

Decree setting out rules concerning the production and distribution of electricity and drinking water on Bonaire, St. Eustatius and Saba (Besluit elektriciteit en drinkwater BES (BES electricity and drinking water Decree))

At the recommendation of our Minister of Infrastructure and Environment, No. IenM / BSK- , Head of Administrative and Legal Affairs (Hoofddirectie Bestuurlijke en Juridische Zaken), in consultation with our Minister of Economic Affairs;

Having regard to Articles 2.2, fifth paragraph, 2.3, second and third paragraph, 3.5, fifth and sixth paragraph, 3.13, first paragraph, preamble and under b and second paragraph in conjunction with Article 2.3, second paragraph, preamble and under c, and Articles 4.2, second paragraph, 4.3 and 6.13, second paragraph, of the BES Electricity and Drinking Water Act;

Have approved and decreed:

CHAPTER 1. General stipulations

Article 1.1 (definitions)

In this Decree and the provisions based thereon, the following definitions apply:

delivery point for drinking water: place where the drinking water mains turns into a mains-connected house installation as referred to in Article 3.13, second paragraph, of the Act;

tap: place where drinking water becomes available for use;

Act: Wet elektriciteit en drinkwater BES (BES Electricity and Drinking Water Act).

CHAPTER 2. Production and distribution of drinking water

§ 2.1 quality requirements for the drinking water chain

Article 2.1 (quality requirements and the extraction and the processing of water into raw material)

Any party who extracts or processes water for the purpose of producing drinking water:

- a. shall ensure that the extraction or treatment does not involve the use of polluted water or polluted substances other than absolutely necessary for the extraction or treatment;
- b. shall implement a quality assurance and monitoring system with a view to the requirements referred to under a, and
- c. shall provide the producer of drinking water with information on the quality of the water or raw material supplied to him on request.

Article 2.2 (quality requirements and measures regarding the production of drinking water)

1. A producer of drinking water shall ensure that on delivery, the drinking water produced by him meets the quality requirements set out in Appendix A and B.
2. A producer of drinking water shall implement the measures that are required in view of the duties referred to in Article 2.3, first paragraph, parts a and b of the Act in a timely manner. In case of an integrated company as defined in Article 3.5, fourth paragraph, of the Act, this shall be based on the quality and capacity document referred to in the third paragraph of that article.

Article 2.3 (delivery requirements and measures for the distribution of drinking water)

1. A distributor of drinking water shall ensure that the drinking water he has supplied to the customer meets the quality requirements set out in Appendix A and B at the delivery point.
2. A distributor of drinking water shall implement the measures that are required in view of the duties referred to in Article 3.5, first paragraph, preamble and section a, and the second paragraph, preamble and section a, of the Act in a timely manner. This shall be based on the quality and capacity document as referred to in the third paragraph of this Article.

Article 2.4 (quality requirements and measures regarding other installations)

The owner of a facility as referred to in Article 3.13, first or second paragraph of the Act, shall ensure that the drinking water supplied by him at the tap meets the quality requirements laid out in Appendix A and B, and shall take the measures required to achieve this.

§ 2.2 quality assurance, risk analysis and disruption of the drinking water chain

Article 2.5 (quality assurance and control, measurement programme and reporting)

1. A producer or distributor of drinking water shall have a quality assurance and control system, including a measurement programme, in view of the requirements referred to in Article 2.3, first and second paragraphs, and 3.5, first and second paragraph, of the Act respectively, and Appendix A and B.
2. The quality assurance and control system shall meet the requirements set out in Appendix C.
3. The monitoring programme shall meet the requirements listed in Appendix A and D.
4. A producer or distributor of drinking water shall make the results of the measurement programme for the current and previous calendar year available to the drinking water regulator and shall report the measurement results and time of these measurements at his request.

Article 2.6 (quality and capacity document)

The quality and capacity document with the risk assessment referred to in Article 3.5, third paragraph, of the Act, meets the requirements laid out in Appendix E.

