

Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast) (Text with EEA relevance)

Article 15

Derogations

1 In duly justified circumstances, Member States may provide for derogations from the parametric values set out in Part B of Annex I, or set in accordance with Article 5(3), up to a maximum value to be determined by them, provided that such derogations do not constitute a potential danger to human health and provided that the supply of water intended for human consumption in the area concerned cannot be maintained by any other reasonable means. Such derogations shall be limited to the following:

- a a new catchment area for the abstraction of water intended for human consumption;
- b a new source of pollution detected at the catchment area for the abstraction of water intended for human consumption or parameters newly searched for or detected; or
- c an unforeseen and exceptional situation in an existing catchment area for the abstraction of water intended for human consumption that could lead to temporary limited exceedances of the parametric values.

Derogations referred to in the first subparagraph shall be limited to as short a period as possible and shall not exceed three years in duration. Towards the end of the period of the derogation, Member States shall conduct a review to determine whether sufficient progress has been made.

In exceptional circumstances, a Member State may grant a second derogation in respect of points (a) and (b) of the first subparagraph. Where a Member State intends to grant such a second derogation, it shall communicate the results of the review, along with the grounds for its decision on the second derogation, to the Commission. Such a second derogation shall not exceed three years in duration.

- 2 Any derogation granted in accordance with paragraph 1 shall specify the following:
- a the grounds for the derogation;
 - b the parameter concerned, previous relevant monitoring results, and the maximum permissible parametric value under the derogation;
 - c the geographical area, the quantity of water supplied each day, the population concerned and whether any relevant food business operator would be affected;
 - d an appropriate monitoring scheme, with an increased monitoring frequency where necessary;
 - e a summary of the plan for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing; and
 - f the duration of the derogation.

3 If the competent authorities consider the non-compliance with the parametric value to be trivial, and if action taken in accordance with Article 14(2) is sufficient to remedy the problem within 30 days, the information provided for in paragraph 2 of this Article does not need to be specified in the derogation.

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In that event, only the maximum permissible value for the parameter concerned and the time allowed to remedy the problem shall be set by the competent authorities or other relevant bodies in the derogation.

4 If there is a failure to comply with any parametric value for a given water supply on more than 30 days on aggregate during the previous 12 months, recourse may no longer be had to paragraph 3.

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

The obligations referred to in the first subparagraph shall not apply in the circumstances described in paragraph 3, unless the competent authorities decide otherwise.

6 This Article shall not apply to water intended for human consumption put into bottles or containers.