



STATUTORY INSTRUMENTS.

S.I. No. 278 of 2007



EUROPEAN COMMUNITIES (DRINKING WATER) (NO. 2)
REGULATIONS 2007

(Prn. A7/1108)

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S.I. No. 278 of 2007

EUROPEAN COMMUNITIES (DRINKING WATER) (NO. 2)
REGULATIONS 2007

WHEREAS, I, DICK ROCHE, Minister for the Environment, Heritage and Local Government, having regard to section 3(3) of the European Communities Act 1972 (as inserted by section 2 of the European Communities Act 2007) (hereinafter referred to as the Act of 1972), consider it necessary for the purpose of giving full effect to Council Directive 98/83/EC of 3 November 1998¹ and Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000² to make provision for offences under the following Regulations to be prosecuted on indictment:

AND WHEREAS, I consider that it is necessary, having further regard to section 3(3) of the Act of 1972, and for the purpose of ensuring that penalties in respect of an offence prosecuted in that manner under the following regulations are effective, proportionate and have a deterrent effect, having regard to the acts or omissions of which the offence consists, to make such provision in the following regulations:

NOW THEREFORE, I, DICK ROCHE, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) as amended by the European Communities Act 2007 (No. 18 of 2007) and for the purpose of giving effect to Council Directive 98/83/EC of 3 November 1998¹, and Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000², hereby make the following Regulations:

Citation.

1. These Regulations may be cited as the European Communities (Drinking Water) (No. 2) Regulations 2007.

Commencement.

2. These Regulations shall come into operation with immediate effect.

Interpretation.

3. (1) In these Regulations, except where the context otherwise requires—

“the Agency” means the Environmental Protection Agency;

“authorised person” means a person appointed by a sanitary authority or the Agency to be an authorised person for the purposes of these Regulations;

“the Directive” means Council Directive 98/83/EC of 3 November 1998¹ on the quality of water intended for human consumption;

¹O.J. No. L330/32, 5.12.1998

²O.J. No. 327/1, 22.12.2000

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 15th June, 2007.*

“CEN” means Comité Européen de Normalisation (the European Committee of Standardisation);

“domestic distribution system” means the pipework, fittings and appliances within the curtilage of a premises, which are installed between the distribution network and the taps in the premises that are normally used for the provision of water for human consumption;

“exempted supply” means a supply of water which—

- (a) (i) constitutes an individual supply of less than 10 cubic metres a day on average or serves fewer than 50 persons, and
- (ii) is not supplied as part of a commercial or public activity, or
- (b) is used exclusively for purposes in respect of which the relevant supervisory authority is satisfied that the quality of the water has no influence, either directly or indirectly, on the health of the consumers concerned;

“ISO” means International Organisation for Standardisation;

“Minister” means the Minister for the Environment, Heritage and Local Government;

“monitoring” includes auditing, inspection, measurement, sampling or analysis, whether periodic or continuous;

“owner” means, in relation to a premises, a person, other than a mortgagee not in possession, who, whether in that person’s own right or as a trustee or agent for any other person, is entitled to receive the rent of the premises or, where the premises are not let at a rent, would be so entitled if they were so let;

“parametric value” has the same meaning as it has in the Directive;

“premises” includes any building, structure or land (whether or not there are structures on the land), and any plant or related accessories on or under such land, or any hereditament of tenure, together with any outbuildings and curtilage;

“public water supply” means a water supply which is in the charge or ownership of a sanitary authority or any person acting jointly with it or on its behalf under contract;

“sanitary authority” means, subject to section 83 of the Local Government Act 2001 (No. 37 of 2001), a sanitary authority for the purposes of the Local Government (Sanitary Services) Acts, 1878 to 2001;

“supervisory authority” means—

— in the case of water intended for human consumption supplied by a sanitary authority or any person acting jointly with it or on its behalf, the Agency,

— in the case of water intended for human consumption supplied by any other person, the sanitary authority in whose functional area the water is supplied, or the sanitary authority otherwise designated under Regulation 7(3);

“water intended for human consumption” means—

- (a) all water, either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic type purposes, regardless of its origin and whether it is supplied from a distribution network, from a private source or by tanker or similar means,
- (b) all water used in any food production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption, unless the supervisory authority is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form,

other than—

— natural mineral waters, recognised as such by the responsible authority as defined in the European Communities (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2007 (S.I. No. 225 of 2007),

— water supplied in bottles or containers,

— waters which are medicinal products within the meaning of Council Directive 65/65/EEC of 26 January, 1965³, or

—an exempted supply;

“water supplier” means any person supplying water intended for human consumption.

(2) In these Regulations—

- (a) a reference to a Regulation or the Schedule which is not otherwise identified is a reference to a Regulation or the Schedule of these Regulations,
- (b) a reference to a paragraph, subparagraph or clause which is not otherwise identified is a reference to a paragraph, subparagraph or clause of the Regulation in which the reference occurs, and

³O.J.No. L22,9.2.1965 p.369 as amended

- (c) a reference to a Schedule or part of it includes, where the context permits, any accompanying notes.

Duties of suppliers.

4. (1) Subject to any departure granted under Regulation 11, a water supplier shall ensure that the water is wholesome and clean and meets the requirements of these Regulations.

(2) For the purposes of paragraph (1), water shall be regarded as wholesome and clean if—

- (a) it is free from any micro-organisms and parasites and from any substances which in numbers or concentrations, constitute a potential danger to human health, and
- (b) it meets the quality standards specified in Tables A and B in Part 1 of the Schedule.

Point of compliance.

5. Subject to Table B in Part 2 of the Schedule, measurement of compliance with the parametric values specified in Part 1 of the Schedule shall be made in the case of—

- (a) water supplied from a distribution network or a private source, at the point within a premises at which it emerges from the tap or taps that are normally used for the provision of water for human consumption;
- (b) water supplied by tanker or similar means, at the point at which it emerges from it;
- (c) water used in a food-production undertaking, at the point where the water is used in the undertaking.

Duties in relation to water on premises.