Article 2.7 (measures in case of disruption)

1. If a disruption occurs in the production or distribution of drinking water which means the quality of the drinking water does not meet the quality requirements set out in Appendix A or B, or the supply is interrupted, the producer or distributor shall take any measures necessary to resolve the problem as quickly as possible.
2. If the disruption is expected to result in or has already resulted in a disruption for a period longer than 24 hours, or if as a result of the disruption there is a danger to public health, the producer or distributor shall immediately notify the regulator for drinking water about the following:
 - a. the quality and quantity of the drinking water supplied; and
 - b. the measures taken or being taken to help guarantee the quality and quantity of the drinking water.
3. If a producer does not meet the quality or quantity requirements specified in Appendix A or B, he will notify the distributor about the following as soon as possible:
 - a. the quality and quantity of the supplied drinking water;
 - b. the risks to public health.
4. If a distributor does not meet the quality or quantity requirements specified in Appendix A or B, he shall notify the purchasers about the following as soon as possible:
 - a. the quality and quantity of the supplied drinking water;
 - b. the risks to public health.
 - c. any preventive or remedial measures taken or to be taken by the distributor if the installation of the customer does not meet the requirements; and
 - d. the measures the customers should take to protect public health.
5. In the event of a disruption that will disrupt the drinking water supply to the customer for more than 24 hours, the distributor is obliged to provide emergency drinking water.

Article 2.8 (emergency supply)

1. The appointment, as referred to in Article 4.2, first paragraph, of the Act, comes into effect after consultation with the emergency producer or distributor.
2. At the request of the distributor, the emergency producer shall supply sufficient safe drinking water if the producer is not able to do so.

3. At the request of the executive council, the emergency distributor shall supply distribution points designated by the Council with sufficient safe drinking water if the distributor is unable to do so.

CHAPTER 3. Other stipulations

Article 3.1 (procedure for licensing, appointment or exemption)

1. If necessary for proper implementation, a ministerial regulation may impose additional rules concerning:

- a. the criteria as referred to in Article 2.2, first paragraph, parts a and b of the Act and Article 3.2, first paragraph, parts a and b of the Act;
- b. the content of a license as referred to in Article 2.2, first paragraph, of the Act, an appointment as referred to in Article 3.2, first paragraph, of the Act, or the content, duration and conditions of an exemption as referred to in Article 6.13, first paragraph, of the Act, and the regulations or restrictions to be established for a license, appointment or exemption.

2. Sections 4.1.3.2 and 4.1.3.3 of the Algemene wet bestuursrecht (General Administrative Law Act) shall not apply to the procedure for licensing, appointment or exemption as referred to in the second paragraph.

Article 3.2 (measurement frequency)

Through ministerial regulation, the frequency of the measurement of the amount of electricity or drinking water purchased, as referred to in Article 3.5, first paragraph, section e of the Act, can be determined.

CHAPTER 4. Final stipulations

Article 4.1 (entry into force)

The articles of this Decree shall come into force at a time to be determined by royal decree, which can be specified differently for the various articles or parts.

Article 4.2 (title for citation)

This Decree is quoted as: Besluit elektriciteit en drinkwater BES (BES electricity and drinking water Decree).

We order and command that this Decree, together with the relevant explanatory notes shall be published in the Bulletin of Acts and Decrees (Staatsblad).

THE MINISTER OF INFRASTRUCTURE AND ENVIRONMENT,

APPENDICES

Appendix A. Quality requirements for drinking water (Appendix to Article 2.3 to 2.5 of the Decree setting out rules concerning the production and distribution of electricity and drinking water on Bonaire, St. Eustatius and Saba (Besluit elektriciteit en drinkwater BES (BES electricity and drinking water Decree))

