



Miljøministeriet

Miljøstyrelsen

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Bilag 2

Tidslinje

Dato	Emne	Resume af relevans for dispensationssagen
29. januar 2013	Meeting of the committee under article 12 of directive 98/83/com (Drinking Water Committee) Draft Minutes	<p>DK deltog i mødet med teknisk-faglig sagsbehandler og funktionsleder fra Miljøstyrelsen (dåværende Naturstyrelsen). Under punkt 8 bliver dispensationer ("derogations"), jf. artikel 9, behandlet.</p> <p>Kommissionen gennemgår deres holdning angående udløbsfristen for brugen af dispensationer, samt hvornår dispensationer kan gives efter udløbsfristen.</p> <p>Medlemsstaterne (MS) var generelt enige i den fortolkningslinje, som Kommissionen havde foreslået, men flere medlemsstater bemærkede, at specifikke særlige tilfælde muligvis ikke var omfattet af den præsenterede begrundelse, og at der selv om muligheden for dispensationer i teorien udløber i maj 2013, stadig kan være en behov for dispensationer i specifikke tilfælde (f.eks. nyetablerede vandforsyninger).</p> <p>Kommissionen gjorde det klart, at hvis problemet kan vises at være forårsaget af særlige omstændigheder, som kan retfærdiggøre behovet for nye dispensationer, kan dette gives – og anerkendte udvekslingen af ideer og inviterede MS til at reflektere videre over problemet.</p> <p>Hele referatet for drøftelsen af dispensationer fremgår af redegørelsen.</p>
29. januar 2013	Internt referat af mødet i KOM journaliseret på sagen.	<p>I referatet fremgår følgende vedr. dispensationer: <i>"Derogation, jf. Art. 9 i DVD Komm.: In exceptional circumstances: bevisbyrden ligger hos MS."</i></p>
27. juni 2014	Referat af møde i ekspertgruppen under DWD	<p>DK deltog ikke i mødet.</p> <p>Det er nævnt, at MS ikke er forpligtet til at sende information om dispensationer til mindre vandforsyninger videre til Kommissionen.</p> <p>Under "Eventuelt" nævner Kommissionen, at de har sendt svar til Tyskland om anvendelse af</p>

		artikel 9 ift. drikkevand på skibe, hvor Kommissionen holdning er, at artikel 9 ikke kan anvendes til denne type sager.
27. maj 2015	Referat af møde i ekspertgruppen under DWD	<p>DK deltog i mødet med teknisk-faglig sagsbehandler fra Miljøstyrelsen (daværende Naturstyrelsen).</p> <p>Kommissionen opsummerede reglerne for dispensation ved gennemgang af en præsentation. Af referatet fremgår:</p> <p><i>"Kommissionen opsummerede proceduren for dispensationer. Præsentationen, der forklarer proceduren, vil snart være tilgængelig på CIRCABC. Alle første gangs dispensationer skulle starte fra tidsplanen for efterlevelse (25. december 2003). Der var en maksimal periode på 9 år for undtagelser og dette indebærer, at der for EU15 ikke længere kan indrømmes nogen tredje gangs dispensationer. Der er nogle undtagelser for medlemsstater, der kom ind i EU på et senere tidspunkt. Under visse omstændigheder er sene dispensationer tilladt, men skal være behørigt begrundede. Kommissionen er meget streng med hensyn til dispensationer.</i></p> <p><i>Der var en vis diskussion om potentielle juridiske aspekter ved at udelade artikel 9 fra national lovgivning, da vandleverandører undertiden mener, at dispensationer stadig er mulige. Kommissionen udtrykte sit ønske om, at medlemsstaterne informerede leverandører og myndigheder op til lokalt niveau om Kommissionens holdning i overensstemmelse hermed. Kommissionens hjemmesiden opdateres om dette emne."</i></p>
27. maj 2015	Præsentation om artikel 9 dispensationer	<p>Præsentation om artikel 9 i DWD.</p> <p>På slide 2 er det vist, at første dispensation skal starte i 2003, og at der højst kan gives 9 års dispensation i alt.</p> <p>Det er på slide 5 angivet, at der i særlige tilfælde kan gives "sene" dispensationer og tre begrundelser angives: 1) Ny kildeplads (Water Supply Zone) 2) "WSZ in compliance on 25. december 2003" 3) Værdi for ny parameter, eller ny værdi for en eksisterende parameter. Dispensationer skal være behørigt begrundede.</p>
12. juni 2015	Internt referat af mødet 27. maj	Internt referat sendt fra sagsbehandler til kontorchef. Af referatet fremgår:

		<p>"KOM gav en kort præsentation om dispensationer iht. DWD. Alle førstegangsdispensationer skulle umiddelbart starte fra tidspunktet for overholdelse af DWD (December 25, 2003). Der er en periode på maksimum 9 år for dispensationer, hvilket indebærer, at der på nuværende tidspunkt ikke længere kan gives en tredje dispensation. Dette gælder dog ikke MS'er, der er kommet ind i EU på et senere tidspunkt. Under visse omstændigheder kan senere dispensationer gives, men de skal begrundes grundigt. Der var en diskussion om de juridiske aspekter af at udelade artikel 9 i DWD fra den nationale lovgivning (for at undgå at vandforsyninger tror, at dispensation stadig er muligt). Der kom dog ikke en klar konklusion på, om en sådan udeladelse er mulig. KOMs hjemmeside vil blive opdateret angående dette emne."</p>
22. september 2016	Referat af møde i ekspertgruppen under DWD	<p>Miljøstyrelsen (daværende Naturstyrelsen) var ikke repræsenteret på mødet.</p> <p>Kommissionen gør opmærksom på, at der som udgangspunkt ikke længere kan gives dispensationer, og henviser til mødet 27. maj 2015. Kommissionen forklarer, at artikel 9 aldrig må anvendes til at forsinke implementeringen af DWD. Der gøres opmærksom på, at dispensation kan gives i særlige tilfælde.</p> <p><i>"for instance if a new water supply zone has been defined or a value for a new parameter is identified in accordance with Article 5 (3) or a new value for existing parameters is established"</i></p> <p>Efterfølgende gav forskellige medlemsstater en mundtlig oversigt over gældende dispensationer.</p>
22. september 2016	Præsentation om artikel 9 dispensationer	<p>Samme indhold som præsentation fra 2015 – dog uden enkelte slides om bl.a. forståelsen af "sene" dispensationer og med enkelte slides med data for meddelte dispensationer og notifikationer. Danmark er ikke med på listen.</p>
December 2016	REFIT-evalueringsrapport	<p>Evalueringsrapport om drikkevandsdirektivet offentliggøres.</p>
10. februar 2017	Ministersag om REFIT-evaluering og mulig dansk	<p>Af sagen fremgår, at REFIT-evalueringen fra bekræfter, at direktivet generelt fungerer efter</p>

	interessevaretagelse oversendes til departementet	hensigten, men at der blev identificere fire områder med plads til forbedringer, hvorfor det forventes at Kommissionen igangsætter en ” impact assessment” fokuseret på disse områder mhp. en mulig revision af direktivet. Styrelsens forelæggelse beskriver de fire områder, hvor der ifølge REFIT-evalueringen vurderes at være plads til forbedringer. Derudover har sagen fokus på forslag til evt. tidlig dansk interessevaretagelse. Forelæggelsen behandler ikke spørgsmål om dispensationsmuligheder eller den danske implementering af direktivet.
3. maj 2017	Ministersag om implementering af drikkevandsdirektivets bilag II og III oversendes til departementet.	Sagen indeholder bl.a. den opdaterede drikkevandsbekendtgørelse og de væsentligste ændringer er fremhævet i sagens cover. Det fremgår ligeledes af sagens cover, at Miljøstyrelsen har identificeret et behov for at tydeliggøre hjemlen til kommunernes meddelelse af dispensation for overskridelse af drikkevandskvalitetskrav.
19. juli 2017	Høring af udkast til lov om ændring af lov om vandforsyning	Af høringen fremgår særligt om VFL § 59: <i>”Stk. 4. Ministeren kan fastætte nærmere regler om, at kommunalbestyrelsen i særlige tilfælde kan dispensere fra de af ministeren fastsatte regler om drikkevandskvalitet.”</i> Og <i>” Som led i gennemførelsen af drikkevandsdirektivet fra 1998 er der i bekendtgørelse om vandkvalitet og tilsyn med vandforsyningsanlæg indført regler om, at kommunen kan dispensere fra de i bekendtgørelsens bilag 1 a - d af ministeren fastsatte kvalitetskrav for et bestemt tidsrum, der skal fastsættes så kort som muligt, og som højst kan være 3 år. Dispensation kan kun gives, hvis der ikke er mulighed for at fremskaffe anden vandforsyning, og der skal indhentes en udtalelse fra Sundhedsstyrelsen, inden der dispenseres.</i> <i>En tydelig hjemmel foreslås indført i lovforslaget, så kommunerne i overensstemmelse med hidtidig praksis kan dispensere fra drikkevandskvalitetskravene i en begrænset periode, hvor der ikke foreligger nogen sundhedsmæssig risiko.”</i>

20. oktober 2017	Ministersag om implementering af drikkevandsdirektivets bilag II og III oversendes til departementet.	Sagen oversendes mhp. orientering af ordførere og ministerens underskrift af den opdaterede drikkevandsbekendtgørelse mv.
27. oktober 2017	Ministersag om forslag til lov om ændring af lov om vandforsyning m.v.	Sagen vedr. en fremsættelsespakke for forslag til lov om ændring af lov om vandforsyning m.v. Det fremgår af sagens cover, at der efter høringen er foretaget justeringer i lovforslaget på baggrund af interne juridiske vurderinger. Det fremgår således bl.a., at dispensationsadgang for kommunerne til i særlige situationer at kunne dispensere fra gældende drikkevandskvalitetskrav ikke er medtaget i det endelige lovudkast, da der allerede er tilstrækkelig hjemmel.
27. oktober 2017	Notifikation af bekendtgørelsen til EU-Kommissionen	Miljøstyrelsen notificerer EU-Kommissionen om implementering af de opdaterede bilag II og III til direktivet. Ændringen af drikkevandsbekendtgørelsen fremsendes i sin helhed omfattende bestemmelserne om dispensationer.
12. december 2017	Offentliggjort høringsnotat	Følgende fremgår af notatet: <i>”For så vidt angår forslaget om at tydeliggøre hjemlen til, at en kommune kan dispensere fra drikkevandskvalitetskrav, har Miljøstyrelsen gennemført en fornyet juridisk analyse, som har ført til den vurdering, at der allerede er tilstrækkelig hjemmel i gældende regler. En lovændring på dette punkt vurderes ikke at være nødvendig, hvorfor forslaget ikke er medtaget i det endelige lovforslag”</i>
11. maj 2020	Information fra Miljøstyrelsen til Kommissionen om fem dispensationer	Information om at Miljøstyrelsen i sommeren 2017 begyndte at finde DPC i grundvandet, og at grundvand er eneste drikkevandskilde i DK. Fem større indvindere har fået en dispensation for op til 3 år. Dispensationerne er givet i tilfælde, hvor det har været vanskeligt at finde alternativer. Der arbejdes på nye borer og forbindelse til nabovandværker for at løse problemet. Der gøres opmærksom på den danske kravværdi på 0,1 mikrogram/l og at den laveste sundhedsmæssige grænseværdi er vurderet at være 50 mikrogram/l.
14. juli 2020	Svar fra Kommissionen omkring de fem dispensationer	Kommissionen svarer, at der som udgangspunkt ikke kan gives dispensationer efter 2013. Da der ikke i underretningen af

		<p>kommissionen er givet særlige årsager til dispensationerne, vurderer kommissionen, at dispensationerne er i strid med drikkevandsdirektivet.</p> <p>Kommissionen erindrer DK om, at bevisbyrden er vores, og efterspørger yderligere bevis for, om dispensationerne kan begrundes med 1) en ny kravværdi, 2) en nyligt anlagt kildeplads eller 3) en ny kilde til forurening.</p>
15. september 2020	Departementet underrettes formelt om problemstillingen	<p>Departementet orienteres om situationen og det foreslås, at to spørgsmål undersøges:</p> <p><i>"1) Er drikkevandsdirektivets dispensationsbestemmelser implementeret korrekt i drikkevandsbekendtgørelsen?</i></p> <p><i>2) Er der i drikkevandsdirektivet angivet bestemte dispensationsvilkår, herunder at der kun kan dispenseres som følge af nærmere bestemte grunde for forurening?"</i></p> <p>MST foreslår, at DEP drøfter næste skridt med MST og indleder drøftelser med kommissionen for at opnå en nærmere forståelse af dispensationsmuligheden i drikkevandsdirektivet.</p>



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL ENVIRONMENT
 Directorate D - Water, Marine Environment & Chemicals
ENV.D.2 - Marine Environment & Water Industry

**MEETING OF THE
 COMMITTEE UNDER ARTICLE 12 OF DIRECTIVE 98/83/COM
 (DRINKING WATER COMMITTEE)**

**29 January 2013 at
 Centre Albert Borschette, Room AB-2B
 Rue Froissart 36, 1040 Brussels**

Draft minutes

Representatives from all Member States (MS) participated, except for Austria and Greece. In addition, Norway was represented.

The European Commission (COM) was represented by DG Environment and the JRC. A representative from the World Health Organisation (WHO) was present as observer.

All documents and presentations for the meeting are available in the new CIRCABC Water Industries Folder¹.

1. WELCOME AND INTRODUCTION

The Chairperson (Mr Joachim D'Eugenio, European Commission, DG Environment) welcomed the participants, introduced the COM representatives and informed the participants on the practical arrangements of the day.

2. APPROVAL OF THE AGENDA

The Chairperson explained the different items on the agenda and shortly introduced the meeting documents.

The Committee adopted the proposed revised agenda unanimously without further amendments.

3. ADOPTION OF THE MINUTES OF THE COMMITTEE MEETING OF 30 APRIL 2012

Introduction

The Chairperson noted that the draft minutes of the Committee Meeting of 30 April 2012 (meeting document DWC/01/2013-03/ENV) were amended in accordance with comments received from DK, UK, PT and HU (document is available at the already mentioned link).

Discussion

After a comment made that the Summary Record for the Parliament was not provided to the MSs,

¹ <https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp> Please note that in order to access the link you will have to log in and then take the following steps: 1) Interest Group – Directives on Drinking, Bathing and Urban Waste Water; 2) Library ; 3) 2- DRINKING WATER; 4) B – DW Regulatory Committee; 5) 3- Regulatory Committee 29 Jan 2013.

the chairperson explained that the summary of the meeting has to be uploaded in the Comitology Register for the Parliament, two weeks after each Committee meeting. He highlighted that this document is identical with the minutes of the meeting, except for not including the discussion parts.

Conclusion

The Committee adopted the draft minutes, as amended, unanimously.

4. RULES OF PROCEDURE FOR EXPERT GROUPS

Introduction

The Chairperson referred to the amended Rules of Procedure for the Committee adopted in the Committee meeting of 30 April 2012 and recalled the new rules and procedures for the establishment of Implementing and Delegated Acts under the Lisbon Treaty.

For the DWD this will have as a consequence that amendments to Annexes II and III of the Directive may be established by means of Delegated Acts and no longer be subject to an opinion provided by the Committee under the current Regulatory Procedure with Scrutiny. If this is the case, the discussion with MS will continue in an Expert Group, following a similar procedure as the strategic coordination group established under the Marine Strategy Framework Directive (MSFD) and operating according to its own rules of procedure. This informal working process would also allow stakeholders to participate in these meetings. An example of rules of procedure of the MSFD strategic coordination group was distributed to the Committee members for information.

Discussion

WHO noted that, according to their experience from the EU's Groundwater Experts Committee for Groundwater Directive, the actual procedures did not change considerably but there was seen a clear advantages in working in the frame of an expert group as it ensures a more effective exchange of information.

The Chairperson proposed to ensure continuity of the Committee in the frame of the new Expert Group and even cover linked issues under other Directives (Bathing Water), as the new procedure allows for this.

Conclusions

The Committee took note of the explanations on the new procedures applicable under the Lisbon Treaty and the distributed rules of procedures for the marine strategy coordination expert group. The Committee proposed to prepare the establishment of an Expert Group and suggested to jointly organize the first expert group meeting with the next meeting of the Committee. The COM agreed to send more information about the procedure on Delegated Acts as soon as it becomes available.

5. Revision of the Annexes II & III, and alternative methods

Introduction

The Commission presented the working papers related to the revision of Annexes II and III of the DWD resulting from the work carried out by the Working Group chaired by JRC. The comments received from MS after the meeting of the Working Group, had also been included. Before starting the technical presentations and discussion, the Chairperson did a 'tour the table' to inquire about the support in the Committee to continue the revision process and the priorities that the MS would like to see addressed. JRC presented as well the ongoing work on alternative methods.

Discussion

During the tour the table MS motivated the extent to which they supported the revision process and current draft texts on the table. While most of the Member States expressed their support for the revision process and appreciated the work done so far by the technical working group coordinated by JRC, several concerns were raised to specific aspects in the current draft texts during the tour de table and discussion afterwards. The main concerns are summarized below, a detailed reflection of MS concerns raised during the 'tour de table' is added in the annex (annex 3).

The tour de table was followed by a presentation from JRC on the technical work undertaken so far for the revision of Annexes II and III summarizing the conclusions of the working group on alternative methods (the proposed way of work to be adopted by the working group on microbiology in relation to alternative methods and the presentation of the alternative methods on a dedicated website).

Annex II discussion:

The Chairperson introduced the discussion mentioning that a rationale of the revision would be drafted to ensure a common reference against which the final version of the Annex would be checked.

There was general support to the introduction of the concept of risk based assessment in annex II, however, there are still different views on the way the concept should be formulated in the actual texts.

The risk assessment concept is generally seen as the most effective way to ensure the safety of the water supplies with reasonable costs, however, the meeting recognised that minimum requirements must be specified to ensure that the specific objectives of the Directive are met (parametric values, monitoring frequencies, compliance reporting, information to the public).

The following main issues were raised during the discussion:

- The increased monitoring frequency, in particular for small water supplies, would entail additional costs for the operators without necessarily guaranteeing the minimum water quality safety of the respective supply. While it was pointed out that the draft text would allow for reduction of proposed frequencies in function of the risk assessment, several MS still suggested to keep the frequencies as they are in the current applicable text.

- MS recognised the need for defining performance indicators (benchmarks) in order to ensure effective implementation of a risk based assessment allowing appropriate management of supplies. This would allow consideration of the particular characteristics of small water supplies and, for instance, include indicators based on which for instance monitoring frequencies could be adapted to concrete risks.

- The interpretation of and interrelation between the two proposed monitoring systems – operational and compliance – caused confusion to several Member States. It was called for better description of the aim and links between the monitoring system, and it was recognised that the system would need to allow comparison of compliance with the Directive between MS.

- The link with food legislation in relation to bottled water should be clarified by including appropriate references to this legislation. It was recognised that the references should avoid duplication of legislation but also ensure there are no gaps of legislation that would cause risks to water quality safety in relation to bottled water.

In order to illustrate different interpretation of table B1 in annex 2 across the EU, DE presented an overview of MS's practical implementation of the current provisions of Annex II, Table B1 (see Annex 4 to this document) on frequencies of check and audit monitoring. This information was obtained following an inquiry with the MS representatives. The overview showed clear differences between MS, showing the need for better clarification on practical implementation of requirements on monitoring frequencies as specified in the table.

Annex III discussion:

The Chairperson appreciated that procedure wise, for Annex III no additional meeting of the technical working group would be needed and that the adopting procedure could be initiated before that for Annex II.

The main issues raised on the draft text related to the possibility to use other methods than those listed in Annex III for operational monitoring and the cost implications of accreditation of laboratories.

Possible solution discussed in relation to the accreditation of laboratories was the use of ISO 17025 standard for water supply zones servicing more than 5,000 people and ISO 9000 standard for those water supply zones servicing below 5,000 people.

The idea of a possible cost-benefit assessment in relation to the aspects to be revised in this Annex was proposed as part of the revision process. MSs were invited to support the issues raised by providing information to the Commission on costs and administrative burdens.

Alternative Methods discussion:

The chairperson recalled the work of the WG of Microbiology related to the revised document on alternative methods.

