



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO
THE EUROPEAN PARLIAMENT

pursuant to the first subparagraph of Article 189 c (b) of the EC-Treaty

Common position of the Council on the proposal for a Council Directive
on the Quality of Water intended for Human Consumption

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I. PROCEDURAL MATTERS

- The proposal (COM(94)612 final - 95/0010 SYN of 4 January 1995) was presented to the Council on 28 April 1995 (OJ C 131, 30.5.1995, p.5) (co-operation procedure pursuant to Article 130S1).
- The Economic and Social Committee gave its opinion on 21 December 1995 (OJ C 82, 19.3.96).
- The Committee of the Regions gave its opinion on 19 September 1995. (OJ C 100, 2.4.1996).
- The European Parliament gave its opinion (first reading) at its sitting of 12 December 1996 (OJ C 020, 20.1.1997).
- The Commission adopted the amended proposal (COM(97)228 final -95/0010 SYN of 4.06.1997; OJ C 213, 15.7.1997).
- At its meeting on 16 October 1997, the Council reached a political agreement with a view to adopting a common position.
- The Council's common position was adopted on 19 December 1997.

II. PURPOSE OF THE DIRECTIVE

The purpose of this Directive shall be to protect human health from the adverse effects resulting from any contamination of water intended for human consumption by ensuring that it is wholesome and clean.

III. COMMISSION'S COMMENTS

III.1. General comments

The lead parameter and its related provisions were the key items of discussion between Member States and the Commission throughout the whole period of negotiations. The parametric value and the timetable remained unchanged, as initially proposed by the Commission, but there were changes concerning the definition of 'domestic distribution system' which clearly applies only to private premises and not to premises or establishments where water is provided to the public, such as schools, restaurants, hospitals.

There were changes concerning derogations (Art. 9), trade provisions, a few parametric values, sampling frequencies, analytical methods (with reference to CEN/ISO standards where possible). A number of Articles were merged, moved or deleted as a consequence of these modifications.

An important number of Parliament's amendments, both technical and political, have been successfully incorporated in the common position.

This text is the result of long and difficult negotiations, and even if it is not perfect, the Commission is of the opinion that it represents an acceptable compromise, since it takes into account the main concerns of the Commission and the Parliament.

III.2. Detailed comments

III.2.1. Parliament's amendments accepted by the Commission in the amended proposal and incorporated in full or part in the common position

Amendments No 1, 3, 4, 5, 6, 7, 10, 16, 17, 18, 19, 25, 26, 28, 29, 30, 31, 32, 33, 36, 38, 39, 40, 42, 44, 45, 47, 48, 49, 50, 58, 64, 65, 121 (34 amendments);

Occasionally an amendment has been incorporated in spirit and not to the letter. Amendments concerning preambles and Articles are listed in the concordance table. The main comments are as follows:

(The figure in brackets following the amendment number refer to the amended proposal)

Articles

- Amendment 19 (Article 4(1b)) has been incorporated in Article 4 (1a). A specific reference to Environmental Endocrine Disrupters is included in the preamble, Recital 15.
- Amendment 26 (Article 7(3)) is now covered by the redrafting of Article 6(2) in connection with Article 2(2);
- Amendment 29 (Article 8(6)) has been incorporated in Article 11(2). Where appropriate CEN/ISO standards have been used. Amendment 30 (Article 9(2)) has been incorporated in Articles 8(3) and 8(7);
- Amendment 32 (Article 10(1)) was accepted in full by the Commission. Council has modified the amended proposal and incorporated this amendment in spirit in Articles 9(1) and 9(2).
- Amendment 39 (Article 18(1)) which was accepted in principle by the Commission, was modified by Council to a timeframe of two periods of up to three years. This Article (which now is 15(1)) is no longer restricted to Annex I, Part B parameters.

Annexes

The comments are as follows:

As a result of changes in the Annexes, there has been some necessary redrafting of the text and order of the notes.

- Amendment 44 has been adopted in spirit by the Commission and is covered by Article 11(1);
- Amendments 121 and 45 have been accepted (with a new parametric value for 'Trihalomethanes' of 100 µg/l and an interim value of 150µg/l).
- Amendment 47 has been adopted in spirit and is incorporated in Articles 6(2) and 2(2).
- Amendments 48, 49 and amendment 50 have been adopted, and in addition the Council set a stricter parametric value (0.030 µg/l) for four individual pesticides.