6. (1) A water supplier shall not be in breach of its obligations under Regulation 4(1) where non-compliance is due to the domestic distribution system in a premises, or the maintenance thereof, and that distribution system is not in the charge or control of the water supplier in its capacity as a water supplier.

(2) The owner of a premises where water is supplied for human consumption as part of a commercial or public activity (including but not limited to schools, hospitals and restaurants) shall maintain the domestic distribution system of the premises in such condition that it does not cause, contribute to, or give rise to a risk of non-compliance of that water with a parametric value specified in Table A or Table B of Part 1 of the Schedule.

(3) Without prejudice to paragraphs (4) or (5), where a non-compliance referred to in paragraph (1), or a risk of such non-compliance, is in a premises where water is supplied for human consumption as part of a commercial or public activity (including, but not limited to, schools, hospitals and restaurants) the relevant sanitary authority shall ensure that appropriate action is taken

promptly (whether by the owner of the premises or the water supplier, or both, as the sanitary authority may consider appropriate) to—

- (a) immediately prevent, or restrict as the sanitary authority deems appropriate, the further supply of water for human consumption to the public through the domestic distribution system of the premises until the system is restored to such condition as to no longer be a cause or a risk of such non-compliance, and
- (b) restore the domestic distribution system of the premises to a standard necessary for compliance with these Regulations,

and the sanitary authority may issue such directions as it considers necessary for this purpose.

(4) (a) Where a premises referred to in paragraph (3) is owned by a sanitary authority—

- (i) the sanitary authority shall also inform the Agency promptly of the non-compliance and the action it proposes to take under subparagraphs (a) and (b) of that paragraph, and the proposed time-frame for completion of such action;
- (ii) the sanitary authority shall inform the Agency when the action proposed by it under clause (i) is completed, and of the resulting effect on the quality of water for human consumption in the premises;
- (iii) the Agency shall undertake such action as it considers necessary to verify that the action proposed or taken, as the case may be, by the sanitary authority is completed, and that the quality of water for human consumption in the premises has been restored to a standard necessary for compliance with these Regulations.

(b) A sanitary authority commits an offence if it fails to inform the Agency in accordance with clauses (i) or (ii) of subparagraph (a).

(5) For the purposes of paragraph (3), a sanitary authority shall decide what action should be taken having regard to the risk to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

(6) Where a non-compliance referred to in paragraph (1), or a risk of such non-compliance, is in a premises where water is supplied for human consumption but not as part of a commercial or public activity, the relevant sanitary authority shall nevertheless ensure that—

- (a) (i) appropriate measures are taken to reduce or eliminate the risk of non-compliance with the parametric value, including advising premises' owners affected of any possible remedial action which could be taken by them, or

- (ii) other measures are taken, such as application of appropriate treatment techniques, to change the nature or properties of the water before it is supplied so as to reduce or eliminate the risk of the water not complying with the parametric value after supply,

and

- (b) the consumers concerned are duly informed and advised of any possible additional remedial action that should be taken by them.
- (7) A person commits an offence if that person—
- (a) contravenes paragraph (2), or
 - (b) fails to comply with a direction under paragraph (3).

Monitoring functions of supervisory authorities.

7. (1) The Agency shall verify compliance of water intended for human consumption supplied by a sanitary authority, or any person acting jointly with it or on its behalf, with the parametric values specified in Part 1 of the Schedule.

(2) Subject to paragraph (3), each sanitary authority shall monitor compliance of water intended for human consumption supplied in its functional area by any water supplier, including that sanitary authority, with the parametric values specified in Part 1 of the Schedule.

(3) Where a water supply referred to in paragraph (2) is provided within the functional area of two or more sanitary authorities—

- (a) subject to subparagraph (b), those sanitary authorities may decide that one of them shall perform the functions required under that paragraph in respect of that water supply;
 - (b) the Minister may direct those sanitary authorities to nominate a single sanitary authority from among themselves to perform those functions, and where the authorities fail to comply with such a direction the Minister may direct that a specified sanitary authority shall perform them;
 - (c) the authority nominated under subparagraph (a), or specified under subparagraph (b) shall have such functions in regard to such supply as if it was provided solely in its functional area in the first instance.
- (4) (a) For the purpose of establishing compliance with the parametric values specified in Part 1 of the Schedule and of fulfilling their respective obligations under paragraphs (1) and (2), each sanitary authority and the Agency shall take all measures necessary to ensure that monitoring is carried out of water supplies for which it has supervisory responsibility, in accordance with any guidelines issued by the Agency under paragraph (11).

- (b) Each supervisory authority shall be responsible for the enforcement of compliance with these Regulations by the water suppliers for whom it has supervisory responsibility under these Regulations.
- (5) For the purposes of paragraph (4), without prejudice to paragraph (3), each sanitary authority shall—
- (a) specify the points at which samples shall be taken for analysis and establish a related monitoring programme in accordance with Part 2 of the Schedule, or ensure that such a monitoring programme is established in respect of every supply of water for human consumption, other than an exempted supply, in its functional area, and
- (b) submit the monitoring programme referred to in subparagraph (a) to the Agency for review at such times as the Agency may direct.
- (6) The Agency may direct a sanitary authority to amend, in such manner as the Agency may specify, a monitoring programme submitted by the authority to the Agency under paragraph (5)(b), and the sanitary authority shall comply with that direction.
- (7) Samples taken for the purposes of this Regulation shall be representative of the quality of the water consumed throughout the year, and shall be equally distributed through the supply.
- (8) A monitoring programme established under paragraph (5) shall comply with the specifications for the analysis of parameters specified in Part 3 of the Schedule and may provide for the use of—
- (a) methods of analysis other than those specified in section 1 of Part 3 of the Schedule, provided that the Agency is satisfied that the results obtained are at least as reliable as those produced by the specified methods, and
- (b) any method of analysis for those parameters listed in sections 2 and 3 of Part 3 of the Schedule, provided that it meets the requirements set out therein.
- (9) Where, for the purposes of paragraph (8)(a), the Agency satisfies itself that the results obtained from an alternative method of analysis are at least as reliable as those produced by the specified method, it shall forward to the Minister all relevant information concerning its comparative evaluation of the equivalent method, and the Minister shall forward the information to the Commission of the European Communities.
- (10) A supervisory authority shall ensure that additional monitoring is carried out on a case-by-case basis (whether by itself or the relevant water supplier) of substances and micro-organisms for which no parametric value has been specified in Part 1 of the Schedule, if there is reason to suspect that such substances or micro-organisms may be present in amounts or numbers that constitute a

potential danger to human health, and may direct a water supplier to carry out such monitoring as it considers necessary for this purpose.