The WHO also reported on a project (developed in cooperation with the NL authorities) that will begin shortly and that aims to develop alternative methods primarily for microbiological analysis. Expert expressed the availability of WHO to expand cooperation in this particular area too.

During the discussions it was remarked that in case accreditation would be made mandatory, the link with the alternative methods has to be clarified, in the sense of clarifying whether the alternative methods are an additional requirement for accreditation or the two are independent. Also, the idea of including the alternative methods used in each country on a website, rather than updating the Annex III was supported by some of the MS.

A possible meeting of the WG on Microbiology in the second half of the year was proposed (September) with the objective to discuss the mandate and the details of the alternative methods procedure, before submitting a draft mandate of the Group to the Committee in the next meeting.

Conclusions

Most of the Member States expressed their support for the revision of the annexes, on the condition that outstanding concerns were appropriately addressed. On annex II the Committee concluded that further reflection was needed on technical aspects such as formulation of the concept of risk based monitoring, the way the 'compliance monitoring' is elaborated and integrated in the overall monitoring requirements, the minimum required sampling frequencies, the specific characteristics of small supplies and appropriate references to food legislation. On annex III the Committee concluded that further technical verification was required. Concerns were raised on increased references to CEN/ISO certified methods, involving increased potential costs for laboratories. The COM agreed to further reflect on and redraft the texts. If need be, an informal meeting with MS may take place before summer to further fine-tune the drafts.

The Committee agreed that, depending on progress made for both annexes, formal adoption procedures of the texts may either run in parallel or in succession.

On alternative methods, the COM agreed to draft a mandate for the Working Group on Microbiology, covering the required further work on alternative methods, including aspects linked to the work of other Committees (e.g. Bathing Water Directive) for endorsement by the Committee in the next meeting.

6. Regular Reporting – state of play & 7. Small Water Supplies, a. Findings of the Small Water Supplies Report – state of play

Introduction

The COM presented the state-of-play of the current regular and small water supplies reporting exercises. It was mentioned that the former will be most likely completed in autumn 2013, while the latter will be available in spring 2013.

The COM noted that it intends to prepare a summary report based on information from both regular and small water supplies reports.

Discussion

Based on preliminary results, the COM highlighted that the main problems on implementation relate to lack and inconsistency of data – for regular reporting, and non-compliance with the microbiological and indicator parameters, as well as with the monitoring arrangements – for the small water supplies report.

It was highlighted that due to the specific situation in MSs, differentiated approaches in managing the compliance gaps would be required.

The Chairperson commented on the inefficiency of the current reporting system, mainly due to the 'backward looking' approach (focus on obsolete and currently irrelevant data) and the significant time gap between reported data period and its publication. The COM recalled that it is essential to inform the public realistically and highlighted that timely and correctly informing the public is a key aspect in implementing the Directive.

The Chairperson underlined COM's current initiative to changing the current reporting system, in particular bearing in mind the approaches adopted under other Directives and the 7th EAP. The new approach would be to use information management systems, rather than just reporting systems. Without entering into details, the former would mean that MSs would generate and make public information, while the Commission would be able 'pull' data for its own compliance assessment needs.

Conclusions

The Committee took note of the information.

7. Small Water Supplies

7. b. Policy paper on Small Water Supplies

Introduction

The COM recalled the mandate given to the drafting group on small water supplies to prepare a policy document identifying recommendations on how to implement the current Directive in small water supplies. The UK representative, who participated in the drafting group, summarized the findings and conclusions of the document after which the document was discussed.

Discussion

Some MS raised the issue of clarifying the position of the document in relation to other related documents currently available was raised (e.g. the work of the UN Protocol on Water and Health). Requests for further clarification/correction of the document were mentioned, like the one concerning the case study for ES.

Conclusions

The Committee endorsed the document by consensus, after having suggested a few changes. The Committee agreed with the COM proposal to include a preamble clarifying the context and objectives as well as mentioning endorsement by the Committee. The COM agreed to reflect on the way of publication and possible translation of the document.

8. Derogations

Introduction

The COM recalled the main requirements of Article 9 of the Directive concerning derogations, including expiry deadlines and possible situations for which derogations could still be allowed after these deadlines, after which a discussion took place (see presentation for details).

Discussion

The Chairperson clarified that, by this rational, the COM wanted to ensure the setting of a common understanding of the decision-making process behind granting derogations and a level playing field for all MS (in the case of 3rd derogations).

MS generally agreed with the interpretation line proposed by the Commission, however, several MS noted that specific particular cases might not be covered by the presented rationale and that, while in theory the right for derogation will expire in May 2013, there might still be a need for derogations for specific cases (for instance new established water supplies).

It was also remarked that new analysis methods have become available and more substances than those listed in the Directive can be analysed and if found relevant for human health, they would trigger also the possibility of using derogations.

The Chair clarified that the presented rationale behind granting derogations was not considering new supplies and looked only to Annex I parameters. New substances relevant for health could be considered differently when deciding on granting derogations. Moreover, the case of the chemical parameter 'pesticides' was a special situation, because of the authorisation procedure in place.

Conclusions

The COM clarified that if the problem can be demonstrated and is justifiable as exceptional circumstances, then an additional exemption could be granted and appreciated the exchange of ideas and invited MS to further reflect on the issue with the view to continuing the discussion at the next meeting.

9. Cooperation with the WHO

Introduction

The areas of potential cooperation between the Regional Office for WHO Europe and the COM on drinking water issues were presented and discussed.

Discussion

WHO listed briefly the areas of interest for this Drinking Water Committee, namely water safety plans, alternative methods for microbiology and chemical parameters, water re-use. WHO's representative also recalled the next meeting of WHO specific WG to discuss the review of the drinking water guidelines, aspects related to the re-use of urban waste water.

Conclusions

The Committee took note and welcomed the intention for closer cooperation with the WHO.

10. Implementation of the DWD on ships and trains

Introduction

The agenda point was suggested by a member of the Committee within the context of a specific case on the application of the Directive on ships and planes.

Discussion

The matter refers to water treatment plants on board ships which are used to provide drinking water for commercial or public purposes. A number of issues were raised: (1) the treatment method used to treat seawater– reverse osmosis – which may lead to parameters for some chemicals (e.g. boron) being exceeded, (2) the impossibility to define geographical areas when it comes to ships as they are moving and seawater quality is variable, (3) the difficulty of using Article 8 regarding plants using reverse osmosis on ships, as there is no viable alternative that could permanently rule out a chemical parametric value being exceeded due to the seawater used.

COM specified that the solution to use Article 9 for this situation did not seem viable and therefore would have to look further into the issue and try to formalize their legal advice as soon as possible.

In the discussion it was noted that in the case of ships travelling in international waters, international regulations on health and labour applied over the DWD.

A few MS noted that in their understanding the DWD applied only at the fixed point (on land) where water was being supplied into a ship, aircraft or train, but did not apply once these moved. It was also remarked that while international relevant legislation applies in international waters, the issue remained still open in the case of ships travelling inland and in coastal areas.

Conclusions

The Committee took note of the information and concluded that the issue needs further legal clarification.

11. Information by Commission

Introduction

COM presented short updates in relation to the agenda points 11 a, b, c, d, e, f and g. As regards point 11 d) DWD - link with the WFD (WG C on Ground water), the COM clarified the main links between approaches for implementing the DWD, the Water Framework Directive and Groundwater Directive (GWD) (risk based approach, also being promoted in the Blueprint for water²; Article 7 of the WFD that makes the link between groundwater protected zones and drinking water quality) and informed the Committee about the suggestion of the CIS working group on groundwater (WG C) to cooperate with

² http://ec.europa.eu/environment/water/blueprint/index_en.htm

the Drinking Water community on implementation of a risk based management approach for groundwater bodies used for drinking water extraction.

Discussion point 11 d)

The Chairperson commented that if there is interest, a meeting could be organized later in the year.

Most of the MS recognised that benefits and synergies of cooperation between the DWD committee and WG C.

A comment was made that such cooperation could also contribute to exchange of information on existing methodologies to assess the influence of surface water quality to groundwater quality.

COM clarified that the documents referred to previously³ (Guidance document on Risk Assessment and the Use of Conceptual Models for Groundwater (No 26) and Guidance Document on Groundwater in Drinking Water Protected Areas (No 16)⁴) did not have much information on dynamics between surface water and groundwater. However, a report containing some information linked to these aspects was available on DG ENV's website (under technical reports⁵).

A few MS informed on national experience on synergies between Groundwater and Drinking Water through a risk based approach and offered to share information. FI highlighted the importance of these synergies and the fact that groundwater monitoring data could be used for risk assessment in the drinking water systems.

Conclusions

The Committee took note of this information. Moreover, the Committee welcomed the suggested cooperation with WG C and agreed discussing in the next WG C meeting in April 2013 the different possibilities for cooperation, to be reported back to the Committee in the next Committee meeting.

12. Work Plan

Introduction

The Commission presented the revised rolling Work Plan.

Conclusion

The Committee took note of the revised rolling Work Plan.

13. Any other business

A committee member inquired on current plans regarding ecolabels (ecodesign for taps). The COM took note and suggested to update the Committee on this issue in the next meeting, which is tentatively planned for 19 November 2013.

Annex 1: List of meeting documents and presentation

³ <http://ec.europa.eu/environment/water/water-framework/groundwater/activities.htm>

⁴ <https://circabc.europa.eu/w/browse/6d1e23e9-4dbc-4362-baa0-3fa1c96ad43d>

⁵ <http://ec.europa.eu/environment/water/water-framework/groundwater/activities.htm>

Annex 2: List of participants

Annex 3: Detailed minutes on agenda item 5 'tour de table'

Annex 4: Analysis of the table 3 of the DWD Annex II by DE

Annex 1

LIST of DOCUMENTS (29/01/2013)

Agenda point	Reference	Date upload/sent	Title	Submitted by
-	-	20/12/2012	Invitation	Commission (DG ENV)
2	Ref. Ares(2012)1522340 - 19/12/2012 Ref. Ares(2013)63763 - 18/01/2013	20/12/2012 18/01/2013	Draft Agenda Rev Draft Agenda	Commission (DG ENV)
3	DWC/01/2013-03/ENV	18/01/2013	Draft Minutes of Committee Meeting from 30 Apr 2012	Commission (DG ENV)
4	DWC/01/2013-04/RoPExpertGroups	24/01/2013	Rules of Procedure for Expert Groups	Commission (DG ENV)
5	DWC/01/2013-05/Annex II DWC/01/2013-05/Annex III Germany provide a document related Annex II	29/01/2013	Revised Annex II (technical draft) Revised Annex III (technical draft) Alternative methods Check+audit-monitoring_tableB1 (provided by DE)	Commission (DG ENV & JRC) DE representative
6	No document /Presentation		Regular reporting	Commission (DG ENV)
7	a) no document b) DWC/01/2013 – 07/PolicyPaperSWS/ENV	18/01/2013	a) Presentation b) Policy Paper on Small Water Supplies	Commission (DG ENV)
8	No document/Intervention		Derogations	Commission (DG ENV)
9	No document/ Intervention		Cooperation with WHO	WHO representative
10	No document /Intervention		Implementation of DWD on ships	DE representative/ Commission (DG ENV)
11	DWC/01/2013-11/Info_Commission	18/01/2013	Information by Commission	Commission (DG ENV)
12	DWC/01/2013-12/Work_Plan	18/01/2013	Work Plan	Commission (DG ENV)

Annex 2

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Annex 3

Annex II and III detailed 'Tour de table' discussion

Most MSs expressed their support for the revision exercise on the condition that certain concerns in relation to current drafts are addressed as outlined in more detail below.

IE supported the revision of the two annexes. However, they mentioned that the current proposal for Annex II was not acceptable, because of the increased minimum monitoring frequency, in particular as regards the small water supplies (as shown in the current proposal, controls should increase by 30% and with the costs this would involve this would not be viable for small water supplies in IE). The representative underlined that the monitoring frequency should be decided based on the risk assessment. In relation to annex III, the need for flexibility was emphasized, in the sense of maintaining the current system (trueness, precision and limit of detection), but also allowing for the use of the concept of uncertainty of measurement. The economic impact of the proposed changes in both annexes (i.e. costs resulting from the increased numbers of monitoring frequencies) should be considered and it should be ensured that the financial efforts are directed towards what would increase the safety of the water supply, namely the risk-based approach and not the monitoring as such.

DE and SI supported the review of the 2 annexes but disagreed with the current proposals. They underlined that a new and clearer EU regulation was necessary to achieve a more effective monitoring (ensuring increased safety of the supplies) of drinking water quality and in reaching analysis results that can be comparable between MS.

BE was in favor of the text proposed in the draft technical annexes, although felt that there were details which still needed to be fine-tuned. As regards the increased monitoring frequencies for the smaller water supplies, they were in favor of this change (in BE such measures are already required in the national legislation) and as regards the concerns of other MSs in relation to this, they highlighted that their understanding of the proposed text in the Annex was that derogations from the monitoring frequencies were clearly allowed for.

IT supported the concerns raised by IE as regards Annex II, while as regards Annex III, underlined the idea that the latest scientific progress regarding the methods of analysis should be taken aboard.

SE noted that increasing monitoring frequencies would not necessarily reduce risks for human health, while costs would increase significantly. SE suggested keeping the current monitoring frequencies levels until the whole Directive was revised.

FI supported the concerns raised by IE and SE and mentioned the need to clarify the links with the food legislation, in relation to Annex II. Also FI pointed out a significant aspect in their country, namely the long distances to monitoring sites which in case monitoring frequencies increased would lead to higher costs. Regarding Annex III, FI considered as incompatible the concept of "precision" and "uncertainty".

NL highlighted the importance of risk assessment, which should be reflected in the revision of annex II, in particular for the small water supplies and noted that increasing the sampling frequencies in natural places or camping sites might be difficult to achieve because of costs. As regards Annex III, they agreed in principle with the proposed changes but NL would need more time before presenting its consolidated view on the proposed changes

LU is in favor of the revision, but underlined the importance of adopting the risk based approach in Annex II, and highlighted the need not to modify the current frequencies, because this change was not a direct improvement to water quality or safety of the water supplies. As for Annex III, LU proposed to remove the "precision" characteristic of analysis methods since it is incompatible with the "uncertainty" one.

UK expressed their reserves regarding the latest draft text for Annex II and recalled the original intention of a revision of the Directive which was to introduce the risk based approach to better protect the health of citizens and solve the safety problems of the smaller water supplies, in particular. In their view, the currently proposed Annex II does not provide the efficiency of doing that. The impact assessment of the of the current proposal (including increased frequencies for the small water supplies) would be negative because of the burden on small and private water supplies and therefore would not be politically feasible in the UK. In substance, the RA system as implemented provides for improved health and allows for an efficient monitoring. In relation to Annex III the representative expressed reserves on the removal of both parameters "trueness" and "precision", on one hand, because they think that their removal decreases the protection of citizen, as the analysis becomes less accurate, and on the other hand because UK laboratories have already made significant investments to comply with the analysis of these parameters. Economic and political aspects were raised in the sense that in the UK significant investments were undertaken by the laboratories to reach this level of performance of the analysis methods and any deviation from that would be difficult to justify.

PT shared the concerns of the previous MS and stressed that increasing frequency does not necessarily improve water quality (in relation to Annex II). PT agreed with UK on aspects related to Annex III, namely expressed their reserves in relation to removal of the existing performance characteristics 'trueness' and 'precision', since its laboratories have invested heavily to include it in the analysis.

DK raised the issue of the interpretation of current Annex II, *Monitoring, 2. Audit monitoring*, as regards Member States' possibility to omit some parameters from audit monitoring and thus reduce the monitoring efforts.

CZ generally welcomed the suggested revised annexes and considered the increased monitoring frequency for small water supplies acceptable, as it was accompanied by the possibility to reduce the monitoring efforts. Two political aspects were raised: (1) the consequences of the need to define the risk management plans, in the sense that applying the WHO model on this would indeed entail significant financial burden to the MSs; and, (2) the sampling for microbiological parameters – the Directive provides that the samples are to be taken at the tap, while it provides also for the possibility to consider the influence of the domestic installations. In the revised Annex II, the sampling design excludes the influence of the individual taps, which makes it a sensitive issue in terms of communicating compliance under the Directive to the consumers, as compliance is measured at the tap.

SI was in favor of the introduction in the risk-based approach in Annex II and was of the opinion that currently the Directive allows for omitting certain parameters from audit monitoring.

ES agrees with revising the two annexes, but underlined the need to make an economic assessment of the proposed changes. ES was particularly concerned about possible costs related to the increase in frequency of controls and mandatory accreditation of laboratories.

HU emphasized the fact that in HU the legislation required higher monitoring frequency than currently provided for in the Directive for the small supplies already, but it mostly applies for check audit. For audit parameters they think one sample per year for the small supplies was financially feasible in HU. Otherwise, monitoring for some parameters could be reduced in a water supply, especially if links with the WFD were identified and taken into account via the risk assessment. As regards, Annex III details would still need to be discussed with their laboratories before having a consolidated view.

BG welcome the introduction of the risk assessment approach in relation to Annex II, however highlighted the need of having still minimum criteria for establishing the monitoring programmes. In relation to Annex III, it was underlined that a significant financial problem might be for BG the obligation to accredit laboratories with ISO 17025, as BG laboratories were already accredited with the ISO 17020.

MT agreed with the proposed changes, however expressed concerns about the rising costs due to increasing monitoring frequencies. In MT they do not have accredited laboratories to perform the necessary analyses for all parameters. Monitoring samples are sent overseas, which means that an already expensive process will become even more so.

FR supports the introduction of the risk based approach, however they highlighted the need to consider the consequences in terms of increased costs for the small water supplies that the revised annex II would bring, without necessarily ensuring safer water. They asked for a clear distinction between compliance and operational monitoring, in the sense of establishing responsibilities for performing them and specifying the results of which type of monitoring were to be reported to the Commission. They mentioned in relation to Annex III that the limits proposed under the Limit of Quantification are not feasible in their opinion for the laboratories. As for the use of alternative methods, they think their use would make difficult the performance comparison among MSs.

LT is in favor of the revision of the annexes but share in particular the views expressed by IE, SE and FI. They are in particular concerned about the financial burden that the increased monitoring frequencies would pose on to the small suppliers. Furthermore, they believed that the frequencies for table B (chemical) parameters could be reviewed to prevent from the obligation to perform unnecessary analysis.

EE supports the revisions of the annexes, in particular the introduction of the risk assessment in Annex II. However they underlined that the proposed changes in Annex II would have an important economic impact on Small Water Supplies (90% of their supply units are of this type) in their country, in the sense of increasing the costs.

PL would send detailed comments on the revised annexes at a later stage, as they were still discussing them internally. However, the most important issue resulting from the revised annexes in their view was the additional cost that would be entailed. As regards Annex III, currently in PL there is no obligation to accredit the laboratories which means that in order to impose this obligation to their laboratories, they would expect a specific provision in the Directive.

RO still needs to strengthen their capacity to implement the Directive as it is, therefore any changes in the Annexes that would entail additional financial costs for the water supplies are perceived as additional burden. More technical comments would be sent in writing.

CY supported the proposed changes, as they would bring an improvement in the effectiveness and flexibility of the Directive, but the representative underlined the need to consider the financial aspects. Regarding the Annex III, the methods of analysis used by their laboratories are 'trueness' and 'precision', as well as for 'uncertainty', therefore they would be in favor of maintaining the current performance characteristics and include also 'uncertainty'.

NO expressed support to the concerns raised by IE, SE and FI, and highlighted the importance of introducing the risk-based approach.

The WHO representative recalled that the most important concern from their perspective is human health. However, they recognize that the objective of the Directive is allowing comparison between Member States and showing an even level playing field in terms of drinking water quality. In general, the risk-assessment approach will have significant benefits on the short and long-term, and in particular will contribute to the overall reduction of implementation costs on the long-term, as well as providing a significant flexibility. Furthermore, he noted that MSs have different capacities to implement the risk assessment approach. He referred to the application of the risk assessment approach in the case of small water supplies, and the likely costs increases due to increased monitoring frequencies, but also reminded the differences in sizes, sectors, and specific circumstances of these small water supplies across the MS, and the required need to adapt monitoring and safety requirements to the actual uses.