III.2.2. Parliament's amendments accepted by the Commission in full or in part in the amended proposal, but not included in the common position

- Amendments 20 and 77.

III.2.3. Parliament's amendments that were originally not included in the Commission's amended proposal, but eventually were incorporated in full or in part in the Common Position

- Amendments No 23, 24, 34, 43, 51 and 91 (6 amendments)

III.2.4. Changes made by the Council to the amended proposal

Preamble

(The following numbers refer to recitals in the Common Position).

Council made some textual changes to recitals: 13, 17, 21, 22, 25, 27, 29, 30, 31 and 33.

Recitals 14, 18, 19, 20 and 26 are new recitals added by Council.

Council has deleted the original recital 22.

The changes in the recitals in the preamble are summarised in the concordance table.

Articles

The following Articles have been modified. Where necessary the most important changes are indicated.

Article 2

- Article 2(1).
- Article 2(2) has been changed to reflect the spirit of the Parliament's Amendment 17. In addition the words "in its capacity as a water supplier" were added.

Article 3

- Article 3(2b) has been redrafted to incorporate Parliament's Amendment 18. The words "offered for sale" have been replaced by "is supplied as part of a commercial or public activity".

Article 3(3) is added to increase transparency.

Article 4

- Article 4 has been redrafted to incorporate the definition of "wholesome and clean" as mentioned in Article 1(2). Redrafting was also necessary after the merger of the previous Article 12 with Article 4.

Article 5 (previous Article 6)

Article 6 (previous Article 7)

- Article 6(1) has been redrafted to provide clearer definitions of the point of compliance for all types of water covered by this Directive;
- Article 6(2) (previous Article 7(3)) has been redrafted in such a way that all types of water other than defined in Article 6(1a) are excluded from an exemption related to the domestic distribution system as defined in Article 2(2);
- Article 6(3) (previous Article 7(4)) is added to highlight the shared responsibility of water supplier and consumer, and also covers adequate information and advice to the consumer in situations where Article 6(2) applies.

Article 7 (previous Article 8)

- Article 7(1) has been redrafted to better define representative sampling.
- Previous Article 8(6) has been moved to Article 11(2);
- Article 7(6) (previous Article 8(6a)) is a useful addition for parameters for which no parametric values have been set in Annex I Part C.

Article 8 (previous Articles 9 and 5)

- Has been redrafted as a result of the merger of previous Articles 5 and 9.

Article 9 (previous Article 10)

- Previous Article 10(2g) has been included in Article 9(3c);
- In Article 9(4) the period has been changed from 10 to 30 days.

Council has changed the timeframe in Article 9(7) from 15 days to 2 months.

Previous Article 13 deleted

Article 11 (previous Article 14)

Article 12 (previous Article 15)

- The Commission proposed a IIa Committee, the Council reached Common Position on a IIb Committee, with a three month period.

Article 13 (previous Article 16)

- Article 13(2) has been changed by Council to tri-annual reporting by the Member States;

Article 14 (previous Article 17)

Article 15 (previous Article 18)

- Article 15(4) has been added to provide more information to the consumers.

Article 16 (previous Article 19)

Annexes

Where possible and appropriate reference is made to internationally accepted CEN/ISO standards and definitions. This resulted in major changes and reordering of the Annexes and more specifically of Annex III. Also a number of notes and headings have been redrafted to better reflect the changes of the Annexes.

- The microbiological parameter '*faecal streptococci*' has been changed in a more precise name for the species, '*Enterococci*'.
- The parameter '*Sulphite Reducing Clostridia*' is replaced by a more precise and reliable parameter '*Clostridium perfringens*' (including spores). Council has moved the parameter to Part C of Annex I. In addition this parameter is included in check monitoring, with a more strict parametric value.
- As requested by Member States two microbiological parameters ('Colony Counts at 22 °C and at 37 °C') were added to increase the safety of the water for sale in bottles and containers.
- The Council set tighter standards for 'acrylamide' and for 'epichlorohydrin'.
- Council changed the standard for 'antimony' from 3 to 5 µg/l.
- A separate parametric value was added for 'benzo(a)pyrene' of 0.010 µg/l.
- For 'bromate' the value of 10 µg/l was maintained but a note 2 was added. An interim value of 25 µg/l, which is the WHO guideline value, was introduced.
- Note 3 has been added to the parameters 'copper', 'lead' and 'nickel'. This note refers to compliance with the relevant parametric values in a weekly average value ingested by consumers and obtained by an adequate sampling method.