(11) The Agency may issue guidelines on the manner, frequency and method by which parameters in Part 1 of the Schedule shall be monitored, and in relation to appropriate monitoring points.

(12) The Agency shall supervise the performance by each sanitary authority of its monitoring functions under these Regulations, and may issue such direction to a sanitary authority as it considers necessary to ensure that the sanitary authority is complying with its obligations as a supervisory authority under these Regulations.

(13) A sanitary authority shall comply with a direction from the Agency under paragraph (12).

(14) A sanitary authority commits an offence if it fails to comply with a direction from the Agency under these Regulations.

(15) The power to apply to the High Court under Regulation 18 shall apply also to the Agency for the purposes of this Regulation.

Records.

8. (1) A supervisory authority may direct a water supplier to keep such records and to submit to it, in such manner and at such times and in such circumstances as it may direct, such information as the supervisory authority may specify in relation to—

- (a) the management and treatment of water intended for human consumption,
- (b) the monitoring of compliance with water quality standards or other parametric values specified in Part 1 of the Schedule,
- (c) corrective action taken following a non-compliance with water quality standards or other parametric values specified in Part 1 of the Schedule, or
- (d) verification of the efficiency of a disinfection treatment in accordance with Regulation 13(2).

(2) Each supervisory authority shall carry out, cause to be carried out, or arrange for such monitoring as it considers necessary to verify information provided to it under paragraph (1).

(3) For the purposes of its functions under Regulation 7, each supervisory authority shall keep a register to record the details of each water supply for which it is a supervisory authority, and such register at a minimum shall record:

- (a) the name and address of the water supplier,

- (b) the volume of water supplied per day (expressed either in cubic metres or a population equivalent),
- (c) the type of water treatment in place,
- (d) the source of the water supply, and
- (e) the supply zone code allocated under the Drinking Water National Monitoring Programme (as referred to in the Department of the Environment, Heritage and Local Government circular letter, Reference WSP11/04, dated 17th December 2004), or such code as shall be allocated subsequently by the sanitary authority.

(4) Each sanitary authority shall maintain up to date records on an ongoing basis of monitoring results in relation to each water supply that it is required to monitor under Regulation 7(2) or 7(3).

(5) A water supplier shall, as directed by a supervisory authority, provide the supervisory authority with such details as the authority considers are necessary for it to maintain up to date the register and records referred to in paragraphs (3) and (4).

(6) A water supplier commits an offence if that person fails to comply with a direction from a supervisory authority under this Regulation.

(7) The register and records referred to in paragraphs (3) and (4) shall be kept at the principal office of the authority concerned, and shall be made available for inspection by any person during office hours.

(8) Where a request is made to—

- (a) a supervisory authority for a copy of an entry in the register maintained by it under paragraph (3), or
- (b) a sanitary authority for a copy of a record maintained by it under paragraph (4),

the authority shall issue such a copy to the applicant on, if so required, the payment by the applicant of a fee of such an amount (not exceeding the reasonable cost of making the copy) as may be determined.

(9) Subject to any guidelines that the Minister may issue for the purposes of this paragraph, in order to facilitate public access to information, the authorities referred to in paragraph (8) may keep a register or record (or part of it) under this Regulation in electronic format (such as on an internet website), provided that the register or record is capable of being used to make a legible copy or reproduction of any entry in it, and references in this Regulation to a copy of an entry in a register or a record shall be construed as including references to such electronic format or such legible copy or reproduction.

(10) Evidence of an entry in a register or a record may be given by production of a copy of it certified by an officer of the supervisory authority as being a true copy.

Protection of human health.

9. (1) Where a sanitary authority, in consultation with the Health Service Executive, considers that a supply of water intended for human consumption constitutes a potential danger to human health, the authority shall, subject to agreement with the Health Service Executive, ensure that—

- (a) the supply of such water is prohibited, or the use of such water is restricted, or such other action is taken as is necessary to protect human health,
- (b) consumers are informed promptly thereof and given the necessary advice, and
- (c) in the case of a public water supply, the Agency is informed promptly.

(2) For the purposes of paragraph (1), and subject to agreement with the Health Service Executive, where a supervisory authority is of the opinion that—

- (a) non-compliance with a water quality standard or other parametric value specified in Part 1 of the Schedule, or
- (b) the presence of any substance or micro-organism for which no water quality standard has been prescribed,

in water intended for human consumption, or the inefficiency of related disinfection treatment, constitutes, or may constitute, a risk to human health, the supervisory authority shall issue such direction to the relevant water supplier as it considers necessary to ensure that appropriate measures are taken for the purposes of preventing, limiting, eliminating or abating such risk, and the water supplier shall comply with such a direction.

(3) For the purposes of paragraph (2), a supervisory authority shall decide what action should be taken under this Regulation having due regard to the risks to human health that would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

(4) The duty imposed on a sanitary authority by paragraph (1) shall apply whether or not any failure to meet a parametric value specified in Part 1 of the Schedule has occurred.

(5) The Agency may issue guidelines to assist sanitary authorities to fulfil their obligations under this Regulation.

(6) A water supplier commits an offence if it fails to comply with a direction from a supervisory authority under this Regulation.

(7) A sanitary authority commits an offence if it fails to inform the Agency in accordance with paragraph (1)(c).

Remedial action.

10. (1) Each relevant sanitary authority shall ensure that any failure to meet the parametric values specified in Part 1 of the Schedule in its water supply, or in a water supply for which it is a supervisory authority, is immediately investigated by the relevant water supplier so as to identify the cause of such failure.