Table 1: microbiological and chemical parameters

Parameters	Standard	Sampling frequency raw water per year ⁰	Sampling frequency treated water	Sampling frequency per measurement point at the tap ^{5,6}
Escherichia coli	0 cfu/100 ml	12	52	12
Enterococci	0 cfu/100 ml	12	52	12
Coliform bacteria 37 °C	0 cfu/100 ml	12	52	12
Clostridium perfringens incl. spores	0 cfu/100 ml	12	12	
Colony count 37 °C	500 cfu/ml	12	52	12
Nitrate	50 mg/l	2	2	
Nitrite	0.1 mg/l	2	12	12
Boron	1.0 mg/l	2	2	
Ammonium	0.5 mg/l	2	12	12
Chloride	150 mg/l	2	2	
DOC/TOC	No abnormal change	2	12	
Hardness ¹	> 1 mmol	2	2	
Iron:	200 µg/l	2	2	12
Manganese	50 µg/l	2	2	12
Saturation Index	> -0.2		2	
Sulphate	150 mg/l	2	2	
Acidity level	>7.8 and < 8.5	2	52	12
Oxygen	> 2 mg/l	2	52	12
Temperature	40 °C.	2	52	12
Turbidity	4 FTE (tap) 1 FTE (after treatment)	12	52	12
Colour	20 mg Pt/Co	2	2	
Copper (after standing) ⁴	2 mg/l			4
Lead (after standing) ⁴	10 µg/l			4
Nickel (after standing) ⁴	20 µg/l			4
Smell/Taste	No abnormal change	-	52	12
Free and/or bound chlorine ²	>0.3 and <2 mg/l	-	12	12
EC	100 mS/m at	2	12	12

	37 °C			
Aluminium ³	200 µg/l	-	2	

⁰ This measurement programme for raw water is not useful for purification using reverse osmosis.

¹ Hardness to be calculated as mmol Ca plus mmol Mg. After the addition of minerals after reverse osmosis the quality requirement must be met.

² Only required if it is also being disinfected with chlorine.

³ Only required if aluminium materials are also used for distribution purposes.

⁴ In the Netherlands, sampling takes place at the tap after standing (according to the Random Day Time principle), standard testing is against the annual average.

The parameters phosphate, barium, calcium and potassium are not included in Dutch legislation and are therefore not included in this table. They are included in the WEB standards, however.

⁵ The producer of drinking water is not necessarily the same party as the distributor. Therefore both parties have responsibilities in the monitoring programme. It is only possible to measure at the tap if there is a pipeline network present. When drinking water is supplied to the customer in a different way a representative sampling point must be designated.

⁶ This frequency applies to each measuring point. To this end, the number of sampling points per island needs to be determined. This is highly dependent on the local situation. In any case, it is necessary to designate sensitive draw-off points, for instance where there are long residence times and at the ends of the pipeline network. It is advised to start with a comprehensive programme that can be reduced at a later stage.

Table 2. Organic and other parameters that should be checked in any case in an emergency and where it may be possible that one or more substances have been released into the environment.

Parameters	Standard
Antimony	5.0 µg/L
Arsenic	10 µg/L
Benzene	1.0 µg/L
Benzo(a)pyrene	0.01 µg/L
Cadmium	5.0 µg/L
Chrome	50 µg/L
Fluoride	1.0 mg/L
Mercury	1.0 µg/L
PAHs (sum)	0.1 µg/L
Pesticides (individual)	0.1 µg/L
Selenium	10 µg/L
Chloride	150 mg/L
Radioactivity (total indicative dose)	0.1 mSv/year
Sodium	150 mg/L

Appendix B. Quality requirements for drinking water (Legionella) (Appendix to Article 2.3 to 2.5 of the Decree setting out rules concerning the production and distribution of electricity and drinking water on Bonaire, St. Eustatius and Saba (Besluit elektriciteit en drinkwater BES (BES electricity and drinking water Decree))

At the delivery point, there may be no more than 100 colony-forming units of Legionella bacteria per litre of drinking water of the following types of Legionella bacteria present:

L. anisa, *L. birminghamensis*, *L. bozemanii*, *L. cincinnatiensis*, *L. dumoffii*, *L. erythra*, *L. feeleii*, *L. gormanii*, *L. hackeliae*, *L. jordanis*, *L. lansingensis*, *L. longbeachae*, *L. maceachernii*, *L. micdadei*, *L. oakridgensis*, *L. parisiensis*, *L. pneumophila*, *L. sainthelensi*, *L. tusconensis*, *L. wadsworthii* en *L. waltersii*.