- For 'nitrite', the parametric value at the tap has been changed to 0.5 mg/l, ex works the parametric value has been set at 0.1 mg/l.
- The parametric value for 'PAH' has been changed as 'fluoranthene' has been taken out.
- The parametric values for 'trichloroethene' and 'tetrachloroethene' have been changed, following advice of the CSTE (the Commission's Advisory Scientific Committee).
- In Part C parameter 'chloride' was added by Council.
- Parameter 'dissolved oxygen' in the Commission's proposal Annex I, Part C was deleted.
- In Part C, parameter 'sodium' was added.
- The parameter 'total bacteria count' was replaced by a more specific parameter, 'colony count' at 22 °C;
- The description of the parameter 'total coliforms' was replaced by the parameter 'coliform bacteria', which is in agreement with the description of the relevant ISO standard;
- Council deleted the proposed parametric value for 'TOC' of 4 mg/l.
- The parameter 'nitrate' has been moved to audit monitoring;
- 'Colony counts at 22 °C and at 37 °C' have been included in check monitoring for water offered for sale in bottles and containers.
- The minimum sampling frequencies have been changed to make the number of samples more proportional to the amount of water supplied;
- An addition has been made to the text of Annex III, to include quality control of the laboratories.

The following amendments were not included in the amended proposal and were not incorporated in the common position for reasons explained in the explanatory memorandum of the amended proposal.

- Amendments No 2, 8, 9, 11, 12, 14, 21, 22, 27, 35, 37, 46, 52, 53, 61, 73, 87, 92, 118 and 119 (20 amendments).

CONCORDANCE TABLE

Amendment No	Amended proposal	Common Position	Comments
1			
2	Preamble, 2a	Preamble, 3	
3			
4	Preamble, 2	Preamble, 2	
5	Preamble, 3	Preamble, 4	
6	Preamble, 4	Preamble, 5	
7	Preamble, 4a	Preamble, 16	
8	Preamble, 8	Preamble, 11	
9			
10			
11	Preamble, 11a	Preamble, 15	
12			
14			
16			
17	Article 1.2		
18	Article 2.2	Article 1.2	
19	Article 3.d	Article 2.2	
20	Article 4.1.b	Article 3.2.b	
21	Article 4.2	Article 4.1.a	
22			
23			
24		Amdm. accepted	
25		Amdm. accepted	Art.deleted
26	Article 7.2	Article 6.1.a	Art.deleted
27	Article 7.3	Article 6.2	
28			
29	Article 8.3		
30	Article 8.6	Article 6.1	
31	Article 9.2	Article 11.2	
32	Article 9.3.a	Articles 8.3/8.7	
33	Article 10.1	Article 8.2	
34	Article 10.2.d	Articles 9.1/9.2	
35		Article 9.3.b	
36		Article 10	
37	Article 14.1		
38		Article 11.1	
39	Article 16.4		
40	Article 18.1	Article 13.4	
42	Annex I, B (entry 5)	Article 15.1	
43	Annex I, B (entry 21a)	Annex I, B.6	
44		Annex I, B.21	
45	Amdm. accepted	Preamble, 15	New entry
46	Annex I, B, note 2	Article 11.1	
47		Annex I, B note 10	
48	Annex I, B, note 3, 3a		
49	Annex I, B, note 5a	Article 2.2 and 6.2	
50	Annex I, B, note 5a	Annex I, B, note 6	
51	Amdm. accepted	Annex I, B, note 6	
52		Amdm. accepted	
53		Preamble, 15	Note deleted
58			
61	Annex I, B, note 3, 3b		
64		Annex I, B, note 3	
65	Preamble, 4		
73	Preamble, 6a/6b	Preamble, 5	
77		Preamble, 8/9	
87	Article 8.1		
91			
92			
118		Annex II, A1(entry 14)	
119			
121	Annex I, B (entries 7,9)		
		Annex I, B (entry 25)	