(2) For the purposes of paragraph (1), where a water supplier discovers a failure to meet the values specified in Part 1 of the Schedule in its water supply, that person shall notify the relevant supervisory authority for that supply in accordance with such guidelines as the Agency may issue for that purpose.

(3) A water supplier commits an offence if that person fails to notify the relevant supervisory authority in accordance with paragraph (2).

(4) Subject to Regulation 9 and paragraphs (5) and (8), where it is found, as a result of monitoring carried out for the purposes of these Regulations, that the quality of water intended for human consumption does not meet the parametric values specified in Part 1 of the Schedule, the supervisory authority shall, subject to any departures in force under these Regulations—

- (a) ensure that the necessary remedial action is taken by the water supplier as soon as possible to restore the quality of the water, and may issue such directions as it considers appropriate for this purpose to the relevant water supplier;
- (b) give priority to its enforcement action, having particular regard to the extent to which the relevant parametric value has been exceeded and to the potential danger to human health;
- (c) unless indicated otherwise in guidelines under paragraph (8), within 14 days of receiving the monitoring results, direct a water supplier to prepare an action programme and to submit it for the approval of the supervisory authority within 60 days, and to implement such action programme for the improvement of the quality of the water so as to secure compliance with these Regulations as soon as possible and not later than—
 - (i) 1 year from the date of approval by the supervisory authority of the action programme in relation to the water quality standards specified in Tables A and B in Part 1 of the Schedule in relation to matters that present a risk to human health, and
 - (ii) 2 years from the date of approval by the supervisory authority of the action programme in relation to all the water quality standards specified in Table B in Part 1 of the Schedule, other than those referred to in clause (i).

(5) (a) In the event of non-compliance with the parametric values or with the specifications provided for in Table C in Part 1 of the Schedule, a supervisory authority shall consider whether or not such non-compliance poses a risk to human health.

(b) Where it is determined that such risk exists, the supervisory authority shall apply the provisions of paragraph 4(c), and the relevant water supplier shall take remedial action to restore the quality of the water within the timeframe specified in the programme.

(6) A supervisory authority may amend an action programme submitted to it under paragraph (4)(c) before approving it, and the action programme thus amended and approved shall be regarded as the action programme for the purposes of these Regulations.

(7) An action programme under this Regulation shall include such interim measures as may be appropriate, and shall have regard to the provisions of any strategic water supply plan made by a sanitary authority for the area in which the water supply is situated.

(8) The Agency may issue guidelines in relation to the nature and timing of remedial, enforcement or other relevant action under this Regulation in specified circumstances, depending on the extent and likely consequences of a non-compliance with parametric values specified in Part 1 of the Schedule, and a sanitary authority shall take such guidelines fully into account when fulfilling its obligations under paragraph (4).

(9) Where remedial action is taken in relation to a water supply, the water supplier shall ensure that consumers are informed of such action, save where the supervisory authority considers the non-compliance with the parametric value to be trivial in nature or extent.

(10) For the purposes of paragraph (1), each water supplier shall maintain a record of any incidence of failure to meet the parametric values specified in Part 1 of the Schedule, and such record shall include details of—

(a) the date of the incident,

(b) the extent and duration of the failure,

(c) the cause of the failure, and

(d) details of any complaint received arising from such failure.

(11) Records referred to in paragraph (10) shall be made available by a water supplier to a supervisory authority on request from the supervisory authority.

(12) A water supplier commits an offence if that person fails to—

(a) comply with a direction under paragraph (4),

- (b) inform consumers in accordance with paragraph (9),
- (c) maintain records for the purposes of paragraph (10), or
- (d) make a record available to a supervisory authority on request under paragraph (11).

Departures from standards.

11. (1) A departure from the parametric values specified in Table B in Part 1 of the Schedule, up to a maximum value for each such departure to be determined by the Agency, may on application by a sanitary authority, subject to the agreement of the Health Service Executive, be granted by the Agency in relation to a water supply, provided no such departure constitutes a potential danger to human health and that the supply of water intended for human consumption in the area concerned cannot otherwise be maintained by any other reasonable means.

(2) An application to the Agency for the grant of a departure under paragraph (1) in respect of a water supply shall be made by a sanitary authority in whose area the water supply is located.

(3) An application for a departure under paragraph (1) shall contain such information as may be specified by the Agency.

(4) A departure granted under paragraph (1) shall—

- (a) be subject to such conditions as may be specified by the Agency,
- (b) have effect for as short a period of time as possible, which shall not exceed 3 years,
- (c) subject to paragraph (5), specify the matters set out in Part 4 of the Schedule, and
- (d) be reviewed by the Agency prior to the end of the period of the departure so as to determine whether sufficient progress has been made in the opinion of the Agency.

(5) (a) Subject to subparagraph (b), paragraph (4) shall not apply in any case where the Agency considers that—

- (i) the non-compliance with the parametric value is trivial, and
- (ii) the action taken in accordance with Regulation 10(4)(a) is sufficient to remedy the problem within 30 days,

and in such a case, a departure granted under this Regulation need specify only the maximum permissible value for the parameter and the time allowed to remedy the problem.

(b) Subparagraph (a) shall not apply in the case of a water supply where failure to comply with any one parametric value in relation to that

supply has occurred on more than 30 days on aggregate during the previous 12 months.

(6) The Agency may grant a second departure, which shall not exceed 3 years, up to a maximum value to be determined by the Agency and subject to the agreement of the Health Service Executive, and where it does so—

- (a) the Agency shall forward the related review to the Minister, and notify him or her of the departure and the reasons for granting it;
- (b) the Minister shall forward the related review and details of the reasons for granting the second departure to the Commission of the European Communities.

(7) In exceptional circumstances, the Minister may, at the request of the Agency, apply to the Commission of the European Communities for a third departure up to a maximum value determined by the Agency with the agreement of the Health Service Executive, for a period not exceeding 3 years.

(8) Where any departure, other than a departure to which paragraph (5) applies, involves an individual supply of water exceeding 1,000 cubic metres a day as an average or serving more than 5,000 people, the Agency shall immediately notify the Minister, who shall in turn notify the Commission of the European Communities within 2 months of the date of the granting of the departure, specifying the matters set out in Part 4 of the Schedule.