DRAFT

Appendix C. Quality assurance and control system (Appendix to Article 2.6 of the Decree setting out rules concerning the production and distribution of electricity and drinking water on Bonaire, St. Eustatius and Saba (Besluit elektriciteit en drinkwater BES (BES electricity and drinking water Decree))

The quality control and assurance system relates to the following processes, where applicable:

1. Primary operational processes

- the extraction of water, the processing of water to turn it into a raw material, the storage and transport of raw material used to prepare drinking water;
- the preparation of drinking water, including the use of chemicals and materials;
- the storage and distribution of drinking water and emergency drinking water.

2. Secondary operational processes

the procurement, storage and management of chemicals and substances used to prepare, store and distribute drinking water;

- the monitoring of:
 - o the quality of the raw material;
 - o changes in the quality of the treatment process;
 - o the quality of the drinking water after the final purification step;
 - o the quality of drinking water at the tap;
 - o the prevention of contamination of the distributor's pipeline network through connected installations;
- the monitoring of the amount of drinking water supplied and the pressure in the pipeline network of the distributor;
- monitoring the quality of the chemicals and substances to be used in the primary operational processes;
- the monitoring of the condition of the water supply works;
- monitoring the health of the staff in order to prevent the spread of infectious diseases through the drinking water supply;
- working hygienically during the construction and maintenance of water supply works;
- monitoring the qualifications of the personnel working in the primary operational processes.

Appendix D. Requirements for the drinking water measurement system (Appendix to Article 2.6 of the Decree setting out rules concerning the production and distribution of electricity and drinking water on Bonaire, St. Eustatius and Saba (Besluit elektriciteit en drinkwater BES (BES electricity and drinking water Decree))

Requirements for the person carrying out sampling and analysis:

- Sampling shall be carried out by qualified personnel listed in the quality assurance system;
- The analysis of samples is carried out by laboratories that implement a quality assurance system based on ISO 17025.

Measurement programme and measurement frequency

- A producer, distributor or owner of a facility as referred to in Article 3.13 of the Act shall implement a relevant measurement programme that meets the requirements listed in Appendix A and B;
- The producer, distributor or owner as referred to in the first paragraph shall check the water in compliance with the frequency goals and at the locations indicated in the measurement programme. The regulator may decide that particular parameters specified by him, as listed in Appendix A or B, shall be checked more frequently than indicated in the Appendix. He can also decide that parameters other than those listed in Appendix A or B should be checked at particular intervals if, in his opinion, it is important to obtain sufficient insight into the quality of drinking water.

Place and time of sampling

- Sampling shall take place at such a time and in such a way that the results of the check are representative of the condition of the drinking water.
- A sample that is not analysed on the spot shall be stored in such a way that the results of the study are not affected to a significant extent.

Measurement and amount of pressure

Distributors who also own a pipeline network shall ensure that:

- the quantities of water delivered by the pumping station are recorded continuously or at least once per hour, ensuring this data remains available during the current year and for previous years;
- the pressure of the water is continuously recorded at the locations determined by the regulator based on recommendations from the owner.

Providing quality information

For each measurement point, the producer, distributor and owner of a facility as referred to in Article 3.13 of the Act shall provide the regulator with the following information regarding the parameters included in the measurement programme:

- The number of measurements carried out
- The minimum measured value
- The average measured value
- The maximum measured value
- The number of values that exceed or fall below the quality requirements specified in Appendix A or B.

They shall also provide the regulator with a written explanation of deviations in the prescribed measurement frequency and any values that exceed or are below the quality requirements specified in Appendix A or B.

In the first month of every quarter, the producer, distributor and owner of an installation as referred to in Article 3.13 of the Act shall provide the regulator with a representative overview of the drinking water quality and any emergencies that have occurred.