Annex 4

ANALYSIS of the TABLE 3 of the DWD ANNEX II by DE

ENDWARE - table B1 Annex II DWD

Check monitoring number of samples

Volume in m ³ per day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4 000	16	33	16	16	13	16	15 – 18	43	16	16	16	16	16	16	16	16	16	16	19	16
13 000	43	67	43	43	40	43	42 – 45	117	43	43	43	43	43	43	43	43	43	43	52	43
120 000	364	379	364	364	361	364	364	866	364	364	364	364	364	364	304	364	364	364	396	364

Audit monitoring number of samples

Volume in m ³ per day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4 000	3	3	2	3	2	3	2 – 3	6	3	3	3	2	3	3	3	3	3	3	3	3
13 000	5	5	4	5	6	5	4	8	5	5	5	4	5	5	5	5	5	5	8	5
120 000	15	15	14	15	11	15	13	24	15	15	15	15	15	15	13	15	15	15	22	15

X= Memberstate

Bruxelles
Ref. [REDACTED]
J.nr.: NST-4608-00009
Den 29. januar 2013

Referat af møde i komité under drikkevandsdirektivet

Ny procedure under vedtagelse kan medføre, at ændringer i bilag ikke kan gennemføres ved komité-procedure. Ny procedure kræver godkendelse i alle instanser, ellers er forslaget forkastet.

Annex II

Komm. efterlyser info fra landene om hvordan man stiller sig mht. revision af Annex II.

Irland er bekymret over konsekvenser ved at skulle overvåge i en masse små VF. Bilag III støtter man revision af mht. præcision og trueness. Fokus skal være på risk assessment.

Tyskland efterlyser sammenlignelige overvågningsresultater fra et land til et andet. Mere effektiv brug af hele systemet.

Belgien støtter revision med visse forbehold. Overvågningen vurderes at være mere logisk. Man har ingen problemer med højere frekvenser for små VF, man mener man har undtagelsesbestemmelser i fht. de ekstra monitoringskrav for små VF.

Italien støtter revision. Støtter en harmonisering.

Sverige støtter revision af bilagene, så de bliver klarere. Kan ikke acceptere, som Irland at der sker ændring for de små VF, som ikke giver en bedre beskyttelse af de små VF. Støtter operational monitoring. Frekvenser for compliance monitoring bør være uændrede.

Finland støtter revision på betingelse af, at der er et klart skift af ressourcer til riskbased monitoring.

Holland er tilfreds med at kunne basere sig på risk assessment. Annex III går den rigtige vej.

Luxemburg støtter revisionen af bilagene, og mener det vil give bedre drikkevandskvalitet. Man kan dog ikke støtte øget overvågning i de små VF.

UK støtter en risikobaseret tilgang, og kan allerede se en gevinst af at gøre det i dag. Man kan ikke politisk argumentere for en øget analysefrekvens for små VF. Frekvensspørgsmålet kan ikke støttes, og var ikke oprindelig en del af forslaget. Der er brugt millioner af pund på overflødige analyser uden fund. Man vil stemme imod Annex III.

Tjekkiet er mest positiv. Efterlyser definition risk management plan.

Slovenien støtter ændring af annex og riskbased approach. Påpeger at der er vanskeligt at sammenligne drikkevandskvaliteten på tværs af landene.

Spanien støtter revision efter at der er foretaget en økonomisk analyse af bl.a. de øgede analyser.

Ungarn mener at en analyse om året er for meget for en lille VF. Man støtter riskbased approach og revision af annex.

Bulgarien støtter revision af bilagene. Man vurderer at man kan få problemer med akkreditering ved nye værdier i Annex III.

Malta støtter revision af Annex II og III.

Frankrig støtter revisionen af Annex II og III, men mener at øget frekvens vil have en økonomisk konsekvens for de små VF. Skelnen mellem operational monitoring og anden overvågning er uklar, og bør spilles tilbage til Komm. Man ønsker tid til at konsultere tekniske eksperter.

Litauen støtter, men er bekymret over den økonomiske byrde for små VF.

Estland støtter revisionen, men mener at analysefrekvenserne vil have en væsentlig konsekvens for små VF. Man undersøger stadig holdning til Annex III.

Cypern støtter revisionen af Annex II, som man mener, vil støtte effekten af bilaget. Man er forbeholden i fht. de små VF mht. økonomi. Mht. Annex III har man allerede akkrediteret laboratorierne i overensstemmelse med isostandarder.

Letland er stadig i gang med konsultation.

Polen er uafklaret. Man er bekymret for økonomiske konsekvenser af revisionen.

Rumænien er positivt stemt.

Slovenien er positivt stemt.

Norge støtter revisionen af bilagene, og er positiv over at der gennemføres et riskbased approach.

WHO erkender at muligheden for at sammenligne data er vigtig. Man støtter et risikobaseret approach, som man mener giver fleksibilitet og lavere omkostninger. For små VF går man den rigtige vej, "noget som Europa kan være stolt af!"

Kommissionen vil udarbejde kort tekst, som forklarer baggrunden for revisionen af Bilag II og III. Man efterlyser en nuancering af økonomiske konsekvenser. Hvad er minimumforpligtelser ved risikobaseret tilgang? Sammenlignelighed er et andet aspekt. Man skal have et kvalitetsrisiko baseret system. Der skal være en kobling til rapportering, og det eksisterende system er ubrugeligt. Der skal være en konsultationsperiode før man reviderer bilagene, så man kan konsultere med "the operators". Kvalitet er vigtigere end hurtighed. Forpligtelsen er review og ikke revision. Kommissionen vil producere et revideret draft, som er checket med deres juridiske afdeling.

Tyskland mangler diskussion om rapportering, som i dag sker efter to systemer. Der skal være en balance i prøvetagningen (dual system).

UK: Operational monitoring er ikke brugt, der bruges verification and validation, som ikke nødvendigvis er en laboratorieanalyse. Der efterlyses konsekvent sprogbrug.

Komm. foreslår ordliste.

Komm: Mht. operational monitoring er mandatet ikke tilstede i DVD til at man kan ændre i bilaget. Det anerkendes generelt, at der er uklarheder i teksten. Hvorfor er der ikke link mellem operational and compliance monitoring, det bør hænge tættere sammen. Hele afsnittet om operational monitoring er uklart og bør justeres.

UK er enig.

Komm. gentager, at Annex II er præget af usikkerhed, og at det er baseret på bl.a. forarbejder i WHO-sammenhæng.

UK er obs på at operational monitoring ikke skal stå i vejen for compliance monitoring.

Tyskland mener vi skal have en klar grænse mellem regler for drikkevand og fødevarer (flaskevand og vand til fødevarerfremstilling).

Komm.: Der skal ske redrafting af afsnittet om operational monitoring. der skal beskrives en riskbased approach, som sikrer minimumsniveau, og sikrer kobling til compliance monitoring. Der skal ske afklaring i fht. fødevarer anvendelsen af vand. Komm. vil selv arbejde på en redrafting med bistand fra MS. Mht. compliance monitoring kan frekvenserne være udvej for MS som ikke kan/vil have riskbased monitoring.

1. Frekvenstabellen
2. Hvilken type information skal indsamles i opsamlingen så man kan dokumentere implementation
3. Information til offentligheden
4. ?
5. Dual system: vi skal kunne demonstrere at drikkevandskvaliteten er overholdt ved taphanen.

Belgien: Der er usikker og småfejl i Table 2. Frekvenserne opleves derudover for høje for både små VF og små fødevarer virksomheder. Man mener ikke at man skal ændre minimumsfrekvensen.

Komm. Annex II skal også justeres i lyset af ny teknologisk udvikling. Man ønsker desuden at ændre på hele strukturen af Annex II. Man vil udsende skriftligt forslag, som diskuteres på møde i Beaulieu inden sommeren, så man vil udsende udkast inden Påske.

Præsentation af Teresa Letteri.

Revision af Annex III:

Komm. mener at revisionen af Annex III kan håndteres i skriftlig procedure. Kommissionen efterlyser tal for tal for omkostninger for f.eks. akkreditering.

Komm. JRC udarbejder mandat mht. mikrobiologi og cirkulere skriftligt. Næste møde i september skal planlægge review af alternative metoder mht. mikrobiologi.

Komm. nye bilag skal implementeres i national lovgivning, selvom der ikke er ændringer i direktiver.

Reporting

Kommissionen undersøger muligheden for at skifte fra indberetninger til at MS opbevarer data selv på offentligt tilgængelige hjemmesider. Så kan Komm. danne rapporter når det passer dem.

Small water supplies

Der er mellem 5 og 7,5 % overskridelser i de små VF. Der ser ud til at være hot spots mht. non compliance.

Belgien vurderer, at policy paper om small water supplies er et interessant dok.

Komm. foreslår, at det offentliggøres, at policy paper om de små WF endorses af drikkevandskomiteen. Vi skal være mere aktive i fht. de små VF. Policy paper vil som udgangspunkt ikke blive oversat.

Derogation, jf. Art. 9 i DVD

Komm.: In exceptional circumstances: bevisbyrden ligger hos MS.

Cooperation with WHO

Implementation of DWD on ships and trains

Tyskland orienterer. Implementeringen skal også omfatte fly. Man har fra tysk side foreslået en "permanent undtagelse", men Komm. er i tænkeboks om muligheden af dette. Man vil adressere dette i en kommende egentlig revision af direktivet, som dog ikke bliver i en nær fremtid. DVD gælder ved påfyldningsstedet – og ikke ombord på f.eks. skibet. UK og Holland har samme holdning.

Opfølgning for DK:

Intern afklaring: Har vi i DK implementeret en risikobaseret tilgang i dag?



**SECOND MEETING OF THE EC INFORMAL EXPERT GROUP
 UNDER DIRECTIVE 98/83/EC (DRINKING WATER DIRECTIVE)**

27 JUNE 2014

At DG Environment, Room BU-5-C Av. de Beaulieu 5, ROOM BU24 0/036, 1160 Brussels

MINUTES

All Member States (MS) participated, except for Czech Republic, Denmark, Lithuania and Portugal. The list of participants is annexed.

The European Commission (COM) was represented by DG Environment (DG ENV), DG Energy (DG ENER) and the European Topic Centre on Inland, Coastal and Marine waters (ETC/ICM); also representatives from the World Health Organization (WHO) were present.

The Expert Group was chaired by DG ENV.

All documents and presentations for the meeting are available in the CIRCA BC Water Industries Folder¹.

1. WELCOME AND INTRODUCTION

The Chairperson welcomed the participants and the EC team, and informed them of the practical arrangements of the day. The different items on the agenda were briefly explained.

It was stated that this was the first meeting of the Expert Group with independent observers in attendance. The observers were introduced and welcomed.

2. ADOPTION OF THE MINUTES OF THE EXPERT MEETING OF 19 NOVEMBER 2013

The minutes of the Expert meeting of 19 November 2013 were adopted as circulated, with no amendments.

3. EUROPEAN CITIZENS INITIATIVE (ECI) "RIGHT2WATER" AND COMMISSION RESPONSE

Introduction

The Chairperson made a presentation introducing the European Citizens Initiative (ECI) as a new instrument for citizens to launch, under certain conditions, an invitation to the COM to propose legislation. The ECI 'Right2water' is the first successful initiative in this field.

¹ <https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp>. Please note that in order to access the link you will have to log in and then take the following steps: 1) Interest Group – Directives on Drinking, Bathing and Urban Waste Water; 2) Library; 3) 2- DRINKING WATER; 4) C - Meetings and workshops 5) 1. Drinking Water Expert Group; 6) 1 - meetings of the Drinking Water Expert Group; 7) 02 - Second Meeting of the Drinking Water Expert Group - 27/06/2014

The content matter of this ECI was highlighted, as well as the Commission's response to the initiative², including the committed follow-up actions with particular focus on the actions for which DG ENV takes the lead: Reinforcement of water quality legislation, EU wide public consultation of the Drinking Water Directive and improving transparency for urban waste water and drinking water data management, including exploring the idea of benchmarking water quality and services. It was also highlighted that the COM invites the MS to take the concerns raised by the citizens into account through this initiative and encourage them to step up their efforts to guarantee the provision of safe, clean and affordable drinking water and sanitation for all.

Conclusion

The Expert Group took note of the provided information.

4. PUBLIC CONSULTATION DRINKING WATER

Introduction

The Chairperson introduced the item, explaining that as a part of its response to 'Right2water' ECI, the European Commission has launched a Public Consultation on EU drinking water policy, to see where improvements could be made, notably in view of improving access to quality drinking water. The results of the consultation will be used as input to decide if and where the EU Drinking Water Directive 98/83/EC might need improvement.

It was underlined that this questionnaire also takes up other issues raised by 'Right2water' ECI, for example affordability, which goes beyond the scope of the current Drinking Water Directive and may need to be addressed by other EU or national instruments or initiatives.

The COM gave an overall description of the questionnaire, highlighting that the main intention of the COM was to continue with the dialogue with the citizens, and that the consultation runs from 23.06.2014 until 23.09.2014 via DG ENV website³.

Discussion

In general, EG members welcomed the Public Consultation initiative, but several members expressed their concerns with the questionnaire approach. Some members stated that a number of questions were too complicated for the general public; others that some questions were biased, hinting obvious replies. Concerns on particular formulation of questions were raised as well. It was also suggested that the consultation would cover the whole drinking water chain, including protection of drinking water abstraction sources in the context of article 7 of the Water Framework Directive.

The Chairperson clarified that the questionnaire has to be seen as a whole, being addressed mainly to the citizens, not to experts.. The COM has made an important effort to ensure that the questionnaire addresses all aspects of drinking water policy that may be of concern to the citizens, and in this sense, the questionnaire has been revised by the COM legal and technical services. On links with other Directives, it was clarified that the scope of the consultation and possible review process is limited to the Drinking Water Directive, but that concerns with this regard can be submitted separately to the functional mailbox.

Conclusion

The Chairperson invited the Expert Group members to actively spread this Public Consultation initiative. In addition to completing the questionnaire, all stakeholders (as national authorities, international organizations, NGO's, etc.) can submit their position papers or technical view on the issues addressed in the questionnaire to the COM services.

² http://ec.europa.eu/transparency/com_r2w_en.pdf

³ http://ec.europa.eu/environment/consultations/water_drink_en.htm

5. COMMISSION SYNTHESIS REPORT 2008-2010

Introduction

The Chairperson introduced the Commission Synthesis Report on the Quality of Drinking Water in the EU examining the Member States' reports for the period 2008-2010.

The COM presented the main aspects and conclusions of the Synthesis Report. It was highlighted that the document has been published online in all official EU languages⁴ for the first time, and that technical reports, which contain detailed factsheets per MS, are available for Expert Group members on CIRCA BC⁵ and will also be published soon online.

After this brief presentation, the Chairperson opened the floor for comments.

Some MS expressed concerns that the graphs are not clear and the some data in tables are not accurate and not sufficiently explained. Some Mistakes with translations were reported too.

The possibility of amending the online published version of the Synthesis Report was raised, and some MS requested that, in the future, they be consulted before online publishing of these kinds of reports due to the political implications. As regards the MS detailed reports, some MS asked for a deadline to send comments before public publication online.

Conclusion

Regarding amendment possible corrigendum of the published online Synthesis report, the Chairperson stated that this possibility has to be reflected on based on the kind of noted mistakes, but that in any case, MS who want to send comments to the COM can do so in the next two weeks. As regards comments on the MS factsheets, a deadline of mid-August 2014 was set in order to allow for comments to be sent to the COM before definitive publishing online in September/October 2014.

6. UPDATE ON ANNEX II AND III

Introduction

The Chairperson introduced the item explaining that since the last Committee meeting of 19 November 2013, the COM services have further worked on updating the draft texts for amending Annexes II and III of the DWD, following comments provided by MS and internal reflections.

In the light of the European Citizen's Initiative (ECI) 'Right2Water' and the Commission response to this first successful ECI, the Commission clarified that the further revision process, including timelines, will be aligned with the announced action to carry out an EU wide consultation on the Drinking Water Directive.

The aim of the COM is to continue the informal dialogue with MS on the draft texts in the Expert Group in order to finalise the technical work allowing to proceed quickly in case the outcome of the consultation in autumn would conclude to continue the revision process under comitology. In case the COM concludes that the revision of the annexes should be integrated in a wider revision of the Directive, the ongoing work will feed into this process.

The COM said, it is also exploring with its legal services the possibility of amending the annexes by means of a Regulation instead of a Directive, should the comitology route be chosen. This would imply that the provisions would be directly applicable to MS. In this case, the transition provisions to allow for technical adaptations to new monitoring and analysis approaches are kept.

⁴ http://ec.europa.eu/environment/water/water-drink/reporting_en.html

⁵ <https://circabc.europa.eu/w/browse/452a1e4f-9368-414a-9440-17423b529091>

Discussion

After this introduction, the Chairperson opened the floor for comments on the revised texts of the Annexes.

As regards Annex III, EG members only proposed minor changes, the most important being the addition of a footnote in Annex III explaining that limit values included in Annex I already take into account the uncertainty of measurement. The Chairperson said that this request has to be discussed internally, but in principle, this footnote could be feasible.

As regards Annex II, the COM distributed a new version of the document for discussion at the Expert Group. Comments and suggestions on this paper from EG members were collected in order to improve the document.

The comments and discussion related to the use and meaning of technical terms, the scope of certain paragraphs in relation to parameter groups, organisation of (operational) monitoring, how to convert (WHO) guidance in a binding EU instrument, and some formulations.

Conclusion

The Chairperson welcomed all comments and suggestions, and asked EG members to confirm oral comments in writing and to send any further comments on the texts discussed at the Expert Group by mid-August 2014. Received comments will be considered by the COM and updated versions of Annex II and III will be circulated after summer. As soon as the Commission is clear on the procedural way forward, it will inform MS, most likely in autumn this year.

In case the file goes ahead under comitology, the legal form remains to be further clarified after legal advice from COM services (revision by means of a Regulation format or a Directive format).

7. ALTERNATIVE METHODS

Introduction

The COM made a presentation highlighting the main topics and results discussed at the second meeting of the European Microbiology Expert Group (EMEG) that was held on 3 and 4 April 2014 at the JRC.

New EMEG website structure and contents were described, as well as the adopted methodology to assess the alternative methods submitted to the COM. The next meeting of EMEG was announced for 6 Nov 2014.

After this presentation, the Chairperson introduced the amended version of the document "Mandate for the new microbiology sub-expert group established under the Drinking Water Directive", which was circulated before the Expert Group meeting. It was clarified that this amended version of the Mandate took into account comments from MS at the last Committee meeting.

Conclusion

The Chairperson welcomed the provided information and informed the participants that comments on the final version of the mandate could be sent in writing in August 2014.

8. POSSIBLE DWD REVIEW PROCESS

Introduction

The Chairperson informed that in order to review the DWD, technical expertise and technical underpinning are needed. As regards the revision of the parameters list and corresponding standards, the COM will cooperate with the WHO in line with recital 16 of the Directive. Furthermore, in order to revise the Directive, a well underpinned impact assessment that looks at the technical and socioeconomic aspects of different scenarios has to be prepared. An expertise contract is needed to provide for the required technical underpinning for that impact assessment.

The WHO representative explained that WHO has already started with the revision of its Guidelines for drinking water quality and other related technical documents. WHO's European Office is currently working closely with the COM services on defining the technical scope of the cooperation, which should start before the end of the year. The aim is to have a good technical document by the end of the next year.

The Chairperson clarified that the further revision process of the Directive, including timelines and scope, will consider the outcome of the ongoing Public Consultation under 'Right2water' ECI.

After this presentation, the Chairperson asked the Expert Group for comments. Members welcomed the intended technical work and some members asked for clarifications on how the Expert Group will be involved in the Directive revision process. The time frame of the revision process was also inquired about. The Chairperson explained that obviously the Expert Group must be involved in the process, and in this sense, some Expert Group are expected in 2014-2015 focused on the review of the Directive.

A time frame will depend on the result of the on-going public Consultation and on the mandate given by the new Commissioner. It was explained that a revision process like this usually takes 2-3 years (mainly due to the binding impact assessment process).