(9) A sanitary authority which is granted a departure under this Regulation, other than a departure to which paragraph (5) applies, shall ensure that—

- (a) the population affected by such departure is informed promptly in an appropriate manner of the departure and of the conditions governing it, and
- (b) advice is given, where necessary, to particular population groups for which the departure could present a special risk.

Intervention by supervisory authority.

12. (1) Without prejudice to Regulation 9, having exercised such of its powers under these Regulations as it considers appropriate, and having considered any information furnished to it or otherwise coming into its possession in consequence of that exercise, each supervisory authority shall, with a view to achieving satisfactory compliance of water supplied for human consumption with relevant water quality standards or other parametric values specified in Part 1 of the Schedule, do all or any of the following:

- (a) issue such direction to a water supplier, as it considers necessary;
- (b) provide, on such terms and conditions as may be agreed, such assistance or support as the supervisory authority considers, in consultation with the water supplier, would be helpful.

(2) Where a water supplier fails to comply with a direction issued under paragraph (1) or Regulation 9, the supervisory authority may carry out, cause to be carried out, or arrange for, such action as it considers necessary to ensure compliance with that direction, and the costs of such action may be recovered by the authority from the water supplier concerned as a simple contract debt in any court of competent jurisdiction.

Quality of treatment, equipment and materials.

13. (1) Each water supplier shall take all measures necessary to ensure that no substances or materials for new installations used in the preparation or distribution of water intended for human consumption, or impurities associated with such substances or materials for new installations, remain in water intended for human consumption in concentrations higher than is necessary for the purpose of their use, and that any such substances or materials do not, either directly or indirectly, reduce the protection of human health provided for in these Regulations.

(2) Each water supplier shall take all measures necessary to ensure that, where disinfection forms part of the preparation or distribution of water intended for human consumption, the efficiency of the disinfection treatment is verified and that any contamination from disinfection by-products is kept as low as possible without compromising the disinfection, in accordance with such directions as the relevant supervisory authority may give.

(3) A supervisory authority may direct a water supplier to undertake specific measures for the purpose of compliance with paragraph (1) or (2).

(4) A water supplier commits an offence if that person fails to comply with a direction under paragraph (3).

Information in case of exempted supplies.

14. (1) Each relevant sanitary authority shall take measures, in accordance with guidelines issued by the Agency, to notify the population served by an exempted supply of—

(a) the fact that these Regulations do not apply to such supply, and

(b) action that can be taken to protect human health from the adverse effects resulting from any contamination of water intended for human consumption, and

(2) Where it is apparent to a sanitary authority that a potential danger to human health arises from the quality of an exempted supply, it shall, in accordance with guidelines issued by the Agency, ensure that the consumers of that supply are given appropriate advice promptly.

(3) The Agency may issue guidelines for the purposes of paragraphs (1) or (2), which shall be binding.

(4) A sanitary authority commits an offence if it fails to comply with paragraphs (1) or (2).

Quality to be maintained.

15. Measures taken by a supervisory authority or a water supplier to apply the provisions of these Regulations shall in no case have the effect of allowing, directly or indirectly, either any deterioration in the existing quality of water intended for human consumption, so far as that is relevant for the protection of human health, or an increase in the pollution of waters used for the production of drinking water.

Directions.

16. (1) A supervisory authority may give such directions as it considers appropriate for the purposes of its functions under these Regulations.

(2) A person commits an offence if that person fails to comply with a direction under paragraph (1).

Performance verification.

17. (1) Each supervisory authority shall undertake an audit of water supplies for which it has supervisory responsibility, to ensure that the provisions of these Regulations are being complied with by the relevant water supplier.

(2) The frequency and content of the audit provided for in paragraph (1) shall be in accordance with guidelines prepared by the Agency under this Regulation.

(3) The Agency may issue guidelines for the purposes of paragraph (2), which shall be binding on all supervisory authorities.

Injunctive relief.

18. (1) Where, on application by a supervisory authority to the High Court, the Court is satisfied that a person has failed to comply with a direction or a requirement of, or under, these Regulations, the Court may by order—

- (a) direct the person to comply with the direction or requirement, and
- (b) make such other provision, including provision in relation to the payment of costs, as the Court considers appropriate.

(2) An application for an order under this Regulation shall be by motion, and the High Court, when considering the matter, may make such interim or interlocutory order as it considers appropriate.

(3) An application for an order under this Regulation may be made whether or not there has been a prosecution for an offence under these Regulations in relation to the activity concerned, and shall not prejudice the initiation of a prosecution for an offence under these Regulations in relation to the activity concerned.

Powers of authorised persons.

19. (1) An authorised person may at all reasonable times, or at any time if that person has reasonable grounds for believing that there is or may be a risk to human health, enter any premises for the purpose of these Regulations, and

bring on to those premises such other persons or equipment, and carry out such work as that authorised person may consider necessary.

(2) When exercising the powers conferred under these Regulations, an authorised person shall, if so required, provide evidence of the authorised person's authority.

(3) A person who—

- (a) refuses to allow an authorised person on to a premises, or to allow an authorised person to bring any other person or equipment with him or her on to a premises or carry out any work in the exercise of the authorised person's powers under these Regulations,
- (b) obstructs or impedes an authorised person in the exercise of the authorised person's powers,
- (c) gives to an authorised person information which, to the knowledge of the person giving it, is false or misleading in a material respect, or
- (d) fails or refuses to comply with a direction or requirement of an authorised person,

commits an offence.

Charges by supervisory authorities.

20. (1) A supervisory authority may charge for monitoring the quality of water supplies intended for human consumption.

(2) A charge made by a supervisory authority by virtue of paragraph (1) shall be of such amount as the authority considers appropriate, but shall not exceed the cost of such monitoring.

(3) A supervisory authority may recover the amount of any charge made by it under paragraph (1) as a simple contract debt in any court of competent jurisdiction.

Offences by bodies corporate.