Appendix E. Requirements for the quality and capacity document (Appendix to Article 2.7 of the Decree setting out rules concerning the production and distribution of electricity and drinking water on Bonaire, St. Eustatius and Saba (Besluit elektriciteit en drinkwater BES (BES electricity and drinking water Decree))

Requirements for the quality and capacity document

Drinking water

Regarding the organisation, actions, responsibilities, duties and powers of a producer-distributor or distributor of drinking water, the quality and capacity document shall include at least the following:

1. General information:

- A description of the way in which the realisation, revision, establishment and distribution of the quality and capacity document are ensured.
- Contact information for the officials responsible for the quality and capacity document.
- A forecast in accordance with Article 3.5, third paragraph, including:
 - a forecast of the demand for a period of five years
 - a plan that includes measures to safeguard the drinking water supply.

2. Section with risk analysis

The risk analysis relates to the safeguarding of the drinking water quality and the continuity of the production and distribution, even in the event of a disruption. This shall comprise the following:

- An overview of the administrative and organisational details of the producer or distributor, such as:
 - locations
 - organisational chart with responsibilities and authorisations
- A schematic overview of the technical details of the producer-distributor or distributor, such as:
 - an overview of the capacity and supply under normal circumstances
 - Disruption registration
- An inventory and analysis of existing and anticipated threats to the public drinking water supply
- The general policy regarding decreasing the vulnerability to these threats and how these threats shall be addressed (breakdown of prevention, preparation, response, aftercare and residual risks)
- Description of the security measures taken based on the risk analysis, including:
 - Establishing and maintaining organisational security measures;
- Description of disruption measures based on the risk analysis, including:
 - Description of the process for dealing with disruptions, including:
 - . Description of the reporting and alerting system
 - . Description of the repair service
- Description of communications in case of disruptions
- Description of the organisation and the resources for the establishment of emergency drinking water supplies.

EXPLANATORY NOTES

GENERAL

1. Introduction

1.1 General

From 10/10/10 until this Decree entered into force, the BES electricity and drinking water Decree applied in the Dutch Caribbean. This Decree was a continuation of the Dutch Antillean regulations on drinking water quality. The content of the legislation applicable at the time was maintained as much as possible.

The Decree focused on the quality requirements for drinking water and granted the executive councils, the Minister of Infrastructure and the Environment and the Inspectie Leefomgeving en Transport (Environment and Transport Inspectorate (ILT)) particular powers. The Minister of Infrastructure and the Environment and the ILT played a reactive and advisory role. The Decree granted the executive councils the power to establish conditions for the drinking water supply in the interest of public health.

The Decree did not grant the Minister of Infrastructure and the ILT direct powers with respect to the drinking water supply, although they were responsible for a reliable and sustainable water supply. The reverse also applies: the islands' executive councils have indicated that the issues relating to the supply of drinking water cannot be resolved within the current frameworks by the islands alone, and that the existing regulations have too many limitations.

1.2 Relationship with the principle of legislative reticence

This Decree qualifies as a necessary improvement. The former BES electricity and drinking water Decree did not comply with and was characterised by strict rules that often did not apply to the Dutch Caribbean. In addition, because of the lack of the desired governance, the quality assurance, supervision and maintenance of the drinking water quality and the reliability of the supply were insufficiently guaranteed throughout the entire chain.

A drinking water supply for which the water quality, the reliability, the supervision and the enforcement are safeguarded is of critical importance for public health in the Dutch Caribbean. This Decree incorporates the improvements required to focus the regime on the specific circumstances in the Dutch Caribbean. In addition, the Decree was brought in line with the principles for the Netherlands in Europe, the approach to risk management from source to tap, and the drinking water quality.

1.3 Drinking water

A decent drinking water supply is extremely important for public health and also for the welfare and the prosperity of Dutch Caribbean society. It is a vital public service of great public interest that is the subject of specific government concern. Central to this is the continuous safeguarding of the drinking water supply in the Dutch Caribbean. This means that the aim is to safeguard the quality and continuity of the drinking water supply in a manner that fits in with the preconditions of sustainable development of the Dutch Caribbean, at socially acceptable costs. The policy revolves around the improvement and protection of quality assurance during the production and distribution.