Conclusion

The chairman concluded that the Commission want to have a thorough technical underpinning for a revision of the parameter list and possible review of the Directive, welcomed the support of MS to this work and confirmed that the EG will be closely involved in the progress and (intermediate) results of this work.

Reporting Exercise 2011-2013

Introduction

A representative of ETC/ICM made a presentation on the new version of the Guidance Document on reporting under the Drinking Water Directive 98/83/EC, which was circulated before the meeting. The main changes from the old version of the Guidance were highlighted. The changes which were introduced in the new version of the templates for reporting were also briefly described. It was stressed that the new reporting exercise aims to stay as close as possible to the former reporting exercise. The proposed minor changes aim to facilitate processing of data. The only significant proposed change relate to provision of geo-referenced data for water supplies, that would allow the production of overview maps allowing to inform the public in a more attractive way.

In addition, the COM made a short presentation on the situation of the Structured Implementation and Information Frameworks (SIIF). SIIF principles and approach were presented, as well as some examples of the possible application of SIIF to the DWD (e.g. map viewers and links to drinking water national web sites) to be considered in the context of developing a new concept for reporting under the Drinking Water Directive..

Discussion

After these presentations, the Chairperson asked the Expert Group for comments.

Several MS stated that, at the moment, they were not able to deliver neither the geographic information requested in the templates (as water supply zone centroid coordinates, postal codes, etc.) nor geo-referenced shape files. Other MS expressed their concerns about information requested in non-mandatory sheets related to small water supply zones of the template (especially information on derogations).

The Chairperson explained that those MS that are not able to fill the data on geographic information are not obligated to do so, but underlined the use geographic information allowing better information towards the public. As regards information about derogations on small water supply zones, as it is non-mandatory, MS do not need to send this data to the COM.

Conclusion

The Chairperson informed that the COM will reflect internally after the meeting on the templates and the Guidance document, taking into account MS comments and suggestions expressed in the Expert Group.

MS were invited to confirm these comments in writing and to send any additional comments. An updated version of the Guidance will be circulated by mid-July, allowing MS to proceed preparation of the reporting..

9. TRANSPOSITION RADIOACTIVE SUBSTANCES, DIRECTIVE 2013/51/EURATOM

Introduction

The COM (DG ENER) gave an update on the new Directive 2013/51/EURATOM⁶. The main contents of the Directive were pointed out and explained. The COM (DG ENER) stressed a need to explicitly repeal the radioactivity section of Annex I Part C of the DWD for reasons of legal clarity, unless the new legal instrument repeals the DWD or the Annex I as a whole. The COM (DG ENER) informed Expert Group that it is currently working on a strategy to accompany the transposition of the Directive into national law, and in this sense a questionnaire was sent to the members of the Atomic Questions Group in order to timely detect any problematic issues in transposition or implementation. For this purpose, a workshop is expected at the end of the year 2014. The members of the Expert Group under DWD are invited to attend if they consider it necessary.

The Chairperson clarified that this new Directive does not have an associated formal Committee or Expert Group, therefore the Expert Group under DWD may serve as connection with the COM in terms of drinking water expertise and implementation of this new Directive.

A comment to the above: since the EURATOM Treaty does not refer to any Committee except the Economic and Social Committee, there is no legal basis to associate one. Thus, the Article 31 Group of Experts remains the only expert group that COM has to consult in respect of legal acts under the EURATOM Treaty. However, to ensure coherence between the Directives, we would like to continue our constructive, even if somewhat informal, collaboration.

After the introduction, the Chairperson opened the floor for comments.

Asked for clarification on reporting obligations, the COM (DG ENER) stated that there was no obligation to report to the COM in the new Directive; however, highlighted that the Article 35 of the EURATOM Treaty provides means for the COM (DG ENER) to inspect directly. MS only have to inform the public if a problematic situation is expected. Some MS suggested that reporting under the new Directive could be integrated under reporting system under DWD.

Conclusion

The Chairperson thanked the DG ENER representative for the information provided and invited the Expert Group to send comments and suggestion on this issue in writing. The chairman said ENV would coordinate with DG ENER to ensure that relevant issues for discussion with MS are coordinated back to back with DWD EG meetings.

10. ANNEX I PARAMETERS, MS REPORTS ON SPECIFIC PARAMETERS (IF RAISED)

Introduction

The Chairperson invited MS to raise comments on this issue.

Some MS informed that they expected problems for parameters in for which exceedance of the parametric parameter is due to geogenic sources (e.g. with Chromium VI or arsenic).

The WHO explained that they were looking at this issue and in the process of updating the WHO guidance.

⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:296:0012:0021:En:PDF>

Conclusion

The Chairperson thanked MS for the provided information and announced that this issue will be discussed again in next Expert Group meetings based on possible further technical input from WHO.

11. WORK PROGRAMME

Introduction

The Chairperson presented the preliminary Work Programme of the Expert Group for 2014/2015

Conclusion

The Expert Group took note of the presented preliminary Work Programme of the Expert Group for 2014/2015

12. ANY OTHER BUSINESS

12.1. Groundwater workshop 1-2 Oct (Rome)

Introduction

The COM gave a presentation on the next joint Workshop Drinking Water–Surface Water- Groundwater that will be held 1 and 2 Oct 2014 in Rome. The planned structure of this workshop and the main topics were highlighted. The Expert Group members were asked to contribute to this Workshop.

After the presentation, some MS asked for more information on the aim and the issues that will be discussed in this workshop. Some potential topics for this workshop were proposed by MS. Some MS offered to give a presentation at the workshop.

Conclusion

The Expert Group took note of the information provided. The Chairperson invited MS and observers to send comments and suggestions on this workshop before 9 July 2014 and informed that contact data of the Expert Group members will be communicate to the meeting organizers for further information exchanges. It was agreed.

12.2. Metabolites

Introduction

A representative of Germany (DE) explained that a question on metabolites in drinking water was sent to the COM. DE wants to know how to assess the relevance of a metabolite derived from pesticides in drinking water and how to act if a specific metabolite overcomes the parametric value set up in the DWD (0,1 µg/l). DE stated that the existing document "Guidance document on the assessment of the relevance of metabolites in groundwater under Council Directive 91/414/EEC" is not directly addressed to drinking water, and, moreover, it is not binding. It was pointed out that this is a question with several practical and economics implications.

The representative of WHO clarified as the importance for determining the source in case of the presence of a metabolite, and this is the main criteria in the assessment of its relevance.

Some MS asked about an official position on this issue. However, COM clarified that for a proper assessment it prefers to know experiences in other MS.

Conclusion

The Chairperson invited the members of the Expert Group to send comments or suggestions about their position on this issue in writing to the COM before 31 Aug 2014. After an internal technical reflection and taking into account the answers of MS, the COM will prepare a position paper for circulation to the Expert Group members, subject to discussion in the next meeting.

12.3. Semester Study

Introduction

The COM made a short presentation on two complementary studies: "Potential for Growth and Job Creation through the Protection of Water Resources" and Potential for stimulating sustainable growth in the water industry sector in the EU⁷..

The studies cover macroeconomic relevance of water sector (irrigation, hydropower, water industries, etc.) as well as its strategic importance for national economies. The key messages from the study were presented to the Expert Group and it was clarified that the studies, including separate MS fiches summarizing the key economic water related data per MS will be published shortly on the ENV webpages.

Conclusion

The Expert Group took note of the information provided

12.4. Drinking water on ships

Introduction

The COM informed the Expert Group about the Commission response to a specific request from DE on the legal regime applicable to drinking water treatment plants on board ships, which was circulated before the meeting.

Conclusion

The Expert Group took note of the information provided

12.5. Next meetings

The Chairperson announced the next meetings of the Expert Group (tentative dates):

- 18 November 2014: Expert Group meeting
- 11 February 2015: Expert Group / stakeholder meeting
- 26/27 May 2015: Expert Group / stakeholder meeting with WHO/Health Experts

13. ANY OTHER BUSINESS

No other business was brought to the Expert Group meeting.

The Chairperson thanked all participants and colleagues for their attendance and closed the meeting.

Annex I: List of attendees

Annex II: List of meeting documents and presentations

⁷<https://circabc.europa.eu/sd/a/e777c7eb-5229-491d-8624-16810c490701/Water%20Industry%20Tasks1to5%20Definitive%20Version.pdf>

ANNEX 1.

LIST OF ATTENDEES

Country	Code	Organisation / Minister
AUSTRIA	AT	Federal Ministry of Health
AUSTRIA	AT	Austrian Agency for Health and Food Safety
BELGIUM	BE	Service Public de Wallonie
BELGIUM	BE	Vlaamse Milieumaatschappij
BULGARIA	BG	Ministry of Health
CROATIA	HR	Ministry of Health
CROATIA	HR	State office for radiological and nuclear
CYPRUS	CY	State General Laboratory
ESTONIA	EE	Ministry of Environment
FINLAND	FI	Ministry of Social Affairs and Health
FRANCE	FR	Ministère des affaires sociales et de la santé
GERMANY	DE	Hessisches Landesprüfungs
GERMANY	DE	German Federal Ministry of Health
GERMANY	DE	Federal Environmental Agency
GREECE	EL	Ministry of Health.
HUNGARY	HU	National Institute for Environmental Health
HUNGARY	HU	Ministry of Interior
IRELAND	IE	Department of the Environmental, Community and Local Government
ITALY	IT	National Institute of Health (ISS)
LATVIA	LV	Ministry of Agriculture
LUXEMBOURG	LU	Ministère du Développement durable et des Infrastructures
MALTA	MT	Permanent Representation of Malta to the EU
NETHERLANDS	NL	RIVM/DMG
NETHERLANDS	NL	Ministry of Infrastructure and the Environment
POLAND	PL	Department of Water Health Safety
ROMANIA	RO	Ministry of Health
SLOVAKIA	SK	Public Health Authority
SLOVAKIA	SK	Water Research Institute
SLOVENIA	SI	Ministry of Health
SPAIN	ES	Ministry of Health
SWEDEN	SE	National Food Agency
UNITED KINGDOM	UK	Department for Environment, Food and Rural Affairs (DEFRA)
NORWAY	NO	Norwegian Food Safety Authority
SWITZERLAND	CH	Département Fédéral de l'intérieur
	OTH	EUREAU
	OTH	AQUA PUBLICA EUROPEA
	OTH	CEEP
	OTH	COOPER ALLIANCE
	OTH	EPSU
	OTH	WHO
	OTH	EVREN, Evaluación de Recursos Naturales S.A.
	EC	ETC / ICM
	EC	DG ENER
	EC	DG ENV

ANNEX 2.

LIST OF MEETING DOCUMENTS AND PRESENTATIONS

Agenda item	Reference	Title	From
1	-	02- Draft agenda v3	COM (DG ENV)
4	Document	04-1 Public consultation Press Release 1	COM (DG ENV)
	Document	04-2 Public Consultation EUSurvey	
5	Document	05-1 Note Synthesis Report	COM (DG ENV)
	Document	05-2 DWD report 2008-2010 all languages	
6	Document	06-1 Cover note Annex II-III	COM (DG ENV)
	Document	06-3 Annex III DWD Regulation	
	Document	Commented draft EG 27 6 2014	
7	Presentation	07- EMEG meeting	COM (DG ENV)
	Document	07-2 Mandate EMEG final	
8	Document	09-2 Draft DWD Guidance document reporting June 11 14	ETC/ICM
	Presentation	09-3 ETC ICM presentation	
12	Presentation	12-1 Work ProgrammeTiming	COM (DG ENV)
13	Presentation	13-1 Groundwater Workshop 1-2 October	COM (DG ENV)
	Document	13-2 Metabolites wrkdoc21_en.pdf	
	Presentation	13-3 Semester studies	
	Document	13-4 Derogation Drinking Water ships	



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL
 ENVIRONMENT
 Directorate C –Quality of Life, Water & Air
ENV.C.2 - Marine Environment & Water Industry

**MEETING OF THE EUROPEAN COMMISSION INFORMAL EXPERT GROUP ON THE
 IMPLEMENTATION OF DIRECTIVE 98/83/EC
 (DRINKING WATER DIRECTIVE)**

27 MAY 2015

MINUTES (adopted at the Expert Group meeting on 22 January 2016)

The agenda is attached as Annex I, the list of participants is attached as Annex II.

All presentations made during the meeting can be downloaded from CIRCA¹.

All Member States (MS) except Czech Republic, Finland, Greece, Lithuania, Malta and Romania participated in the meeting.

The European Commission (COM) was represented by DG ENV (chair of the meeting), DG SANTE and DG JRC. The European Topic Centre on Inland, Coastal and Marine waters (ETC/ICM) was present on behalf of EEA. A number of observers also attended the meeting.

1

1. Welcome and introduction

- The COM mentioned the presence of observers in the meeting (from EUREAU, Aqua Publica Europea, WHO and the European Copper Industry, and for the first time ECPA, and Food&Water Europe, having recently requested the observer status). In the case Expert Group members object to the presence of any of the observers they were invited to send in comments to this effect by June 5th 2015.
- Under AOB a presentation on derogations was added.

2. Adoption of the minutes of the 18th of December 2014 Expert Group meeting.

Denmark and Germany had suggested some changes in the draft minutes. The document that included these changes was uploaded on CIRCABC before the meeting.

The minutes were adopted with two further amendments requested by Italy;

1. Ref pag 5, point 8.2 Decisions on parameters
 The chairperson announced that this issue has been approached by EC, as

¹ <https://circabc.europa.eu/w/browse/146b8d10-e76e-4697-a3f5-23a38fb0d75c>

previously announced in the meeting (ref. point 4), by the communication of a starting collaboration between EC and WHO on the revision of parameters included in Annex 1 of DWD. Thus, a document of this issue is uploaded on the CIRCA BC and discussions on specific parameters have to be addressed in depth in the next meetings.

2. Annex 2 List of meeting documents and presentations

Agenda item 8 Presentation the following document to be added to the list
08-2 IT DWD_Annex1 Parameters

3. Short wrap-up of the Evaluation Stakeholder meeting of May 26th

The COM gave a short feed-back of the Stakeholder meeting of May 26th 2015 on the evaluation of the DWD. Approximately 60 people attended the meeting. Participants represented a broad range of stakeholders in the sector, including consumer organisations. The consortium led by Ecorys explained the evaluation approach used for the evaluation study, the position of the COM and the process to be followed. The meeting participants were invited to cast their votes on statements with respect to the DWD.

Generally speaking the audience expressed their appreciation of the DWD, assessing it as an instrument that was and is still needed, even though it needs improvement in many areas. The evaluation study will collect evidence on how the DWD has performed. Individual Member States will be approached by the consultant to provide further evidence on the performance of the DWD. Initial information on performance was collected during the meeting in three break-out groups and through statements given by a panel of experts. Participants took part actively in the discussions.

4. Pesticides, metabolites, and other micro-pollutants in drinking water

Introduction

The COM introduced the topic on pesticides and metabolites, and explained that first there would be four short presentations on the topic, followed by discussion and next an exchange of views on the 'Discussion document – Exchange on Metabolites' tabled by the COM under agenda Item 4.4.

The European Topic Centre on inland, coastal and marine waters (Jeannette Völker), the centre behind the DWD reporting exercise, presented the preliminary analyses of the data available on pesticides from the 2011 – 2013 reporting period. The analyses were based on data in the reporting sheet 'national summary' submitted by 23 MS. Parameters used in the analyses were 13 individual pesticides from the short list as well as total pesticides. Two MS reported non-compliance on individual pesticides (bentazon, terbutylazine, atrazine and desethyl-atrazine). The number of non-compliant water supply zones was small (17) considering the total number of WSZs in Europe.

4.1 The COM DG ENV C1 Water (Helen Clayton), presented the 1st Watch list to support the identification of priority substances (PS) under the Water Framework Directive (WFD). The rationale and legal basis for the watch list proposal was explained. Under

the EQS Directive in the field of water policy² the Commission was to establish the list by September 14th 2014. Some delays occurred and following the consultation process, the first watch list³ with 10 substances was adopted in March 2015. Next steps involve guidance and technical support from DG JRC (sampling, analytical techniques and reporting formats), the monitoring by MS from September 2015 and the review of the list in 2 years' time.

Before substances can be regulated information is needed (more data and more recent data) from at least one MS, as for some substances very little information is available. Factors complicating the process are the need for EU-wide relevance before substances can be added to the watch list and the fact that MS might not report all the data they have available. Some substances might be rather river basin specific and are hence only of national concern. MS are obliged to identify and monitor such substances. This causes a considerable variation between MS in their monitoring programmes.

4.2 DG JRC (Teresa Lettieri) presented the prioritisation process for the selection of Priority Substances for the WFD and for water related directives (WFD, DWD, MSFD and GWD). The prioritisation is a challenging issue as already over 6500 chemicals have been identified including 65 Disinfection by-products and 24 pharmaceuticals as the starting list of chemicals. The method is a risk scoring system in the modelling-based prioritisation exercise and is based on the integration of two separated scores provided after hazard and exposure assessment, plus an additional ranking step based on the PEC/PNEC⁴ ratios. The monitoring-based prioritisation is based on "Spatial Temporal and Extent"⁵ scoring and combines information on frequencies of STE of PNEC exceedances. The method was originally developed for WFD but potentially can be used for short-listing of substances with the highest risk for other purposes. The system focuses on situations when a risk is identified because a measured concentration is above the threshold of toxicological concern. The STE approach is a suitable tool to rank substances and can also be applied to the DWD (also for a risk based approach) under condition that water suppliers provide the monitoring data.

4.3 The COM DG SANTE E3: Pesticides and Biocides (Mark Williams) presented its Guidance Document on pesticides and their relevant metabolites: protection of water. This GD for groundwater includes a stepwise screening approach considering hazard and risk for the protection of groundwater from parent substances and their relevant metabolites as part of the decision making for approval. In principle all metabolites are covered in the risk assessment. Metabolites are considered to be non-relevant when they have a lower biological activity than the parent substances and are not of toxicological or consumer concern. Both parent substance and relevant metabolites must not occur in groundwater in concentrations > 0.1 µg/l. For all that occur in higher concentrations a 3 step hazard assessment is carried out, followed by exposure assessment (threshold of concern 0.02 µg/kg body weight/day, including all routes of exposure). As a contingency step refinement and a full risk assessment will be done to

² Directive 2008/105/EC on Environmental Quality Standards in the field of water policy as amended by Directive 2013/39/EU.

³ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D0495&rid=1>

⁴ Predicted No Effect Concentration (PNEC)--that is, the concentration that causes no adverse effect to the Environment--is higher than the Predicted Environmental Concentration (PEC)

⁵ STE Spatial, Temporal and Extent

decide on relevance. The focus is on groundwater with the goal to safeguard the drinking water function of groundwater. Where an active substance is approved and relevant metabolites may occur in concentrations > 0.1 µg/l in some scenarios/uses, MS should take this in consideration when assessing/authorizing PPPs.

Comments from the Expert Group were invited after the four presentations.

A WHO representative questioned the presentation of the watch list with respect to the representativeness of the samples reflecting the real situation in the receiving waters, the need to look at risk in relation to aquatic ecology and human health (drinking water and fish). The question was also asked whether or not the impact of treatment in drinking water was taken into account.

The methodology of aggregation of various data from different MS and different years was considered to provide an inaccurate picture. Merging data and not taking into account variation in time always causes problems. Another question concerned the suitability of the prioritisation methodology of substances for the DWD.

On the GD for Groundwater MS missed the link with the DWD and more specifically the metabolites that might change during drinking water production treatment. Other concerns were the mixture of metabolites (synergetic effects) and the need for a mechanism to re-assess the relevance of metabolites previously judged non-relevant in the case they occur in large amounts in large areas of the EU.

MS urged the need to be involved in the upcoming study on the impact of treatment processes at an early stage and not afterwards as they have the knowledge on relevant treatment processes to be considered. The COM stated it will consider this recommendation from the EG.

4.4 DG ENV introduced the 'Discussion Document – Exchange on Metabolites', made available via CIRCABC prior to the meeting, and the included interpretation of relevant metabolites within the meaning of the DWD. The COM proposed a step-wise pragmatic approach to further clarify 'relevant metabolites' in drinking water together with the MS. The MS were invited to send information on relevant pesticides and metabolites to the COM, on the basis of which a non-exhaustive 'hit-list' will be produced, as a source of information on potentially relevant metabolites and their presence in EU drinking waters. MS are then invited to consider these substances in their monitoring programme (on a voluntary basis) and include the results in their regular reporting to the Commission. This will result in an informal exchange of information that will also be considered in the review of the Directive.