21. (1) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or of a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if that person was guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to the acts and defaults of a member in connection with that member's functions of management as if that member was a director of the body corporate.

Prosecutions and penalties.

22. (1) A prosecution for a summary offence under these Regulations may be taken by the Agency or relevant sanitary authority, as appropriate.

(2) A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both.

Revocation.

23. The European Communities (Drinking Water) Regulations 2007 (S.I. No. 106 of 2007) are hereby revoked.

SCHEDULE

Part 1

PARAMETERS AND PARAMETRIC VALUES

TABLE A
MICROBIOLOGICAL PARAMETERS

	Parameter	Parametric value (number/100 ml)
1	Escherichia coli (E.coli)	0
2	Enterococci	0

TABLE B
CHEMICAL PARAMETERS

	Parameter	Parametric value	Unit	Comments
3	Acrylamide	0.10	µg/l	Note 1
4	Antimony	5.0	µg/l	
5	Arsenic	10	µg/l	
6	Benzene	1.0	µg/l	
7	Benzo(a)pyrene	0.010	µg/l	
8	Boron	1.0	mg/l	
9	Bromate <ul style="list-style-type: none"> • until 24 December 2008 • from 25 December 2008 	25 10	µg/l µg/l	
10	Cadmium	5.0	µg/l	
11	Chromium	50	µg/l	
12	Copper	2.0	mg/l	Note 2
13	Cyanide	50	µg/l	

	Parameter	Parametric value	Unit	Comments
14	1,2-dichloroethane	3.0	µg/l	
15	Epichlorohydrin	0.10	µg/l	Note 1
16	Fluoride (a) fluoridated supplies • until 30 June 2007 • from 1 July 2007 (b) supplies with naturally occurring fluoride, not needing further fluoridation	1.0 0.8 1.5	mg/l mg/l mg/l	
17	Lead • until 24 December 2013 • from 25 December 2013	25 10	µg/l µg/l	Notes 2 and 3
18	Mercury	1.0	µg/l	
19	Nickel	20	µg/l	Note 2
20	Nitrate	50	mg/l	Note 4
21	Nitrite	0.50	mg/l	Note 4
22	Pesticides	0.10	µg/l	Notes 5 and 6
23	Pesticides — Total	0.50	µg/l	Note 5 and 7
24	Polycyclic aromatic hydrocarbons	0.10	µg/l	Sum of concentrations of specified compounds; Note 8
25	Selenium	10	µg/l	
26	Tetrachloroethene and Trichloroethene	10	µg/l	Sum of concentrations of specified parameters.
27	Trihalomethanes — Total • until 24 December 2008 • from 25 December 2008	150 100	µg/l µg/l	Sum of concentrations of specified compounds; Note 9
28	Vinyl chloride	0.50	µg/l	Note 1

Notes

Note 1 The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.

Note 2 The value applies to a sample of water intended for human consumption obtained by an adequate sampling method at the tap and taken so as to be representative of a weekly average value ingested by consumers and that takes account of the occurrence of peak levels that may cause adverse effects on human health.

Note 3 All appropriate measures shall be taken to reduce the concentration of lead in water intended for human consumption as much as possible during the period needed to achieve compliance with the parametric value.

When implementing the measures priority shall be progressively given to achieve compliance with that value where lead concentrations in water intended for human consumption are highest.

Note 4 Compliance must be ensured with the conditions that $\frac{[\text{nitrate}]/50 + [\text{nitrite}]/3}{\leq 1}$, the square brackets signifying the concentrations in mg/l for nitrate (NO₃) and nitrite (NO₂) and the value of 0.10mg/l for nitrites ex water treatment works.

Note 5 Only those pesticides which are likely to be present in a given supply require to be monitored.

“Pesticides” means—

- organic insecticides,
- organic herbicides,
- organic fungicides,
- organic nematocides,
- organic acaricides,
- organic algicides,
- organic rodenticides,
- organic slimicides,
- related products (*inter alia*, growth regulators)

and their relevant metabolites, degradation and reaction products.

Note 6 The parametric value applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide the parametric value is 0.030 µg/l.

Note 7 “Pesticides — Total” means the sum of all individual pesticides detected and quantified in the course of the monitoring procedure;

Note 8 The specified compounds are—

- benzo(*b*)fluoranthene
- benzo(*k*)fluoranthene
- benzo(*ghi*)perylene
- indeno(1,2,3-*cd*)pyrene.

Note 9 The specified compounds are: chloroform, bromoform, dibromochloromethane and bromodichloromethane.

All appropriate measures must be taken to reduce the concentration of trihalomethanes in water intended for human consumption as much as possible during the period needed to achieve compliance with the parametric value.

When implementing the measures to achieve this value, priority must progressively be given to those areas where trihalomethane concentrations in water intended for human consumption are highest.

TABLE C
INDICATOR PARAMETERS

	Parameter	Parametric value	Unit	Comment
29	Aluminium	200	µg/l	
30	Ammonium	0.30	mg/l	
31	Chloride	250	mg/l	Note 1
32	Clostridium perfringens (including spores)	0	number/100 ml	Note 2
33	Colour	Acceptable to consumers and no abnormal change		
34	Conductivity	2,500	µS cm ⁻¹ at 20°C	Note 1
35	Hydrogen ion concentration	≥ 6.5 and ≤9.5	pH units	Note 1
36	Iron	200	µg/l	
37	Manganese	50	µg/l	
38	Odour	Acceptable to consumers and no abnormal change		
39	Oxidisability	5.0	mg/l O ₂	Note 3
40	Sulphate	250	mg/l	Note 1
41	Sodium	200	mg/l	
42	Taste	Acceptable to consumers and no abnormal change		
43	Colony count 22°	No abnormal change		
44	Coliform bacteria	0	number/100 ml	
45	Total organic carbon (TOC)	No abnormal change		Note 4
46	Turbidity	Acceptable to consumers and no abnormal change		Note 5

RADIOACTIVITY

	Parameter	Parametric value	Unit	Comments
47	Tritium	100	Bq/l	Notes 6 and 8
48	Total indicative dose	0.10	mSv/year	Notes 7 and 8

Notes

Note 1: The water should not be aggressive.