The objective of the BES Electricity and Drinking Water Act (hereinafter referred to as the Act) and the Decree (for drinking water) is to ensure the promotion of public health through the provision of drinking water in a socially responsible manner. The government has assigned producers and distributors a central role with regard to meeting the need for sufficient and high-quality drinking water. Producers and distributors have the primary duty to make every effort to safeguard the actual supply of reliable drinking water to consumers and other recipients and to reduce the uncertainties that occur in different parts of the process, from raw material to finished product. The

government not only plays a supervisory role in this respect; it also sets conditions and defines frameworks.

The Decree sets out further rules with regard to supply security and the continuity of the water supply, even in crisis conditions. Establishing rules is necessary, because the water supply is considered an important part of the critical infrastructure in the Dutch Caribbean. After all, drinking water is a basic necessity of life. An infrastructure is considered to be critical when it includes products, services and underlying processes which, if they fail, could cause social disruption. Therefore, the protection is designed to prevent discontinuity and to protect against technical and organisational failure, overload, and external natural conditions or unwitting and deliberate human actions. The legislator confines itself to defining principles, and it is primarily up to the producers and distributors to develop and implement these. The way in which producers and distributors safeguard the supply and its continuity must be verifiable, in particular by the ILT, which is responsible for the technical and public health-related monitoring of the drinking water supply.

1.4 Approach to risk management

Producers and distributors are responsible for the quality assurance and monitoring of the raw material, production process and final product. The quality requirements for drinking water that are laid down in this Decree are based on the European Dutch drinking water Act and adapted for the Dutch Caribbean. The production of decent drinking water is a prerequisite for good drinking water.

As there are huge multitudes of substances and micro-organisms present in the environment, it is not possible to continually monitor all substances and micro-organisms. Potential threats may be the result of the quality of the source, the effectiveness of the purification and the quality of the distribution system and the pipework. Safeguarding the quality of the drinking water during distribution and at the tap requires just as much effort, if not more.

Therefore, the quality of drinking water cannot be solely safeguarded by setting standards for individual substances and micro-organisms and monitoring these. Risk analysis and risk management are required in addition, in the shape of preventive policies, good manufacturing practice of the chain 'from source to tap' and quality control. This way, the drinking water supply becomes less dependent on verification afterwards. In recent years, various tools have been developed based on things such as World Health Organisation (WHO)¹ advice, which give substance to the risk methodology, including quality systems, new measurement methods and risk models. This way, the assessment of the drinking water quality at the tap is embedded in a system that is based on the knowledge of the quality of, and threats to, the entire drinking water system.

1.5 Reliability of the supply

The reliability of the supply concerns the safeguarding of the drinking water supply by producers and distributors in all circumstances. To comply with this, producers and distributors are obliged to supply proper drinking water in all circumstances in quantities and at a pressure that meets the public health requirements. Producers and distributors should take measures to ensure that the risk of disruptions caused by internal and external factors is as low as possible. The above shall be based on a risk analysis of the entire business process - from source to delivery. It should also take into account the possibility of serious threats in the shape of broken pipelines, calamities related to the quality of the sources and wilful disruption of the production or distribution. Furthermore, (emergency) producers and (emergency) distributors are required to supply the population with emergency drinking water in the event of a failure of the public drinking water supply.

2. Preparation of the Decree

PM

3. General comments for each chapter

¹ WHO guidelines for Drinking Water Quality (2004)

Chapter 1 General stipulations

Definitions

This chapter explains the definitions used in the Decree for Electricity and Drinking Water.

Chapter 2 Drinking Water

This chapter describes the quality requirements. These requirements include the requirements imposed on quality assurance, and the manner in which the quality of drinking water shall be determined through measurements. It explains how the results of these measurements should be handled. The Decree also elaborates on further rules that include the content-based standards regarding the quality of drinking water, quality control and quality assurance.

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2.1 Quality requirements for the drinking water chain

The provisions in article 2.3 and 3.5 of the BES Electricity and Drinking Water Act lay down the duty to supply proper drinking water in quantities and at a pressure that meets the public health requirements. They further elaborate on the quality requirements for production distribution and the provision of drinking water.

In line with the above, there are requirements with regard to the manner in which a product and its delivery are established and the quality of the process.

