substances

3.5.4 TOC

3.5.5 Screening for unexpected substances

3.5.6 Promotion of microbial growth

- 3.5.7 In the absence of organic constituents: further tests (still need to be inserted)
- 4 Applicable testing conditions
- 5 Whitelist of approved materials
- 6 References to the general lists created in accordance with the provisions of Article 10a, including the references to Directive 2002/72/EC ("Plastic materials and articles intended to come into contact with foodstuffs")
- 7 Background for the assessment of products and materials and compilation of lists
 - 7.1 Organic material
 - 7.1.1 Assessment of substances
 - 7.1.2 Opinion-forming process for the assessment of substances
 - 7.2 Cementitious materials
 - 7.2.1 Abbreviations
 - 7.2.2 Definitions