Note 2: This parameter need not be measured unless the water originates from or is influenced by surface water. In the event of non-compliance with this parametric value, the supply shall be investigated to ensure that there is no potential danger to human health arising from the presence of pathogenic micro-organisms, e.g. cryptosporidium.

Note 3: This parameter need not be measured if the parameter TOC is analysed.

Note 4: This parameter need not be measured for supplies of less than 10,000m³ a day.

Note 5: In the case of surface water treatment, a parametric value not exceeding 1.0 NTU (nephelometric turbidity units) in the water ex treatment works must be strived for.

Note 6: Monitoring frequencies to be set at a later date in Part 2 of the Schedule.

Note 7: Excluding tritium, potassium-40, radon and radon decay products; monitoring frequencies, monitoring methods and the most relevant locations for monitoring points to be set at a later date in Part 2 of the Schedule.

Note 8: A. The proposals required by Note 6 on monitoring frequencies, and Note 7 on monitoring frequencies, monitoring methods and the most relevant locations for monitoring points in Part 2 of the Schedule shall be adopted in accordance with the Committee procedure laid down in Article 12 of the Directive.

B. Drinking water need not be monitored for tritium or radioactivity to establish total indicative dose where, on the basis of other monitoring carried out, the levels of tritium of the calculated total indicative dose are well below the parametric value.

Part 2

MONITORING

TABLE A**PARAMETERS TO BE ANALYSED****1. Check monitoring**

The purpose of check monitoring is regularly to provide information on the organoleptic and microbiological quality of the water supplied for human consumption as well as information on the effectiveness of drinking-water treatment (particularly of disinfection) where it is used, in order to determine whether or not water intended for human consumption complies with the relevant parametric values laid down in Part 1 of this Schedule.

The following parameters must be subject to check monitoring:

Aluminium (Note 1)
 Ammonium
 Colour
 Conductivity
Clostridium perfringens (including spores)(Note 2)
Escherichia coli (*E. coli*)
 Hydrogen ion concentration
 Iron (Note 1)
 Nitrite (Note 3)
 Odour
 Taste
 Coliform bacteria
 Turbidity

Notes

Note 1: Necessary only when used as flocculant (*).

Note 2: Necessary only if the water originates from or is influenced by surface water (*).

Note 3: Necessary only when chloramination is used as a disinfectant.

(*) In all other cases, the parameters shall be included under audit monitoring.

2. Audit monitoring

The purpose of audit monitoring is to provide the information necessary to determine whether or not all the parametric values specified in Part 1 of this Schedule are being complied with. All such parameters must be subject to audit monitoring unless it can be established by a supervisory authority, for a period of time to be determined by it, that a parameter is not likely to be present in a

given supply in concentrations which could lead to the risk of a breach of the relevant parametric value. This paragraph does not apply to the parameters for radioactivity, which, subject to Notes 6, 7 and 8 in Table C in Part 1 of the Schedule will be monitored in accordance with monitoring requirements adopted under the Committee procedure set out in Article 12 of the Directive.

TABLE B

Minimum frequency of sampling and analyses for water intended for human consumption supplied from a distribution network or from a tanker or used in a food-production undertaking

Samples must be taken at the points of compliance as defined in Regulation 5 to ensure that water intended for human consumption meets the requirements of these Regulations. However, in the case of a distribution network, samples may be taken within the supply zone or at the treatment works for particular parameters if it can be demonstrated that there would be no adverse change to the measured value of the parameters concerned.

Volume of water distributed or produced each day within a supply zone (Notes 1 and 2) m ³	Check monitoring — number of samples per year (Notes 3, 4 and 5)	Audit monitoring — number of samples per year (Notes 3 and 5)
< 10 where water is supplied as part of a commercial or public activity	Note 6	Note 6
≥ 10 ≤ 100	2	Note 6
> 100 ≤ 1,000	4	1
> 1,000 ≤ 10,000	4 + 3 for each 1,000 m ³ /d and part thereof of the total volume	1 + 1 for each 3,300 m ³ /d and part thereof of the total volume
> 10,000 ≤ 100,000		3 + 1 for each 10,000 m ³ /d and part thereof of the total volume
> 100,000		10 + 1 for each 25,000 m ³ /d and part thereof of the total volume

Notes

Note 1: A supply zone is a geographically defined area within which water intended for human consumption comes from one or more sources and water quality may be considered as being approximately uniform.

Note 2: The volumes are calculated as averages taken over a calendar year. The number of inhabitants in a supply zone may be used instead of the

volume of water to determine the minimum frequency, assuming a water consumption of 200 l/day/capita.

Note 3: In the event of intermittent short-term supply the monitoring frequency of water distributed by tankers is to be decided by the sanitary authority concerned.

Note 4: Where the values of the results obtained from samples taken during the preceding two years are constant and are significantly better than the values specified in Part 1 of the Schedule, and no factor is likely to cause deterioration in the quality of the water, the number of samples specified in Table B of Part 2 of the Schedule may be reduced, and the number of samples taken shall be reduced by not more than 50% (except in the case of a supply where the volume of water distributed or produced each day within a supply zone does not exceed 100m³).

Note 5: As far as possible, the number of samples should be distributed equally in time and location.

Note 6: To be determined by supervisory authority, subject to any relevant guidance issued by the Agency.

Part 3

SPECIFICATIONS FOR THE ANALYSIS OF PARAMETERS

Each laboratory at which samples are analysed must have a system of analytical quality control that is subject from time to time to checking by a person who is not under the control of the laboratory and who is approved by the Agency for that purpose.

Section 1

PARAMETERS FOR WHICH METHODS OF ANALYSIS ARE SPECIFIED

The following principles for methods of analysis of microbiological parameters are given either for reference whenever CEN/ISO method is given or for guidance, pending the possible future adoption (in accordance with the Committee procedure laid down in Article 12 of the Directive) of further CEN/ISO international methods for these parameters. Alternative methods may be used, providing the provisions of Regulations 7(8)(a) and 7(8)(b) are adhered to.