Discussion

Comments from the Expert Group members were invited on the discussion document and the way forward. A number of observations were made:

- The need to not only assess potential danger to human health but also the impact on the wholesomeness and cleanliness of the water (odour and taste);
- Incomparability of data from individual MS;
- Request not to restrict the information submitted to 'relevant' pesticides and metabolites but all pesticides and metabolites identified, as assessment of

relevance might differ between MS. This might also result in differences in compliance regimes;

- Include not only groundwater but also surface water data;
- Some MS supported the idea to adopt a holistic approach and present data on case study basis and not on individual substances;
- Some MS voiced their worries about a European list of substances labelled as relevant as this could provoke questions from the public on why not all these substances are monitored in each MS. This could lead to unnecessary analyses and increased costs for the consumers;
- MS need to have their own list, as well as an explanation why some substances are relevant in their area and how the assessment was made.
- The idea of sharing knowledge and expertise was welcomed by MS;
- The information exchange should include analytical methods used by MS and standards used;
- A number of MS already have carried out monitoring programmes and have data available on occurrence and the assessment of relevance that can be sent to the COM; Austria gave a link⁶ to recent research data from 2014;
- DIBP were also mentioned as potentially relevant;
- Other suitable sources of data were identified, such as approval agencies, lists under the portfolio of DG SANTE and the DG JRC data base.

Conclusions

The COM explained that the list is not mandatory and that it is always up to the MS to decide which substances are used in their territory and need to be monitored. DG SANTE was asked whether they could provide a list of approved pesticides to put next to the MS list. The COM explained that the aim of the whole exercise is to provide more transparency between MS and to assist those MS that could find some guidance in this type of information and that any output produced is not meant for the public or for water suppliers. DG SANTE was also asked to involve the MS in the impact study to consider metabolites generated in treatment processes at an early stage.

A tour de table was made asking MS if and which type of information they would be willing to provide to the COM. 2 MS agreed to contribute to the list alone and 14 MS agreed to contribute to the list only if it would also contain additional contextual information.

MS were invited to send comments on the discussion document by mid-June. A new version will then be produced, together with a format for collecting the data. The data collection will start from mid-June onwards until 30 September 2015. The Commission will discuss with other colleagues in the water units if the data collection can be organised within the WISE System.

6

http://www.dafne.at/dafne_plus_homepage/index.php?section=dafneplus&content=result&come_from=homepage&&project_id=3311
http://www.wasserwirtschaft.steiermark.at/cms/dokumente/11910977_102332494/aac7b996/Metaboliten%20im%20Grund-%20und%20Trinkwasser%20AGES%202014.pdf

5. Reporting 2011-2013

Introduction

5.1 2011–2013 Reporting exercise: status of MS reporting, lessons learned, first preliminary results.

The ETC reported on the progress made with the processing of the results for the 2011–2013 period. All but four MS have completed their data delivery. After solving bilateral issues with some MS, country reports will be produced for each MS. Initial results indicate a high percentage of small WSZs not compliant with the monitoring frequency. The number of non-compliant analyses in general was low and mostly concerned *E. coli* and Enterococci and the indicator parameters iron, manganese, aluminium and odour. The current data dictionary is easier to use but the quality control rules on the data need improvement. The QTRS ticket system is working very well. FAQs mostly concern technical issues and questions on pesticides. A more detailed guidance in the GD is needed here (shortlist pesticides, basic information and code lists). There are some limitations in the use of Reportnet. WSZ polygons need to be introduced to allow entry of spatial data. Information on small WSZs was reported by 10 MS. Of these small WSZs 60–70% were monitored and approximately 4–6% were non-compliant. The general picture shows a large number of small WSZs, a low volume of water supplied and a medium resident population supplied by small WSZs. The variation in monitoring frequency between MS was very high.

Next steps are the completion of the country reports, the production of a DWD combined report, and the preparation of the WISE DWD map viewer.

5.2/5.3 Possible intermediate reporting with a focus on small water supplies/Upcoming reporting exercise 2014–2016; reporting requirements, formats, guidance.

Introduction

The COM explained that lawyers stressed the need to pay more attention to the small water supplies, supplying water to over 65 million citizens in the EU, due to the fact that the latest voluntary reporting up to 2010 identified that one third was either not monitored or not in compliance. The COM has taken non-legislative steps, and inter alia published a framework for action guidance document for the management of small drinking water supplies. However, as it not clear whether this situation with possible potential health risks is still critical, three approaches to address small water supply zones should be discussed:

1. Guidance and informal dialogue
2. More structural monitoring
3. Legal steps such as the launch of pilots and infringement procedures.

COM suggests as the next step to follow the second approach to get a better overview of the small WSZs, by categorizing them in different size categories, by identifying the number of people they serve, by collecting information on the check and audit monitoring frequency in comparison to the minimum frequencies required, and to prepare for the future to assess the number of small WSZs that switched to the risk based approach in accordance with the amendments of Annexes II and III. Preferably there will be a hyperlink to the webpage where information on the quality of the water

supplied can be found. Registration of the small WSZs should be finished by the end of 2016 and the annual or tri-annual reporting to start in 2017.

Discussion

5.1 MS asked to see an outline of the country reports, and offered to bring in their experience and knowledge available at the MS, before any processing of data into the country report format is done. It was advised to initially focus for example on one parameter that all MS need to monitor in the same way e.g. *E.coli*. This will produce a positive picture as all use the same methodology and no other choices can be made. For other parameters (chemical) reduced monitoring is allowed which disturbs the picture. MS also suggested including information about parameters for which no problems are detected, so as to produce a more complete and correct assessment. COM and ETC agreed that a neutral outline of a country report will be made available shortly after the meeting as an example and that MS will get an opportunity to comment.

5.2/5.3 MS remarked that many small WSZ are not water suppliers but just one person e.g. a private home, a food factory or a building. These data need aggregation to protect privacy. Information requested should preferably be simple such as number of analyses done for various parameters to judge if this monitoring effort in complying with the DWD. MS remarked that COM in its presentation is not only referring to check and audit parameters, but already to A and B parameters as referred to in the amended Annexes not yet in force. Other considerations were the low monitoring frequencies for small WSZs and the overall low chance of achieving more than 95% compliance at such low frequencies, the administrative burden for the authorities and the difficult task of enforcement. MS mentioned the fact that it is not recommended to have to change national legislation very frequently. They suggested a small working group on reporting for small WSZs and on future needs for review of the reporting in view of the changes in the DWD Annexes.

A number of MS volunteered to participate in an ad-hoc Technical Expert Group meeting on reporting (DE, IE, PT, UK), and other MS will need to reflect on their participation. A meeting to discuss adequate reporting requirements for small WSZs and the reporting formats for 2014–2016 in general, should be scheduled for September (organised by ETC/COM).

Luxembourg suggested that reporting should be based on incidents and not on individual parameters, as incidents mostly concern more than one parameter.

MS were invited to send comments and suggestions on reporting to the COM by the end of June, to be discussed in the meeting in September.

6. Materials in contact with drinking water, Retrospect Symposium of 19/20th of May 2015.

Introduction

A short debrief on a Symposium organised by industry that took place on 19/20th of May 2015 was given by a representative of the WHO. He mentioned the consensus by

all participants that actions were needed to address materials in contact with drinking water, and that all stakeholders need to be involved in these actions. The COM should take the lead and preferably DG ENV as it concerns a matter of human health and drinking water. Each MS should identify a lead Ministry at national level and one contact person. The industry is eager to engage, also financially when needed, and will try and speak with one voice. The metal industry is already far advanced in this respect and could act as a first mover where other sectors will follow.

It is important that all MS only allow approved materials and try and avoid lower quality materials i.e. from outside the EU. A harmonised European scheme is desired as the basis for manufacturers and also to enhance the export of products outside the EU. Educational efforts towards consumers promoting the use of good materials and appropriate installation practices are needed.

Discussion

MS see the regulation of materials as part of the holistic approach of the water safety planning, that must be regulated at EU level. The support of the EP could be an incentive to the MS. The revision of the DWD offers a strong opportunity to document this request. Evidence about the scale of the Article 10 problem should be collected within the evaluation, and possible options and their impacts assessed in the impact assessment, such as e.g. the impact on the internal market. The question from the EG was what type of information the COM is looking for. COM clarified that any kind of evidence, even anecdotal evidence is helpful, on what could be the impact that the absence of such a system has on human health, the cost for the industry, and also the impact on the market and barriers to trade. Such information will help the COM to successfully evaluate the Directive as a condition to make the next steps.

Some MS published the list of approved materials on their website. The focus should not only be on health aspects but also on organoleptic aspects of drinking water as odour and taste. Information on complaints from consumers due to taste and odour from materials is available.

Conclusions

The ongoing evaluation of the DWD offers a strong opportunity to document the need to assess materials in contact with drinking water, for example recognising the current problematic situation of national approval systems without mutual recognition and without harmonised requirements. For that, evidential information on hygienic/health aspects and economic aspects needs to be submitted to the COM. Next year the Impact Assessment will include future policy options for the DWD, which will also offer an opportunity to assess policy options related to materials in contact with drinking water.

7. Short update follow-up to the European Citizens' Initiative Right2Water

Introduction

The COM reported on this successful first ECI and mentioned its response of March 2014 to the initiative. The COM launched the EU-wide consultation and results have

now been processed and available⁷. The results will be used in the ongoing DWD evaluation process.

The DWD has been selected for the REFIT programme (Work Programme 2015) which has the aim to increase transparency. With regard to benchmarking of water quality and services, the COM referred to a first multi-stakeholder meeting that took place in September 2014 and informed the EG that a further meeting is likely to take place next September, organised by DG GROW. The COM presented briefly an overview of all follow-up actions mentioned in the COM response, and the services involved, and highlighted for example an DEVCO workshop of 10 March 2015 on innovative partnerships and financing mechanisms. COM encouraged also MS to take action at their level, as referred to in the response. Finally, the COM informed about a draft follow-up resolution currently under discussion in the European Parliament.

Discussion

Some MS stressed the importance to support and ratify the Protocol on Water and Health. Aqua Publica Europea offered to share research results including aspects of affordability of water. EPSU, formerly coordinating the R2W initiative, stressed that transparency towards consumers should also give information to the public on investments; Water is a public service and any profit made should go back to the public. There was the request to re-open the EU water facility and promote not for profit cooperation between utility companies. In the opinion of the EPSU representative, the COM should support cooperation for water.

8. The evaluation of the DWD – Possible common approaches or joint initiatives by MS to contribute to the Evaluation Study

Introduction

The COM opened the floor to MS to see if they wanted to raise any issues for the evaluation study, as input from MS is key to the success of the evaluation, and offered to give the Drinking Water Expert Group an important role to play in shaping the initiative.

Discussion

Various MS stated that due attention should be paid to the small supplies, as they have specific characteristics that require a special approach. The DWD evaluation should cover this topic and should reflect on and propose the way forward on how to address this issue. The risks for human health are higher in small supplies, but increased monitoring requirements would entail the risk that resources are drawn away from water quality assurance and hence would not solve this problem. However the risk-based approach is a better way forward.

The next topic mentioned was the revision of Annex I. Some MS highlighted the importance to review the parameter and to assess the need to add parameters at EU level. As examples asbestos and emerging pollutants, as discussed earlier in relation to the watch list, were mentioned. Mobile water supplies were also mentioned, but this has

⁷ http://ec.europa.eu/environment/consultations/pdf/results_drinking_water.pdf

been addressed by the COM in an official letter, stating these supplies are not covered by the DWD.

9. AOB

9.1 Information on further international developments about a meeting on the Protocol on Water and Health in Oslo.

Regarding the Protocol the Commission informed the participants that the Commissioner took the position that the EC will currently not take steps to propose the ratification of the protocol, as in the past, MS in the Council did not show much support for it. However, it might be addressed again in the Council, e.g. under the Netherland's Presidency in 2016.

9.2 Future implementation follow-up of amended Annexes II and III.

The COM presented the timeline for the entry into force and the transposition in national legislation most likely by November 2017.

MS asked on the comments made by MS on the language versions. The COM answered that comments should now be sent through the Permanent Representatives to the Council, as the COM has decided to start the scrutiny process before all comments were received and processed.

9.3 Derogations in accordance with Article 9 of the DWD.

The COM summarised the procedure for derogations. The presentation explaining the procedure will be available soon on CIRCABC. All first derogations had to start from the timescale for compliance (25th of December 2003). There was a maximum period of 9 years for derogations and this implies that for EU15 no third derogations can be granted anymore. There are some exceptions for MS that entered the EU at a later date. Under some circumstances late derogations are allowed but must be duly justified. The COM is very strict on derogations..

There was some discussion on potential legal aspects of omitting Article 9 from national legislation as water suppliers sometimes think derogations are still possible. The COM expressed its wish that MS should inform suppliers and authorities up to local level about the COM position accordingly. The COM homepage will be updated on this issue.

9.4 Next meeting.

The date has not yet been decided but will probably be in early December 2015.

Closing

The chair thanked the members of the Expert Group and closed the meeting.

Annex I Agenda of the Expert Group meeting

1. Welcome and introduction
2. Adoption of the minutes of the Expert Group meeting of 18 December 2014
3. Short Wrap-up of the Evaluation Stakeholder meeting of 26 May
4. Pesticides, Metabolites, and other Micro-pollutants in Drinking Water
 - 4.1 Short ENV Presentation "Watch List - Decision (EU) 2015/495"
 - 4.2 Short JRC Presentation "Challenging issue related to water quality"
 - 4.3 Short SANTE Presentation "Concept Pesticides/Metabolites"
 - 4.4 Discussion about relevant Metabolites

Member States inform the Expert Group about their national approach

5. Reporting
 - 5.1 Exercise 2011-2013: Presentation by ETC/EEA, Status of MS reporting, Lessons learned, first preliminary results
 - 5.2 Possible intermediate reporting with a focus on small water supplies
 - 5.3 Upcoming Exercise 2014-2016: Reporting Requirements, Formats, Guidance

Lunch break

6. Materials/products in contact with Drinking Water, Retrospect Symposium of 19/20 May
7. Short update Follow-Up to the European Citizens' Initiative Right2Water
8. The Evaluation of the Drinking Water Directive – Possible common approaches or joint initiatives by Member States to contribute to the Evaluation Study
9. AOB
 - Information on further international developments (Oslo meeting)
 - Future implementation follow-up of amended Annexes II and III
 - Next meetings

Annex II List of participants

Country	Code	Organisation / Minister
AUSTRIA	AT	Federal Ministry of Health
AUSTRIA	AT	Austrian Agency for Health and Food Safety
BELGIUM	BE	Service Public de Wallonie
BELGIUM	BE	Vlaamse Milieumaatschappij
BULGARIA	BG	Ministry of Health
CROATIA	HR	Croatian Waters
CYPRUS	CY	Ministry of Health

Country	Code	Organisation / Minister
DENMARK	DK	Danish Ministry of Environment, Nature Agency
ESTONIA	EE	Ministry of the Environment
ESTONIA	EE	Health Board. Environmental Health Department.
FRANCE	FR	Ministry of Social Affairs, Health and Women Rights
GERMANY	DE	Hessisches Landesprüfungs- und Untersuchungsamt im Gesundheitswesen (HLPUG)
GERMANY	DE	Federal Ministry of Health
HUNGARY	HU	National Institute of Environmental Health
HUNGARY	HU	Ministry of Interior
IRELAND	IE	Environmental Protection Agency
IRELAND	IE	Department of the Environmental, Community and Local Government
ITALY	IT	National Institute of Health (ISS)
LATVIA	LV	Ministry of Agriculture
LUXEMBOURG	LU	Administration de la Gestion de l'Eau
NETHERLANDS	NL	Ministry of Health, welfare and sport
NETHERLANDS	NL	Ministry of Infrastructure and Environment
POLAND	PL	Department of Water Health Safety
PORTUGAL	PT	Water and Waste Services Regulation Authority
SLOVAKIA	SK	Public Health Authority. Department of the Environment
SLOVENIA	SI	Ministry of Health
SPAIN	ES	Ministry of Health, Social Services and Equality
SWEDEN	SE	National Food Agency
UNITED KINGDOM	UK	Department for Environment, Food and Rural Affairs
NORWAY	NO	Norwegian Food Safety Authority
	OTH	WHO
	OTH	EUREAU
	OTH	AQUA PUBLICA
	OTH	EUROPEAN COPPER INSTITUTE
	OTH	FOOD & WATER EUROPE
	OTH	ETC / ICM
	OTH	ECPA
	OTH	EPSU
	OTH	CEEP
	OTH	KWR
	EC	DG ENV



Drinking Water Expert Group Meeting 27 May 2015

Article 9 Drinking Water Directive



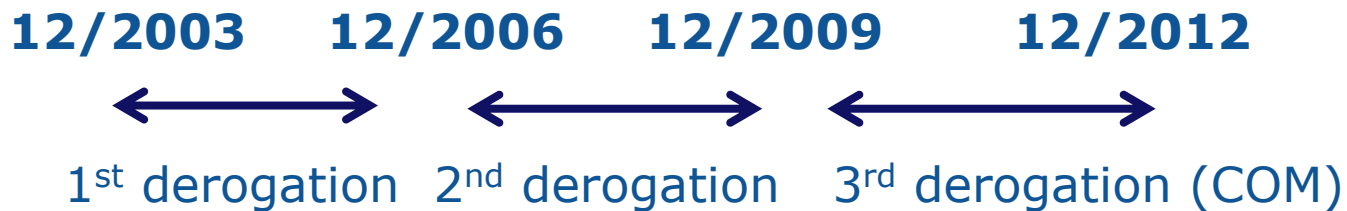
European Commission
DG Environment
Unit C.2 - Marine Environment & Water Industry

Article 9 - Derogations

- Possibility to derogate from Annex I(B) values
- BUT only for 3+3+3 years MAXIMUM
- 3rd derogation granted by Commission
- The 1st derogation must **start** from the **timescale for compliance (Art.14)** of the Directive (= **25 December 2003**)

In practice – normal case – EU 15

DWD applicable since 25/12/2003



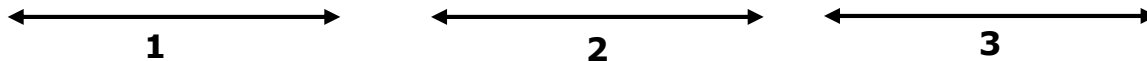
Derogations: total of max 9 years (in cases where non-compliance existed on 25/12/2003) – applies for EU15 MS

➔ No third derogation can be granted anymore by Commission!

Timetable for other Member States

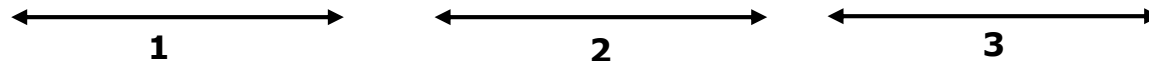
10 EU Member States since 1 May 2004

05/2004 05/2007 05/2010 05/2013



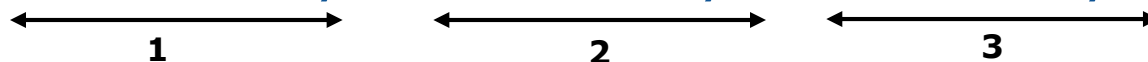
*2 EU Member States since 1 Jan 2007 (**RO & BG**)*

01/2007 01/2010 01/2013 01/2016



*EU Member States since 1 July 2013 (**HR**)*

07/2013 07/2016 07/2019 07/2022



Particular cases – delayed application of derogations

Reasons for "late" derogations:

- A. New water supply zone defined
- B. WSZ in compliance on 25/12/2003
- C. Value for a new parameter or new value for an existing parameter

➔ Must be duly justified!

Particular cases - Assessment of derogations & justifications

Art. 9.2 – “In exceptional circumstances, ...”

A. New water supply zone defined which is polluted:

1. Is there no other supply or no appropriate treatment?
2. What type of pollution is it? Natural background or human activities?
3. What are the actions that will be taken to introduce adequate water resource protection and treatment?
4. What is remediation plan and timetable? (also other conditions of Art. 9.3)

B. WSZ in compliance on 25/12/2003

-> reasons why WSZ is no longer in compliance (burden of proof with MS)

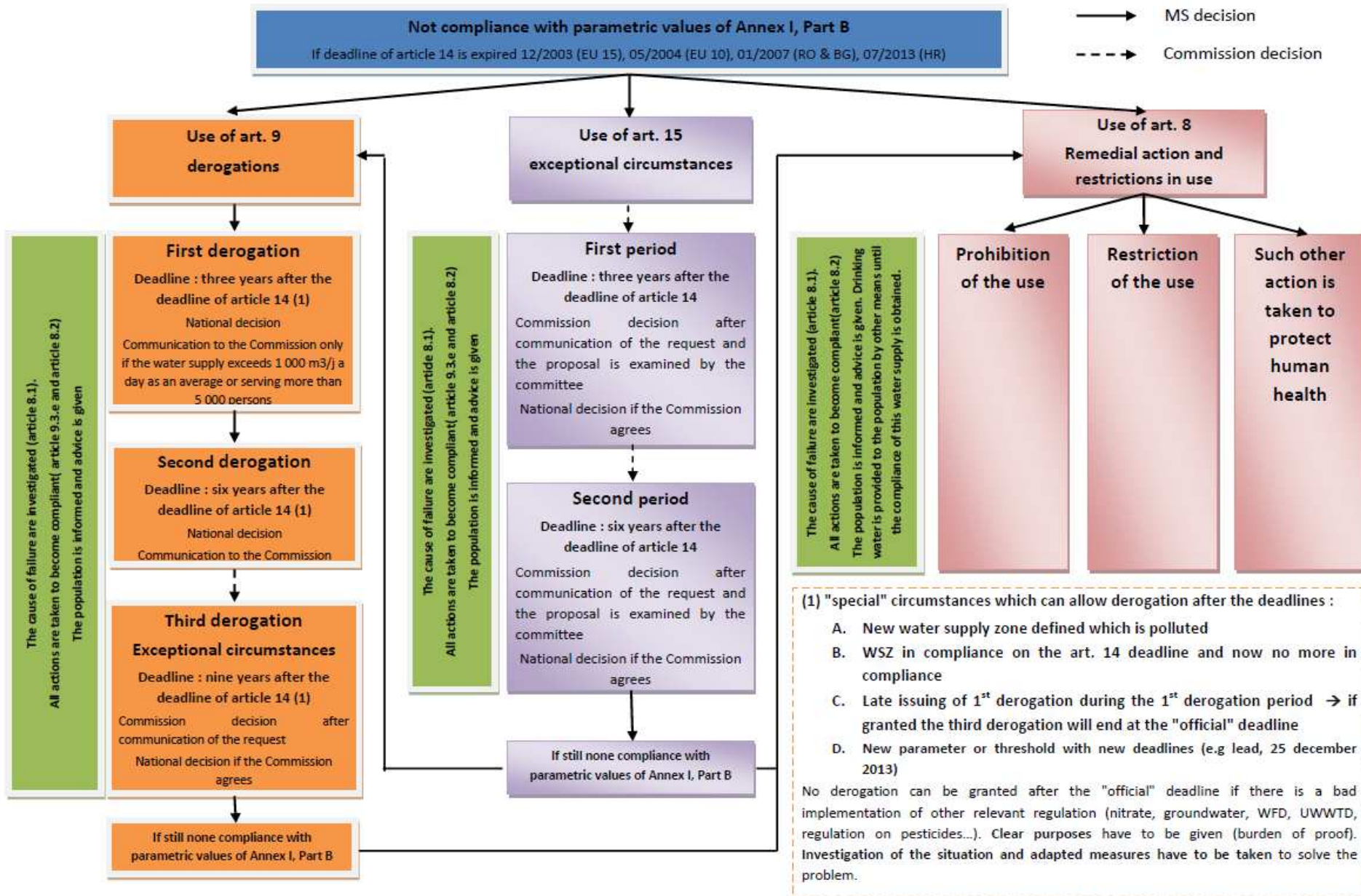
C. New value for existing parameter or new parameter

-> new parameter must be explained

Other aspects

- *Late issuing of 1st derogation:* national administrative reasons cannot be considered as possible late 3rd derogation
- *Lead:* Parametric value must be complied with since 25 December 2013.

DRINKING WATER DIRECTIVE 98/83/CE – USE OF DEROGATION – European Commission - DG - 19 November 2013



Conclusion

- The Commission is applying this rationale in the pending or future cases for third derogation requests.
- Important to pass on the message in national administrations, to local level

From: [REDACTED]
Sent: Fri, 12 Jun 2015 12:57:00 +0000
To: [REDACTED]
Subject: Referat af mødet i drikkevandsekspertgruppen d. 27. maj 2015

Kære [REDACTED]

Hermed et kort referat af de vigtigste emner, som blev behandlet under mødet i drikkevandsekspertgruppen d. 27. maj. 2015:

Interessentmøde om evalueringen af DWD:

KOM gav en kort orientering om interessentmødet d. 26. maj 2015 om evalueringen af DWD. Ca. 60 personer deltog i mødet. Deltagerne repræsenterede en bred vifte af interessenter i sektoren, herunder forbrugerorganisationer. Generelt gav interessenterne udtryk for deres påskønnelse af DWD, og at der stadig er behov for direktivet, selv om det bør forbedres.

Pesticider om metabolitter:

Der blev givet fire korte oplæg om emnet "pesticider og metabolitter". Disse oplæg blev efterfulgt af diskussion om KOMs debatoplæg: "Exchange on metabolites", hvori KOM giver en fortolkning af begrebet "relevante metabolitter" i forhold til DWD. KOM foreslår desuden en trinvis pragmatisk tilgang til yderligere at præcisere "relevante metabolitter" i drikkevand sammen med MS. MS blev opfordret til at sende oplysninger om relevante pesticider og metabolitter til KOM, på hvilket grundlag en ikke-udtømmende "hit-list" vil blive produceret (listen kan give information om potentielt relevante metabolitter i EU-drikkevand). MS kan på baggrund af "hit-listen" (på frivillig basis) overveje om stofferne er relevante i deres overvågningsprogram. Generelt var MS åbne for en sådan uformel udveksling af informationer om pesticider om metabolitter. Mht. KOMs tolkning af begrebet "relevante metabolitter" var der bemærkninger fra flere MS herunder DK, at tolkningen var for snæver, når der kun tolkes i forhold til sundhed (idet grænseværdien for pesticider ikke umiddelbart har noget med sundhed at gøre). Tolkningen bør også forholde sig til kravet om, at drikkevandet skal være rent. På baggrund af diskussionen vil KOM revidere diskussionsdokumentet. Mht. indsamling af information fra MS om relevante pesticider og metabolitter forventes det at foregå i årets 3. kvartal.

Indberetning af drikkevandsdata:

KOM informerede om processen vedr. indrapporteringen, hvor KOMs konsulenter i øjeblikket er ved at se på de indrapporterede resultater i forhold til udarbejdelse af en "Summary report".

Symposion vedr. materiale i kontakt med drikkevand:

En repræsentant fra WHO gav en kort orientering om det nyligt afholdte symposium om materialer i kontakt med drikkevand (afholdt 19.-20. maj 2015). Symposiet var arrangeret af industrien. På symposiet var der generelt konsensus om, at der var behov for en løsning angående materialer i kontakt med drikkevand. Der ønskes en harmoniseret europæisk ordning på området. En kommende revision af DWD er en god mulighed for at løse problemerne på området.

Evalueringen af DWD:

KOM forhørte MS, om de havde forslag til emner, der burde behandles i forbindelse med evalueringsundersøgelsen. Nogle MS'er nævnte, at der burde være opmærksomhed på de små forsyninger, da de har nogle særlige karakteristika, som kræver en særlig tilgang. Desuden blev en revision af bilag I

(som omfatter kvalitetskravene for de enkelte parametre) nævnt, som et væsentligt emne. I den forbindelse blev asbest og nye forurenende stoffer nævnt som mulige nye parametre til listen i bilag I.

Dispensationer i henhold til artikel 9 i DWD:

KOM gav en kort præsentation om dispensationer iht. DWD. Alle førstegangsdispensationer skulle umiddelbart starte fra tidspunktet for overholdelse af DWD (December 25, 2003). Der er en periode på maksimum 9 år for dispensationer, hvilket indebærer, at der på nuværende tidspunkt ikke længere kan gives en tredje dispensation. Dette gælder dog ikke MS'er, der er kommet ind i EU på et senere tidspunkt. Under visse omstændigheder kan senere dispensationer gives, men de skal begrundes grundigt. Der var en diskussion om de juridiske aspekter af at udelade artikel 9 i DWD fra den nationale lovgivning (for at undgå at vandforsyninger tror, at dispensation stadig er muligt). Der kom dog ikke en klar konklusion på, om en sådan udeladelse er mulig. KOMs hjemmeside vil blive opdateret angående dette emne.

Hilsen

Fra: [redacted]

Sendt: 2. juni 2015 17:47

Til: [redacted]

Emne: VS: T.O. 607890481 vedr. [redacted] kommer først i morgen, hun er stadig i Bruxelles i dag pga flyaflysning

Kære [redacted]

Hvordan gik mødet i Brx?

Med venlig hilsen

[redacted]
Klimatilpasning, vandsektor og grundvand
Dir tf.: (+45) [redacted]
Mobil: (+45) [redacted]



Miljøministeriet
Naturstyrelsen

Haraldsgade 53
DK - 2100 København Ø
Tlf.: (+45) 72 54 30 00
www.naturstyrelsen.dk

Fra: [redacted]

Sendt: 28. maj 2015 09:16

Til: [redacted]

Emne: T.O. 607890481 vedr. [redacted] kommer først i morgen, hun er stadig i Bruxelles i dag pga flyaflysning

Med venlig hilsen

[REDACTED]
Kontorfunktionær
Service
Dir. tf.: (+45) 72 54 [REDACTED]
[REDACTED]



Miljøministeriet
Miljøstyrelsen

Unsbjergvej 2A
5220 Odense SØ
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www.mst.dk



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL
 ENVIRONMENT
 Directorate C –Quality of Life, Water & Air
ENV.C.2 - Marine Environment & Water Industry

**MEETING OF THE EUROPEAN COMMISSION INFORMAL EXPERT GROUP ON THE
 IMPLEMENTATION OF DIRECTIVE 98/83/EC
 (DRINKING WATER DIRECTIVE)**

22ND SEPTEMBER 2016

ROOM C, DG ENV

SUMMARY RECORD

All Member States (MS) participated except Bulgaria, Cyprus, Denmark, Greece, Lithuania, Slovenia, Spain and Sweden. Some stakeholders also participated as observers. The list of participants is annexed.

The Expert Group (EG) was chaired by Els the Roeck (DG ENV). The European Commission (COM) was represented by DG Environment (DG ENV): (Chairperson), Tobias Biermann (TB), Christof Mainz (ChM), Clementine Leroy (CL), Maja Feder (MF).

All documents and presentations of the meeting are available in the CIRCABC folder¹.

1. INTRODUCTION AND ADOPTION OF THE AGENDA

The Chairperson welcomed the participants, introduced the representatives of the COM and explained the aim of the meeting. The new representative from Finland presented herself to the participants of the meeting.

The draft agenda was circulated in advance and uploaded onto the CIRCABC platform. The Chairperson informed the participants of the new point on the agenda, under AOB regarding the Security Project and Workshop organised by DG HOME. No proposals for modification were suggested by the participants and the agenda was adopted unanimously (see annex 1).

2. ADOPTION OF THE MINUTES OF THE EXPERT MEETING OF 22/01/2016

All participants agreed to accept the draft minutes without change.

The Chairperson inquired whether the participants wanted to give any feedback or comment on the on-going research presented in the last meeting. One participant suggested that the

¹ <https://circabc.europa.eu/w/browse/6807f813-ee54-4d0d-82ac-c8cab7ca2f68>

JRC should perform a systematic update on research developments in regard to drinking water.

3. REPORTING (RESULTS OF REPORTING EXERCISE 2011-2013, UPCOMING EXERCISE 2014-2016)

The Commission services informed the participants of the results of the last reporting for the period 2011-2013 and stated that they are expected to be officially published shortly

The Chairperson informed the participants of the foreseen format of the next reporting exercise for 2014-2016. EEA will no longer work on the data related to drinking water. Reporting will continue through the Eionet/Reportnet. If possible the same format should be maintained, and it needs to be made very clear which format this implies (i.e. date of release or update). DG ENV has the intention to set up a contract to handle the data and quality checks and maintain contacts with the MS on reporting. The above being the reason for the delay in the dispatch of the data request by the COM. Some participants expressed concerns about the missing formats and explained that changes in format cause substantial costs in terms of time and effort needed for their implementation. They emphasized that they will only report upon official legally binding data requests. In reply to a suggestion coming from one of the participants that there was no need for the data and quality check the Chairperson stressed again the fact that contractor's help was necessary as not all MS provided good quality data.

4. SHORT UPDATE BY THE COMMISSION ON THE INFRINGEMENTS

The Commission services gave the update on the ongoing infringements and EU Pilots. Currently there is one EU Pilot open and two ongoing infringement cases.

5. DEROGATIONS – TOUR DE TABLE

The Commission services recalled to the participants the discussion on derogation article that took place at the expert group's meeting of 27 May 2015 and reminded them that no derogation could be granted anymore. The Commission services explained that Article 9 should never be used to delay the implementation unduly. However, as explained also at the previous meeting, derogations outside the 'normal' timelines of 3+3+3 years after entry into force of the Directive or after Accessions could be accepted in duly justified cases, in case of newly arising circumstances (for instance if a new water supply zone has been defined or a value for a new parameter is identified in accordance with Article 5 (3) or a new value for existing parameters is established). One participant wondered why Article 9 of the Directive could not be used whereas the new Annex 2 allows this for finding new parameters.

All MS were invited to give a brief oral summary on derogations granted during the 2011-13 reporting period, as well as on current ones. Some MS reported on a few ongoing derogations, and some others reported that currently no derogations were granted.

6. SMALL WATER SUPPLIES (SWS)

The Commission services informed the participants about the background of the survey on small water supplies launched in July. Since the voluntary reporting exercise for the year 2010 there still are doubts about the drinking water monitoring and quality in small supplies. Only 15 MS responded in reply to the reporting exercise 2011-2013. Therefore the legal unit of DG ENV has requested updated information on the situation in small supplies.

The Commission thanked the 21 MS that replied to the questionnaire so far and informed the MS that the feedback would also feed into the ongoing review and presented the compiled information. The interesting results show inter alia microbiological compliance in small supplies for those who reported increased to in average 98 % compliance. The MS identified the following issues as most often occurring difficulties: problems with microbiology compliance in SWS, limited knowledge on site, no resources available onsite. Iron, nitrates and manganese were mentioned as three parameters most frequently causing problems. It was agreed that the responsibility of the small water suppliers for drinking water quality, monitoring and management should be more emphasised. WHO regional office for Europe (WHO) supported the COM initiative and stressed that problems related to SWS were persistent. WHO is working on updating the guidelines on small supplies, taking on board the problems presented. A good practice document for MS is scheduled to be published within next two months. WHO emphasised that compliance shouldn't be the only aspect taken into consideration. A few MS promised to respond to the questionnaire, others offered to share study reports or videos, and some stressed the importance of the amended Annex II for small supplies. Several other aspects were mentioned that could contribute to improve the situation, i.e. the risk-based approach and water safety plan development, the identification of the critical aspects, inspections, checklists, awareness raising, campaigns targeting septic tank owners, or taking owners of private wells that fail to meet requirements regarding quality or monitoring to court. Finally, it was agreed that existing promotional material from the MS should be further shared and the possible ways of using it should be analysed. DG ENV suggested that the task force further described below under point 11 would be useful to discuss which small supply specificities should be established. This suggestion found a positive echo, and volunteers from so far DE, BE Wallonia, WHO, and FI offered to cooperate informally and to prepare a short paper by the end of this year.

7. FEEDBACK FROM THE EMEG MEETING ON 21/09/2016

The Commission services presented the main points discussed in the EMEG group meeting on 20 September 2016, especially information on the EMEG website and relevant alternative methods.

A new proposal has been submitted for assessment (*Pseudomonas aeruginosa* (EN ISO 16266)). The parameter is not a Group A parameter in the new Annex II and is used for operational monitoring purposes 'only' (following Art. 5 (2) DWD). However, the new Annex III (2015) contains in 'PART A Microbiological parameters for which methods of analysis are specified' the EN ISO 16266 as standard for *Pseudomonas aeruginosa*. Its use might be

relevant for remedial action or if identified as other parameter relevant in monitoring programmes. As the alternative method is in use in several MS (inter alia widely for pool testing) and there is a relation to the DWD (e.g. tap water in hospitals), EMEG should validate the alternative method. It is suggested to validate alternative methods in future for parameter listed in Annex and where ISO standards are given.

For alternative method in use (here: LSA method for E.coli) validated against an 'old' standard (here ISO 9308-1:2000), EMEG proposed to the Expert Group that in case a new standard comes into place, new validation processes shall use the new standard (ISO 9308-1:2014). Methods validated against old standard before the publication date of the new standard, should be considered valid without transitional period.

A change of the mandate of the EMEG group was proposed, including explicitly the Bathing Water Directive in the scope of its work. This would allow the Commission to register EMEG as an official sub-Expert Group of the Bathing Water Expert Group.

MS were requested to provide feedback within 4 weeks after sending the draft minutes. If no objections will be raised within this timeframe, the updated EMEG mandate will be considered accepted by the DWD Expert Group.

8. STATE OF PLAY – WATER REUSE INITIATIVE

The Commission services gave an update on the Water reuse initiative. Participants welcomed the information on the initiative and its timing. Nevertheless, MS highlighted that sanitation safety plans should be in place, and that economic values should not be the only driver of the initiative. It was further suggested that a link with the REACH legislation should be made.

The Commission services clarified that reuse of water in buildings was not to be covered by the initiative. In response to comments that the promotion of water reuse should not affect health, the Commission services responded that in the EU so far no evidence was found that reuse practices would provoke health problems. Participants wondered why the reuse-initiative falls under the circular economy package (in face of fact that a water cycle is given by nature; the issue is not one of closing cycles but rather one of managing them at the locally optimal scale in order to keep sufficient amounts of water locally available). The Commission services announced an informal consultation also of the DWD expert group on a draft JRC to be issued report in October 2016, and that the ad-hoc reuse working group would meet by mid-October. Access to the document in CIRCABC: <https://circabc.europa.eu/w/browse/64a6b042-09b6-4c1d-be07-ddde872c29ad>. Written comments on this new draft would be welcome by 28/10 COB. Please send them directly to our colleagues in the JRC: Laura ALCALDE SANZ laura.alcalde-sanz@jrc.ec.europa.eu and Bernd GAWLIK Bernd.GAWLIK@ec.europa.eu (with copy to Thomas PETITGUYOT Thomas.PETITGUYOT@ec.europa.eu in DG ENV.C1). Drinking water experts were already invited to contribute to a public consultation planned from November 2016 to January 2017.

9 COMMISSION DIRECTIVE (EU)2015/1787 AMENDING ANNEXES II AND III: TOUR DE TABLE. STATE OF TRANSPOSITION IN THE MS, IMPLEMENTATION OF RISK-BASED APPROACH

As a follow-up to the Committee Meeting of 20 April 2015, where it was agreed to regularly follow up the transposition of this amending Directive, the Commission services asked the MS in a tour de table about the status of transposition and whether they refer to the risk assessment approach. All MS present reported back on the state of play of their national transposition. Practically all MS tend to refer to a risk assessment approach, with a slight majority in favour of implementing it as optional.

In the discussion it was highlighted that the reporting under the DWD must consider the implementation of the new Annexes. It was suggested that a task force should be established very soon, because changes in reporting formats need sufficient time in advance.

10. UPDATE BY THE COMMISSION ON THE EVALUATION OF THE DWD

The Commission services gave an update on the evaluation of the DWD.