Coliform bacteria and *Escherichia coli* (*E.coli*) (ISO 9308-1)

Enterococci (ISO 7899-2)

Clostridium perfringens (including spores)

Membrane filtration followed by anaerobic incubation of the membrane on m-CP agar (Note 1) at $44 \pm 1^\circ\text{C}$ for 21 ± 3 hours.

Count opaque yellow colonies that turn pink or red after exposure to ammonium hydroxide vapours for 20 to 30 seconds.

Notes

Note 1: The composition of m-CP agar is—

Basal medium

Tryptose	30 g
Yeast extract	20g
Sucrose	5 g
L-cysteine hydrochloride	1 g
MgSO ₄ .7H ₂ O	0.1g
Bromocresol purple	40 mg
Agar	15 g
Water	1,000 ml

Dissolve the ingredients of the basal medium, adjust pH to 7.6 and autoclave at 121°C for 15 minutes. Allow the medium to cool and add—

D-cycloserine	400 mg
Polymyxine-B sulphate	25 mg
Indoxyl-β-D-glucoside to be dissolved in 8 ml sterile water before addition	60 mg
Filter — sterilised 0.5% phenolphthalein diphosphate solution	20 ml
Filter — sterilised 4.5 % FeCl ₃ . 6H ₂ O	2 ml

Section 2

PARAMETERS FOR WHICH PERFORMANCE CHARACTERISTICS ARE SPECIFIED

For the following parameters, the specified performance characteristics are that the method of analysis used must, as a minimum, be capable of measuring concentrations equal to the parametric value with a trueness, precision and limit of detection specified. Whatever the sensitivity of the method of analysis used, the result must be expressed using at least the same number of decimals as for the parametric value considered in Tables B and C in Part 1 of the Schedule.

Parameters	Trueness % of parametric value (Note 1)	Precision % of parametric value (Note 2)	Limit of detection % of parametric value (Note 3)	Conditions	Notes
Acrylamide				To be controlled by product specification	
Aluminium	10	10	10		
Ammonium	10	10	10		
Antimony	25	25	25		
Arsenic	10	10	10		
Benzo(a)pyrene	25	25	25		

Parameters	Trueness % of parametric value (Note 1)	Precision % of parametric value (Note 2)	Limit of detection % of parametric value (Note 3)	Conditions	Notes
Benzene	25	25	25		
Boron	10	10	10		
Bromate	25	25	25		
Cadmium	10	10	10		
Chloride	10	10	10		
Chromium	10	10	10		
Conductivity	10	10	10		
Copper	10	10	10		
Cyanide	10	10	10		Note 4
1,2-dichloroethane	25	25	10		
Epichlorohydrin				To be controlled by product specification	
Fluoride	10	10	10		
Iron	10	10	10		
Lead	10	10	10		
Manganese	10	10	10		
Mercury	20	10	20		
Nickel	10	10	10		
Nitrate	10	10	10		
Nitrite	10	10	10		
Oxidisability	25	25	10		Note 5
Pesticides	25	25	25		Note 6
Polycyclic aromatic hydrocarbons	25	25	25		Note 7
Selenium	10	10	10		
Sodium	10	10	10		
Sulphate	10	10	10		
Tetrachloroethene	25	25	10		Note 8
Trichloroethene	25	25	10		Note 8
Trihalomethanes — Total	25	25	10		Note 7
Vinyl chloride				To be controlled by product specification	

For hydrogen ion concentration the specified performance characteristics are that the method of analysis used must be capable of measuring concentrations equal to the parametric value with a trueness of 0.2 pH unit and a precision of 0.2 pH unit.

Notes

Note 1 (*): Trueness is the systematic error and is the difference between the mean value of the large number of repeated measurements and the true value.

Note 2 (*): Precision is the random error and is usually expressed as the standard deviation (within and between batch) of the spread of results about the mean. Acceptable precision is twice the relative standard deviation.

(*) These terms are further defined in ISO 5725, issued by the ISO.

Note 3: Limit of detection is either:

— three times the relative within batch standard deviation of a natural sample containing a low concentration of the parameter,
or

— five times the relative within batch standard deviation of a blank sample.

Note 4: The method should determine total cyanide in all forms.

Note 5: Oxidation should be carried out for 10 minutes at 100°C under acid conditions using permanganate.

Note 6: The performance characteristics apply to each individual pesticide and will depend on the pesticide concerned. The limit of detection may not be achievable for all pesticides at present, but sanitary authorities should strive to achieve this standard.

Note 7: The performance characteristics apply to the individual substances specified at 25% of the parametric value in Part 1 of the Schedule.

Note 8: The performance characteristics apply to the individual substances specified at 50% of the parametric value in Part 1 of the Schedule.

Section 3**PARAMETERS FOR WHICH NO METHOD OF ANALYSIS IS SPECIFIED**

Colour

Odour

Taste

Total organic carbon

Turbidity (see note)

Note: For turbidity monitoring in treated surface water the specified performance characteristics are that the method of analysis used must, as a minimum, be capable of measuring concentrations equal to the parametric value with a trueness of 25%, precision of 25% and a 25% limit of detection.

Part 4

MATTERS TO BE SPECIFIED IN GRANT OF DEPARTURE UNDER
REGULATION 11

1. The grounds for the departure.
2. The parameter concerned, previous relevant monitoring results, and the maximum permissible value under the departure.
3. The geographical area, the quantity of water supplied each day, the population concerned and whether or not any relevant food-production undertaking would be affected.
4. An appropriate monitoring scheme, with an increased monitoring frequency where necessary.
5. 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.
6. The required duration of the departure.



GIVEN under my Official Seal,
12 June 2007

DICK ROCHE.
Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations prescribe quality standards to be applied, and related supervision and enforcement procedures in relation to supplies of drinking water, including requirements as to sampling frequency, methods of analysis, the provision of information to consumers and related matters. The Regulations update the European Communities (Drinking Water) Regulations 2007 (S.I. No. 106 of 2007), which are duly revoked, to provide for indictable offences.

BAILE ÁTHA CLIATH
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
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