11. UPDATE ON ON-GOING DWD STUDIES

The Commission services gave an update on two studies, an impact assessment study and a study on materials and products in contact with drinking water. The work under both studies advances well. The reports are to be finalised still this year.

In the discussion questions were raised whether the options of the impact assessment study include also access to water as a follow-up to the European Citizens initiative, and whether benchmark information has been considered beyond water quality and transparency. Both questions were affirmed. For the review, the importance of organoleptic parameters was highlighted. It was suggested that outbreaks should be taken into account, and that emergency cases should be reported. Participants asked not to delay the revision as this could have negative impacts on consumers.

For the materials and products in contact with drinking water study, a few volunteers offered to help with editing the text of a guidance for users and plumbers. MS were invited to double-check the accuracy of tables with links to national authorities and product approval bodies that will be made available with these minutes, and that shall be published within the study report. The Commission services clarified that the purpose of the guidance for users and plumbers is not an alibi function to replace a further follow up, but that another task of the study would be an inception impact assessment that will map possible policy options to facilitate the discussion on an appropriate way forward.

12. SHORT PREVIEW ON THE STAKEHOLDER MEETING ON PARAMETERS ON 23RD SEPTEMBER 2016

The Commission services presented an outline of the stakeholder meeting planned for the following day. The Commission services warmly thanked Member States for their stupendous feedback to a request to provide occurrence data supporting the WHO-EC cooperation

project. It was clarified that a two week period is foreseen after the meeting for written comments.

13. ROLE OF THE EXPERT GROUP IN THE PLANNED REVISION, NEXT MEETINGS

The Commission services recalled, although the remit of the expert group is rather the implementation of the Directive and not its revision, that technical input and knowledge from MS is highly appreciated to support the review process. Two specific areas were identified where technical assistance would be welcome, i.e. from MS having developed national legislation, 1) to better define small supplies and a proportionate approach for them, and 2) on up-to-date consumer information and reporting requirements. Several participants immediately raised their hands to join an informal task force for topic 1. Participants are invited to confirm their interest in these task forces. It is intended that cooperation will be organised predominantly by email.

14. AOB

The Commission services informed the participants of a security workshop on 12-13 December 2016 in Brussels. Further information and an agenda will be made available in due course.

A question was raised about a draft document on water filters that was on the agenda of the expert group meeting in December 2014 and on which comments were provided. The Commission services replied that the draft has not been pursued further as it seems that some contradictions could not be clarified. The origin and the lead for this document is within DG Sante.

One MS noted positively that the meeting was good content wise, and thanked the Commission for the work invested in communicating the progress on the on-going processes, initiatives and studies.

Annex 1 Agenda of the meeting

**MEETING OF THE EC INFORMAL EXPERT GROUP UNDER
DIRECTIVE 98/83/EC (DRINKING WATER DIRECTIVE –DWD))**

22 SEPTEMBER 2016, 9:30 –16:30H

**at DG Environment, Beaulieu BU-5
Meeting Room C**

Av. de Beaulieu/Beaulieuilaan 5, 1160 Brussels

AGENDA

09:00-09:30	Item	Registration
09:30-09:45	1	Welcome and introduction
09:45-09:50	2	Adoption of the minutes of the Expert Group meeting of 22 January 2016
09:50-10:10	3	Reporting (results of reporting exercise 2011-2013, upcoming exercise 2014-2016)
10:10-10:15	4	Short update by the Commission on infringements
10:15-11:00	5	Derogations – Tour de table: all MS representatives are invited to give a brief oral summary on derogations granted a) reported for 2011-13 b) current: number of supplies, which parameters, population concerned
11:00-11:15		Morning break
11:15-12:00	6	Small Water Supplies a) Introduction - Questionnaire of July 2016 (enclosed as Working Document) b) Preliminary compilation of written replies c) Discussion and opportunity for MS to present replies and views
12:00-12:10	7	EMEG - European Microbiology Expert Group: Feedback from the EMEG Meeting on 21/9/2016
12:10-12:30	8	State of play water reuse initiative
12:30-14:00		Lunch break
14:00-14:45	9	Commission Directive (EU) 2015/1787 amending Annexes II and III: Tour de table: State of transposition in the MS, implementation risk-based approach
14:45-15:00	10	Update by the Commission on the evaluation of the Drinking Water Directive
15:00-15:30	11	Update on ongoing DWD studies a) impact assessment b) materials/products in contact with drinking water

15:30-15:45		Afternoon break
15:45-16:00	12	Short preview on the stakeholder meeting on parameters on the day after on 23 September 2016
16:00-16:15	13	Role of the Expert Group in the planned revision, planned next meetings
16:15-16:30		AOB
16:30		Closure of the meeting

Annex 2

LIST of PARTICIPANT ORGANISATIONS

Organisation / Ministry

Member States

Austria	Federal Ministry of Health
	Austrian Agency for Health and Food Safety
Belgium	Flemish Environment Agency/Vlaamse Milieumaatschappij
	Public Service of Wallonia
Croatia	Ministry of Health
	Croatian Waters
Czech Republic	The National Institute of Public Health
Estonia	Ministry of the Environment
	Estonian Health Board
Finland	Ministry of Social Affairs and Health
France	Ministry of Social Affairs, Health and Women Rights
Germany	Federal Ministry of Health
	UBA - German Environment Agency
	HLPUH Hessisches Landesprüfungs-und Untersuchungsamt im Gesundheitswesen
Hungary	Ministry of Interior
	National Institute of Environmental Health
Ireland	Environmental Protection Agency

Italy	National Institute of Health (ISS)
Latvia	Ministry of Agriculture
Luxemburg	Ministère du Développement durable et des Infrastructures , Administration de la gestion de l'eau
Malta	Ministry for Health
The Netherlands	Ministry of Infrastructure & Environment Ministry of Health, welfare and sport
Poland	Chief Sanitary Inspectorate
Portugal	ERSAR - Water and Waste Services Regulation Authority
Romania	Ministry of Health Ministry of environment, Waters and Forests
Slovak Republic	Ministry of Health
United Kingdom	Department for Environment, Food and Rural Affairs (DEFRA) Department for Environment, Food and Rural Affairs (DEFRA)

Non-Member States

Norway Norwegian Food Safety Authority

Stakeholders

STH Aqua Publica Europea

STH CEEP - Centre of employers and enterprises providing public services

STH ECPA-European Crop Protection Association

STH EPSU – European Federation of Public Service Unions

STH EUREAU - European Federation of National Associations of Water Services

STH European Copper Institute

STH Food & Water Europe

STH World Health Organisation

EU Commission / European Environment Agency - European Topic Centre / Consultants

ENV.C.2 European Commission, DG Environment, Unit C.2 "Marine Environment and Water Industry"

Excused: Bulgaria

Not represented: Cyprus, Greece, Lithuania, Slovenia, Spain, Sweden



Expert Group under Directive 98/83/EC

22 September 2016

Agenda Item 5 – Derogations

European Commission
Directorate General for the Environment
Unit C.2

Recall: Presentation given at the last but one EG in May 2015

Article 9 - Derogations

- Possibility to derogate from Annex I(B) values
- BUT only for 3+3+3 years MAXIMUM
- 3rd derogation granted by Commission
- The 1st derogation must **start** from the **timescale for compliance (Art.14)** of the Directive (= **25 December 2003**)

In practice – normal case – EU 15

DWD applicable since 25/12/2003



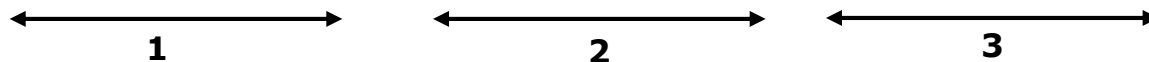
Derogations: total of max 9 years (in cases where non-compliance existed on 25/12/2003) – applies for EU15 MS

➔ No third derogation can be granted anymore by Commission!

Timetable for other Member States

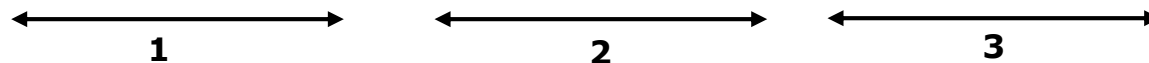
10 EU Member States since 1 May 2004

05/2004 05/2007 05/2010 05/2013



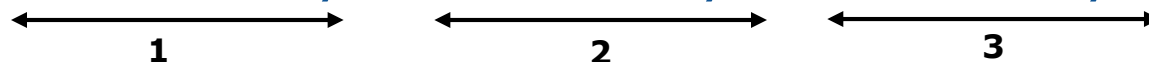
*2 EU Member States since 1 Jan 2007 (**RO & BG**)*

01/2007 01/2010 01/2013 01/2016



*EU Member States since 1 July 2013 (**HR**)*

07/2013 07/2016 07/2019 07/2022



Conclusion

- The Commission is applying this rationale in the pending or future cases for third derogation requests.
- Important to pass on the message in national administrations, to local level

Reporting Year 2013 – Derogations

PL: 77

FR: 22

AT: 3

CZ: 3

LT: 2

DE: 1

Notifications since 2014 – Derogations

EE: Request for third derogation refused.

FR: Request for third derogation refused.

2nd :

DE: 7

RO: 3

HR: 3

CZ: 1

Oral update – State of Play 2016

In your Member State:

- *A) How many derogations reported for 2011-13 are still granted?*
- *B) Current derogations: number of supplies, which parameters, population concerned*

Til: tobias.biermann@ec.europa.eu (tobias.biermann@ec.europa.eu), ENV-DRINKING-WATER@ec.europa.eu (ENV-DRINKING-WATER@ec.europa.eu)

Fra: [REDACTED]

Titel: Information on derogations - supplier of water exceeding 1000 m³/day

Sendt: 11-05-2020 16:34

Bilag: Information on derogations 110520.xlsx;

Dear Tobias Biermann,

Hereby information on derogations concerning supplier of water exceeding 1000 m³/day (or serving more than 5 000 persons), cf. Article 9, paragraph 7 in Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption:

During the summer 2017 we started finding the pesticide metabolite Chloridazon-desphenyl (CAS No. 6339-19-1) in Danish groundwater; groundwater is the only used water resource for drinking water production in Denmark. Several water suppliers have found the metabolite in their groundwater resource (in drillings) for production of drinking water. 5 large water suppliers (supplier of water exceeding 1000 m³/day or serving more than 5 000 persons) have been granted a derogation for up to three years; attached please find information on the derogations. The derogations are granted as the water suppliers have difficulty in supplying enough drinking water without drawing on the contaminated groundwater resource to an extent that does not result in exceeding of the limit value for pesticides on 0,1 µg/l. Establishing new drillings and/or conduit connections to other waterworks are among the solutions being worked on to restore the water quality.

In Denmark it is the municipalities, which are the authorities responsible for drinking water quality. Derogations are also granted by the municipalities. The Danish Environmental Protection Agency is informed by the municipalities about the granted derogations by receiving a copy of them.

The Danish Environmental Protection Agency has estimated the limit value regarding health effects for Chloridazon-desphenyl to 300 µg/l for adults and 50 µg/l for children.

We apologize for being late with the information on the derogations.

Best regards

[REDACTED]

Ministry of Environment and Food of Denmark

Environmental Protection Agency | Tolderlandsvej 5 | 5000 Odense C | Tel. +45 72 54 40 00 | mst@mst.dk | www.mst.dk

[How we process your personal data](#)

Information on Article 9 derogation - FIRST DEROGATION⁽¹⁾

Member State	Denmark
Name of water supply	Kerteminde Vandværk
Supply area	Kerteminde Kommune, Fyn
Quantity of water supplied per year (maximum)	800.000
Population concerned by derogation (estimated)	<7400 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	0,8 µg/l
Start date of first derogation	24 October 2017
End date of first derogation	1 September 2020
Responsible Authority for granting the derogation	Municipality: Kerteminde Kertemine
Notes	
(1) A MS shall send this form to the Commission within two months of any derogation concerning an individual supply of water exceeding 1000 m3 per day as an average or serving more than 5000 persons	

Information on Article 9 derogation - FIRST DEROGATION⁽¹⁾

Member State	Denmark
Name of water supply	Staubyskov Vandværk
Supply area	Middelfart Kommune, Fyn
Quantity of water supplied per year (maximum)	around 300.000
Population concerned by derogation (estimated)	<2000 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	1 µg/l
Start date of first derogation	8 January 2018
End date of first derogation	8 January 2021
Responsible Authority for granting the derogation	Municipality: Middelfart Kommune
Notes: The water plant are closed and will only be used as emergency supply during the derogation period.	
(1) A MS shall send this form to the Commission within two months of any derogation concerning an individual supply of water exceeding 1000 m3 per day as an average or serving more than 5000 persons	

Information on Article 9 derogation - FIRST DEROGATION⁽¹⁾

Member State	Denmark
Name of water supply	Vandcenter Djurs
Supply area	Norddjurs Kommune, Jutland
Quantity of water supplied per year (maximum)	600.000
Population concerned by derogation (estimated)	6700 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	>0,1 µg/l
Start date of first derogation	8 January 2018
End date of first derogation	8 January 2021
Responsible Authority for granting the derogation	Municipality: Norddjurs Kommune
Notes: The monitoring results have been below 0,2 µg/l.	
(1) A MS shall send this form to the Commission within two months of any derogation concerning an individual supply of water exceeding 1000 m3 per day as an average or serving more than 5000 persons	

Information on Article 9 derogation - FIRST DEROGATION⁽¹⁾

Member State	Denmark
Name of water supply	Mariendal Vandværk
Supply area	Assens Kommune, Fyn
Quantity of water supplied per year (maximum)	400.000
Population concerned by derogation (estimated)	<4000 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	0,6 µg/l
Start date of first derogation	4 January 2018
End date of first derogation	31 December 2019
Responsible Authority for granting the derogation	Municipality: Assens Kommune
Notes: The derogation only have to be used in emergencies. During normal operation the limit for pesticides (0,1 µg/l) will be met.	
(1) A MS shall send this form to the Commission within two months of any derogation concerning an individual supply of water exceeding 1000 m3 per day as an average or serving more than 5000 persons	

Information on Article 9 derogation - FIRST DEROGATION⁽¹⁾

Member State	Denmark
Name of water supply	Kildebakken Vandværk
Supply area	Assens Kommune, Fyn
Quantity of water supplied per year (maximum)	500.000
Population concerned by derogation (estimated)	<4000 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	0,16 µg/l
Start date of first derogation	4 January 2018
End date of first derogation	31 December 2019
Responsible Authority for granting the derogation	Municipality: Assens Kommune
Notes: The derogation only have to be used in emergencies. During normal operation the limit for pesticides (0,1 µg/l) will be met.	
(1) A MS shall send this form to the Commission within two months of any derogation concerning an individual supply of water exceeding 1000 m3 per day as an average or serving more than 5000 persons	



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL
 ENVIRONMENT
 Quality of Life
 Marine Environment & Water Industry
 Head of Unit

Brussels
 ENV.C.2/TB/env.c.2(2020)4094206

Ministry of Environment and
 Food of Denmark
 Environmental Protection Agency
 Tolderhundsvej 5
 5000 Odense C
 DENMARK

Subject: Reply to information on derogations - supplier of water exceeding
 1000 m³/day (Denmark)

My services acknowledge the receipt of your Email of 11 May 2020 sent to Tobias Biermann informing the Commission about derogations granted in Denmark under Directive 98/83/EC¹ (hereafter "Directive"). Please accept my apologies for replying late to your Email.

We acknowledge receipt of notifications of derogations (in accordance with Article 9(7) of the Directive) for the pesticide metabolite Chloridazon-desphenyl for the following five water supply zones:

Name of water supply	Kildebakken Vandværk
Supply area	Assens Kommune, Fyn
Quantity of water supplied per year (maximum)	500.000
Population concerned by derogation (estimated)	<4000 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	0,16 µg/l
Start date of first derogation	4 January 2018

¹ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, OJ L 330, 5.12.1998, p. 32

End date of first derogation	31 December 2019
Name of water supply	Staubyskov Vandværk
Supply area	Middelfart Kommune, Fyn
Quantity of water supplied per year (maximum)	around 300.000
Population concerned by derogation (estimated)	<2000 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	1 µg/l
Start date of first derogation	8 January 2018
End date of first derogation	8 January 2021

Name of water supply	Vandcenter Djurs
Supply area	Norrdjurs Kommune, Jutland
Quantity of water supplied per year (maximum)	600.000
Population concerned by derogation (estimated)	6700 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	>0,1 µg/l
Start date of first derogation	8 January 2018
End date of first derogation	8 January 2021

Name of water supply	Mariendal Vandværk
Supply area	Assens Kommune, Fyn
Quantity of water supplied per year (maximum)	400.000
Population concerned by derogation (estimated)	<4000 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	0,6 µg/l
Start date of first derogation	4 January 2018
End date of first derogation	31 December 2019

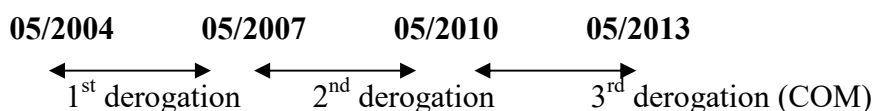
Name of water supply	Kerteminde Vandværk
Supply area	Kerteminde Kommune, Fyn
Quantity of water supplied per year (maximum)	800.000
Population concerned by derogation (estimated)	<7400 households
Parameter concerned	Chloridazon-desphenyl
Value fixed for derogation	0,8 µg/l
Start date of first derogation	24 October 2017
End date of first derogation	1 September 2020

The Commission services have taken note of the explanations provided in your Email. For the supply Vandcenter Djurs, we remark that a maximum value shall be determined, 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.

As presented in several meetings of the Drinking Water expert groups², Member States can make use of the derogations from the parametric values for a maximum of 9 years, **starting from the timescale for compliance (Art.14) of the Directive**. This means that

² <https://circabc.europa.eu/sd/a/4f1eed70-0d5f-42df-8b19-9b136cc91d51/05%20-%20Derogations.pdf>

Denmark could self-grant first and second derogations as from 1 May 2004 (for a maximum of 6 years in total), while third derogations had to end by 1 May 2013.



Without evidence that the derogations notified concern a particular case that would justify derogation from the general approach (e.g. the derogation is requested for a new parametric value, a newly designated water supply zone or new source of pollution), the Commission must conclude that the derogations for the five supplies listed above would be in breach of the Drinking Water Directive.

The Commission recalls in that regard that the burden of proof for demonstrating that this derogation falls into one of these particular cases lies with the Member State concerned, and that, if the source of pollution is of geogenic nature, due to human activities (for instance intensive agriculture) or bad implementation of other EU legislation (Pesticides, Nitrates, WFD, etc.), it will be difficult to justify granting a derogation later than the deadlines indicated above.

On the basis of these considerations, the Commission services must conclude that the water supply zones presented in the Email of 11/05/2020 are in breach of Article 4 of the Directive, unless additional evidence to conclude otherwise is presented.

In any case, the Commission reserves its right to take appropriate action should it be informed of any derogation or presented with a request for a derogation under Article 9(2) not fulfilling the conditions set out in the Directive, or should it identify a breach of the Directive on its own initiative.

Yours sincerely,

(e-signed)

Silvia BARTOLINI
Head of Unit



Til alle kommuner

Vandforsyning
J.nr. 2020-62276
Ref. HERHA
Den 5. november 2020

Miljøstyrelsen beder om kopi af dispensationer givet efter drikkevandsbekendtgørelsen fra 2013 til i dag

I forlængelse af brevet udsendt til kommunerne d. 3. november 2020, omkring ”Revideret juridisk vurdering af drikkevandsdirektivet (98/83/EF) indsnævrer muligheder for at meddele dispensationer efter drikkevandsbekendtgørelsen”, beder Miljøstyrelsen de enkelte kommuner om at indsende information vedr. dispensationer.

Miljøstyrelsen vil gerne bede de enkelte kommuner om at indsende alle dispensationer meddelt fra 2013 og til dags dato i form af pdf-kopier. Såfremt kommunen ikke har givet dispensationer i denne periode, skal vi bede om en kvittering på dette. Materialet ønskes fremsendt til undertegnede senest **torsdag d. 12. november kl 12:00**.

Henvendelsen skyldes et behov for at sikre et fuldstændigt overblik over alle dispensationer givet siden 2013.

En bruttoliste over de dispensationer, som Styrelsen har kendskab til, er vedhæftet e-mailen sammen med dette brev. Det er ikke nødvendigt at fremsende kopi af dispensationer, som fremgår af oversigten, idet styrelsen allerede er i besiddelse af disse. Men vi vil under alle omstændigheder gerne have en tilbagemelding, så vi kan være sikre på, at kommunen har nået at forholde sig til denne henvendelse.

Vi beklager den korte frist.

Med venlig hilsen

Helle Rüz Hansen

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Miljø- og Fødevareministeriet

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Bilag 14 - Oversigt over alle dispensationer i perioden 2013 - nov. 2020

Oplysningerne er som angivet i dispensationerne, medmindre andet er anført.

65 dispensationsafgørelser fra MST's journalsystem

Kommune	Navn på vandværk	Stof	Tilladt niveau (µg/L medmindre andet anført)	Distribueret vandmængde (m ³ /L)	Dato for tilladelse	Dato for udløb	Gældende
Faaborg-Midtfyn Kommune	Kværndrup Vandværk	Arsen	8	198.000	04.04.13	01.03.14	Nej
Brønderslev Kommune	Serritslev Vandværk	Phosphor	0,5 mg/L	21.000	18.06.13	31.05.16	Nej
Brønderslev Kommune	Serritslev Vandværk	Phosphor	0,5 mg/L	21.000	18.06.13	01.06.19	Nej
Skanderborg Kommune	Gramværket, Skanderborg Forsyningsvirksomhed A/S	Mangan	0,05 mg/L	[95.000]	25.06.13	01.05.15	Nej
Skanderborg kommune	Tåning Vandværk I/S	Bentazon	1	7.000	03.07.14	01.09.15	Nej
Egedal Kommune	Enkeltindvinder, Skebjergvej 4	Nitrat	80 mg/L	-	13.03.14	12.03.15	Nej
Randers Kommune	Knejsted Mark Vandværk	Nitrat	[61 mg/L]	-	30.01.15	01.02.18	Nej
Randers Kommune	Linde Vandværk	Nitrat	[54 mg/L]	[12.500]	03.08.15	01.09.18	Nej
Randers Kommune	Dalbyover Vandværk	Nitrat	[53 mg/L]	[500]	16.12.15	31.12.18	Nej
Randers Kommune	Knejsted Vandværk	Nitrat	[51 mg/L]	[1167]	31.08.16	01.09.19	Nej
Haderslev Kommune	Sønder Vilstrup Vandværk	DPC	[0,31]	20075	05.12.17	01.06.18	Nej
Esbjerg Kommune	Vilslev Vandværk	DPC	2	44.000	11.12.17	01.01.19	Nej
Nordfyns Kommune	Nordfyns Vandværk	DPC; CGA108906	[4,0; 0,16]	150.000	11.12.17	10.06.19	Nej
Nordfyns Kommune	Hasmark Vandværk	DPC	[0,2]	80.000	14.12.17	01.06.19	Nej
Nordfyns Kommune	Tørresø Strands Vandværk	DPC	[0,56]	17.000	20.12.17	01.06.19	Nej
Syddjurs Kommune	Ebdrup Vandværk	DPC	[0,11]	17155	20.12.17	01.01.21	Ja
Assens Kommune	Andebølle og Omegns Vandværk	DPC	0,4	48.989	21.12.17	01.12.18	Nej
Assens Kommune	Assens Vandværk A/S (Kildebakken Vandværk)	DPC	0,16	[378.062]	04.01.18	31.12.19	Nej
Assens Kommune	Assens Vandværk A/S (Mariendal Vandværk)	DPC	0,6	[290.442]	04.01.18	31.12.19	Nej
Assens Kommune	Søby og Omegns Vandværk	DPC	1,5	82.293	08.01.18	01.01.19	Nej
Middelfart Kommune	Staurbyskov Vandværk (TREFOR Vand A/S)	DPC	1	[100.000]	08.01.18	08.01.21	Ja
Norddjurs Kommune	Vandcenter Djurs a.m.b.a.	DPC	[0,17]	[210.202]	08.01.18	08.01.21	Ja
Favrskov Kommune	Ikke-almen vandværk (Lindkjærvejs Vandværk)	BAM	[1,2]	[lt. 1000]	29.01.18	01.02.21	Ja
Haderslev Kommune	Sommersted Vest Vandværk	DPC	[0,24]	36500	30.01.18	01.09.18	Nej
Nordfyns Kommune	Haarslev Vandværk	DPC	[0,36]	25.000	06.02.18	01.06.19	Nej
Esbjerg Kommune	Jernvedlund Vandværk	DPC	2	88.000	08.02.18	01.01.21	Ja
Favrskov Kommune	Søften Vandværk	Mangan	[190]	[134.000]	09.02.18	Indtil renovering	Nej
Nyborg Kommune	Herrested-Måre Vandværk	DPC	0,45	60.000	16.02.18	01.12.18	Nej
Morsø Kommune	Ikke-alment vandværk (Cater Food A/S)	DPC	[0,72]	[15.000]	12.03.18	15.06.18	Nej
Varde Kommune	Janderup Vandværk	DPC	2	134.000	17.04.18	14.12.19	Nej
Kerteminde Kommune	Kerteminde Vandværk	DPC	0,8	643.000	24.05.18	01.09.20	Nej
Haderslev Kommune	Aarø Vandværk	DPC	[0,23]	18250	07.06.18	01.07.19	Nej
Herning Kommune	Ørnvej Vandværk A.M.B.A	Kimtal ved 22 °C	2000 kim/ml	38690	07.06.18	01.01.19	Nej
Sorø Kommune	Munke-bjergby Vandværk	DMS	[0,18]	23.000	07.12.18	Højest 2 år	Nej
Morsø Kommune	Solbjerg Vandværk	DPC	1	[56.000]	10.12.18	01.12.20	Ja
Hedensted Kommune	Urlev Vandværk	DPC	0,5	3.200	11.12.18	01.07.20	Nej
Hedensted Kommune	Klejs Vandværk	DMS	0,5	26.000	18.12.18	01.07.20	Nej
Assens Kommune	Søby og Omegns Vandværk	DPC	[1,0]	82.293	08.01.19	01.01.20	Nej
Middelfart Kommune	Husby Sønder Aaby Vandværk	DMS	0,75	43.900	09.01.19	01.09.20	Nej
Kolding Kommune	Forbundsvandværket	DPC	0,5	150.000	12.02.19	01.11.20	Nej
Kalundborg Kommune	Hjorthøj Vandværk (afd. Trøjeløkke)	DMS	[0,13]	31.000	04.05.19	01.01.21	Ja
Fredensborg Kommune	Krogerup Avlsgård A/S, Ikke-alment vandværk	Fluorid	[1,7 mg/L]	[12.500]	05.02.19	05.02.21	Ja
Varde Kommune	Tistrup Vandværk	DMS	2	228.000	05.02.19	16.11.20	Nej
Struer Kommune	Ikke-alment vandværk, Holstebrovej 101	Bentazon	0,5	[lt. 15.000]	05.04.19	05.04.22	Ja
Roskilde Kommune	Hvedstrup Vandværk	4-CPD	[0,19]	2409	15.05.19	31.07.21	Ja
Nordfyns Kommune	Nordfyns Vandværk	DPC; M-DPC; CGA108906	[4; 0,62; 0,17]	150.000	20.05.19	01.06.22	Ja

"Tilladt niveau" er maksgrænse i dispensationsperioden. [] angiver fundkoncentration, hvis ingen maks. fastsat.

"Distribueret Vandmængde": [] angiver data hentet fra Jupiter. [lt.] er indvindingstilladelse

Bilag 14 - Oversigt over alle dispensationer i perioden 2013 - nov. 2020

Oplysningerne er som angivet i dispensationerne, medmindre andet er anført.

Nordfyns Kommune	Tørresø Strands Vandværk	DPC	[0,76]	17.000	20.05.19	01.06.22	Ja
Nordfyns Kommune	Hasmark Vandværk	DPC	[0,14]	80.000	21.05.19	01.06.22	Ja
Syddjurs Kommune	Skørring Vandværk	DPC	0,5	7300	14.06.19	01.01.21	Ja
Aalborg Kommune	Vejgaard Vandværk (Lundbyegade)	DMS	1	182500	14.06.19	01.07.21	Ja
Aalborg Kommune	Restrup-Nørholm Enges Vandværk	DMS	1	42705	11.07.19	15.07.21	Ja
Assens Kommune	Sønderby Vandværk	DPC; M-DPC	[1,3;0,16]	32.000	18.07.19	01.07.21	Ja
Egedal Kommune	Nybølle Vandværk	Methaldehyd	0,2	4818	14.08.19	14.08.21	Ja
Aalborg Kommune	Kølby Vandværk	Nitrat	70 mg/L	15330	19.09.19	19.09.21	Ja
Varde Kommune	Janderup Vandværk	DPC	2	142350	10.10.19	31.03.22	Ja
Egedal Kommune	Ledøje Vandværk	DMS	1	43070	25.10.19	25.10.21	Ja
Silkeborg Kommune	Gudenå Vandværk, Silkeborg Vand A/S	pH	9,5	[753.950]	16.12.19	31.12.22	Ja
Silkeborg Kommune	Hvinningdal Vandværk, Silkeborg Vand A/S	pH	9,5	[1.873.836]	16.12.19	31.12.22	Ja
Favrskov Kommune	Gerning Vandværk	DPC	[0,39]	[20.000]	17.12.19	19.12.22	Ja
Silkeborg Kommune	Møldrup Vandværk	DPC	0,2	14.000	08.01.20	31.12.20	Ja
Syddjurs Kommune	Tirstrup Vandværk	DPC	0,5	54.000	08.01.20	01.02.23	Ja
Silkeborg Kommune	Teglgårdsparkens Vandværk	DMS	1	[14.984]	29.01.20	31.12.22	Ja
Aalborg Kommune	Skørbæk Vandværk I/S	DPC	1	2.692	29.06.20	31.10.20	Nej
Tønder Kommune	Daler Vandværk	DPC	[0,23]	30.000	23.07.20	26.02.23	Ja
Tønder Kommune	Frifelt Vandværk	DMS	[0,17]	180.000	30.09.20	01.11.22	Ja

22 yderligere dispensationsafgørelser eftersendt af kommunerne

Kommune	Navn på vandværk	Stof	Tilladt niveau (µg/L medmindre andet anført)	Distribueret vandmængde (m ³ /L)	Dato for tilladelse	Dato for udløb	Gældende
Randers Kommune	Vinstrup Vandværk	Nitrat	58 mg/L	15.000	26.01.15	01.02.18	Nej
Haderslev Kommune	Årøsund Vandværk	DPC	[0,16]	52925	30.11.17	01.06.18	Nej
Haderslev Kommune	Aarø Vandværk	DPC	[0,31]	18250	01.12.17	01.06.18	Nej
Faxe Kommune	Vemmetofte Strand Camping vandværk	Nikkel; Arsen; Cobolt	[24; 7,5; 9]	3.509	15.01.18	31.12.18	Nej
Randers Kommune	Tånum Vandværk	DMS	0,9	15.000	17.01.19	19.07.19	Nej
Mariagerfjord Kommune	Dania A/S Vestre Vandværk	DPC	0,7	5.000	18.01.19	01.07.19	Nej
Helsingør Kommune	Dale Korsvej Vandværk	DMS	0,3	[14.132]	19.08.19	19.08.22	Ja
Skive Kommune	Vejby Vandværk	DPC	0,7	36865	28.08.18	01.03.20	Nej
Middelfart Kommune	Husby Sønder Aaby	DPC	1	43.900	30.08.18	01.09.20	Nej
Favrskov Kommune	Søften Vandværk	DMS	[0,44]	[134.000]	18.12.18	18.12.20	Ja
Brønderslev Kommune	Enkeltindvinder med kommerciel aktivitet Savværksvej 8	Atrazin; Hexazinon; DMS	0,18; 0,30; 0,25	<3650	20.06.19	08.08.19	Nej
Skanderborg Kommune	Skovby Vandværk	DMS; BAM	1;1	155.031	24.09.19	01.09.21	Ja
Syddjurs Kommune	Følle Strand Vandværk	DMS	0,5	36500	07.01.20	01.01.23	Ja
Stevns Kommune	Strøby Ladeplads Vandværk	DMS; BAM	1;1	43.829	12.02.20	12.02.22	Ja
Rebild Kommune	Støvring Vandværk	Kalkagressiv CO2	4 mg/L	434.500	17.03.20	01.04.23	Ja
Vejle Kommune	Ravning Vandværk	DPC	[0,15]	3.550	20.03.20	20.03.23	Ja
Faxe Kommune	Orup Vandværk	Fluorid	[1,8]	[70.000]	09.07.20	15.09.20	Nej
Faxe Kommune	Stubberup Vandværk	Nikkel	[24]	[6.500]	13.08.20	31.12.21	Ja
Randers Kommune	Væth Udflytter Vandværk	Metazachlor ESA	0,12	2.000	11.06.20	01.06.21	Ja
Hedensted Kommune	Klejs Vandværk	DMS	0,5	17.000	21.10.20	01.08.21	Ja
Randers Kommune	Asferg Vandværk	Strontium	23000	78.000	28.10.20	01.02.22	Ja
Kolding Kommune	Forbundsvandværket	DPC	0,5	[145.000]	04.11.20	01.11.21	Ja

"Tilladt niveau" er maksgrænse i dispensationsperioden. [] angiver fundkoncentration, hvis ingen maks. fastsat.

"Distribueret Vandmængde": [] angiver data hentet fra Jupiter. [t.] er indvindingstilladelse

Bilag 15 - Oversigt over dispensationer fra perioden 2013 - nov. 2020 i strid med Drikkevandsdirektivet

Oplysningerne er som angivet i dispensationerne, medmindre andet er anført.

10 dispensationsafgørelser fra MST's journalsystem

Kommune	Navn på vandværk	Stof	Tilladt niveau (µg/L medmindre andet anført)	Distriburet vandmængde (m ³ /L)	Dato for tilladelse	Dato for udløb
Fredensborg Kommune	Krogerup Avlsgård A/S, Ikke-alment vandværk	Fluorid	[1,7 mg/L]	[12.500]	05.02.19	05.02.21
Struer Kommune	Ikke-alment vandværk, Holstebrovej 101	Bentazon	0,5	[It. 15.000]	05.04.19	05.04.22
Kalundborg Kommune	Hjorthøj Vandværk (afd. Trøjeløkke)	DMS	0,13	31.000	04.05.19	01.01.21
Aalborg Kommune	Vejgaard Vandværk (Lundbyegade)	DMS	1	182500	14.06.19	01.07.21
Aalborg Kommune	Restrup-Nørholm Enges Vandværk	DMS	1	42705	11.07.19	15.07.21
Egedal Kommune	Nybølle Vandværk	Methaldehyd	0,2	4818	14.08.19	14.08.21
Aalborg Kommune	Kølby Vandværk	Nitrat	70 mg/L	15330	19.09.19	19.09.21
Egedal Kommune	Ledøje Vandværk	DMS	1	43070	25.10.19	25.10.21
Silkeborg Kommune	Teglgårdsparkens Vandværk	DMS	1	[14.984]	29.01.20	31.12.22
Tønder Kommune	Frifelt Vandværk	DMS	0,17	180.000	30.09.20	01.11.22

7 yderligere dispensationsafgørelser eftersendt af kommunerne

Kommune	Navn på vandværk	Stof	Tilladt niveau (µg/L medmindre andet anført)	Distriburet vandmængde (m ³ /L)	Dato for tilladelse	Dato for udløb
Favrskov Kommune	Søften Vandværk	DMS	[0,44]	[134.000]	18.12.18	18.12.20
Faxe Kommune	Stubberup Vandværk	Nikkel	[24]	[6.500]	13.08.20	31.12.21
Hedensted Kommune	Klejs Vandværk	DMS	0,5	17.000	21.10.20	01.08.21
Helsingør Kommune	Dale Korsvej Vandværk	DMS	0,3	[14.132]	19.08.19	19.08.22
Skanderborg	Skovby Vandværk	DMS; BAM	1, 1	155.031	24.09.19	1.09.21
Stevns Kommune	Strøby Ladeplads Vandværk	DMS; BAM	1, 1	43.829	12.02.20	12.02.22
Syddjurs Kommune	Følle Strand Vandværk	DMS	0,5	36500	07.01.20	01.01.23

"Tilladt niveau" er maksgrænse i dispensationsperioden. [] angiver fundkoncentration, hvis ingen maks. fastsat.

"Distribueret Vandmængde": [] angiver data hentet fra Jupiter. [It.] er indvindingstilladelse



Bilag 16

Overblik over meddelte dispensationer 2013-2020

Tabel 1 opsummerer dispensationer givet i perioden fra 2013 til november 2020 opgjort efter stof/parameter. De angivne stoffer og parametre er omfattet af drikkevandsbekendtgørelsens kvalitetskrav, jf. bekendtgørelsens bilag 1a-1d. Bilag 1a-1b omfatter naturlige hovedbestanddele og sporstoffer. Bilag 1c omfatter organiske mikroforureninger, herunder pesticid-stoffer. Bilag 1d omfatter mikrobiologiske parametre.

Tabel 1 opsummerer desuden, hvor mange af de givne dispensationer, som fortsat er gældende. Det bemærkes, at enkelte afgørelser om dispensation omfatter flere stoffer, og at antallet af dispensationer dermed ikke er enslydende med antallet af afgørelser om dispensation.

Tabel 1. Oversigt over meddelte dispensationer i afgørelser i perioden 2013-2020. Med grøn baggrund er vist de stoffer, der er omfattet af drikkevandsdirektivets regler om dispensation.

Stof	Samlet antal dispensationer	Samlet antal gældende dispensationer
Desphenyl-chloridazon (DPC)	42	17
Dimethyl-sulfamid (DMS)	18	12 ¹
Nitrat	7	1
methyl-desphenyl-chloridazon (M-DPC)	2	2
Bentazon	2	1
Fosfor	2	0
Mangan	2	0
pH	2	2
4-CPP	1	1
Arsen	2	0
BAM	3	3
CGA108906	2	1
Fluorid	2	1
Kimtal v. 22°C	1	0
Metaldehyd	1	1
Nikkel	2	1
Cobolt	1	0
Atrazin	1	0
Hexazinon	1	0
Metazachlor ESA	1	1
Kalkaggressiv CO ₂	1	1
Strontium	1	1
I alt	97	46

¹ Det bemærkes, at det er under afklaring i Miljøministeriet, om DMS skal defineres som en relevant metabolit. Hvis DMS vurderes ikke-relevant metabolit, så er de anførte 12 dispensationer ikke i konflikt med direktivet.

Med afsæt i den foreløbige juridiske vurdering, der ligger til grund for departementets tidligere opgørelse, viser Miljøstyrelsens gennemgang, at i alt 17 af de gældende afgørelser om dispensation kan være i konflikt med dispensationsmuligheden efter direktivet. Det bemærkes dog, at 12 afgørelser vedrører metabolitten DMS, og at det er under afklaring om DMS er omfattet af direktivet.

Tabel 2 opsummerer antallet af dispensationsafgørelser i perioden 2013 til november 2020 opgjort efter år, og hvor mange af disse der stadig er gældende.

Tabel 2. Oversigt over afgørelser om dispensationer.

År	Antal dispensationsafgørelser i de enkelte år	Fortsat gældende dispensationsafgørelser
2013	4	0
2014	2	0
2015	4	0
2016	1	0
2017	9	1
2018	24	6
2019	27	20
2020	16	14
I alt	87	41

Langt hovedparten af dispensationerne er givet fra 2017 og frem som følge af de udvidede krav til vandværkernes pesticidanalyser, der medførte, at man begyndte at analysere for og finde overskridelser af kravværdierne for særligt DPC og DMS.

Miljøstyrelsen har kendskab til enkelte andre dispensationer, som vedrører tidligere nationalt gældende krav til vandkvaliteten fra vandværket, men som ikke vedrører drikkevandskvaliteten ved forbrugeren, og som derfor med sikkerhed ikke er relevante i forhold til direktivet.