2.2 quality assurance, risk analysis and disruption of the drinking water chain

In order to ensure that the product and its delivery meet all requirements, the quality of the processes used for this must also be exemplary. This can be safeguarded through a proper quality management system. This is essential, as the ILT inspector must be able to make informed decisions in order to be able to enforce the provisions of the BES Electricity and Drinking Water Act and any regulations based thereon, such as this Decree. A quality system provides certainty that both the product and its delivery conform to the requirements.

The supply of drinking water in quantitative terms must be safeguarded as much as possible in all circumstances. In this context, further requirements are set out for the quantity and pressure of the water supplied in both normal and disrupted circumstances, the water demand forecast, the risk analysis, emergency drinking water and the company's own facilities for power, resources and chemicals, and rehearsing the participation of the producer and the distributor in the event of disruptions. The measures to be implemented are aimed at reducing the risk of disruptions caused by internal and external factors as much as possible.

Chapter 3 Final Provisions

This chapter contains the transitional provisions relating to the BES Drinking Water Act, its entry into force and the title for citation.

INDIVIDUAL ARTICLES

Article 1.1

Delivery Point for drinking water. The distributor is responsible for the quality of the drinking water at the delivery point, i.e. at the point where the dwelling unit or the installation as referred to in Article 3.13, second paragraph, of the Act, is connected to the drinking water mains. The owner of the dwelling unit or installation as referred to in Article 3.13, second paragraph, is responsible for the drinking water quality from that point up to and including the tap.

Tap. This may be a tap inside a dwelling or a non-residential building. It also includes taps in public buildings and public spaces.

Article 2.1

The basis for this Article are Article 2.3, second paragraph, preamble and under c of the Act (for producers), Article 3.5, sixth paragraph, of the Act (for distributors) and Article 3.13, first and second paragraph of the Act (for installations as referred to in that Article). To achieve a comparable level of protection, the above is linked to the regulations for the European part of the Netherlands. The Article shall be implemented in stages depending on feasibility and affordability. Transitional provisions have been made to ensure that the current implementation can be continued at least until a quality certificate or other statement has been issued or compliance with the duty of care has been otherwise demonstrated. An investigation will assess to what extent it would be possible to link to the Regulation for substances and chemicals in drinking and hot tap water facilities in order to achieve a comparable level of protection for public health in as far as this is possible.

Article 2.2

First paragraph, section a and second paragraph

The first paragraph includes the main requirements for water that is used and processed to create a raw material or semi-finished product, which is then used to produce drinking water by the producer. This primarily refers to seawater turned into raw material through reverse osmosis. It is prohibited to use polluted (sea) water that has a direct impact on public health. The basis for this is Article 2.3, fifth paragraph, preamble and under a, of the Act.

First paragraph, section b and second paragraph

Section b includes a provision regarding the quality assurance and monitoring system. This shall ensure that the requirements of Article 3.2 are met. The basis for this is Article 2.3, third paragraph, preamble and under b, of the Act.

First paragraph, section c and second paragraph

The basis for this provision is Article 2.3, third paragraph, preamble and under a, of the Act. For quality management throughout the chain, it is essential that the producer receives information from the party extracting the water with regard to the quality of the water or of the raw material to be used for the preparation of drinking water.

Article 2.3

First paragraph

The quality requirements for microbiological and chemical parameters included in Appendix A are similar to those of the Drinking Water Decree, based on the Drinking Water Act. This also applies to Legionella, see Appendix B. The basis for this is Article 2.3, second paragraph, preamble and under a, of the Act.

Second paragraph

This paragraph elaborates on the producer's duties with regard to taking particular measures. These can be policy-related or managerial-/ performance-oriented and be of a technical, financial, organisational or communicative nature, and they must be fit for the purpose of complying with the legal obligation. This applies to both the quality and the continuity and quantity. If a quality and

capacity document has been defined (for producers this is only when they are integrated with a distributor) this document is leading with regard to measures to be taken. If this is insufficient or if no document has been defined, the obligation laid down in the second paragraph shall be independently assessed and met. The basis for this is Article 2.3, second paragraph, preamble and section d, of the Act.

Article 2.4

Article 2.4 lays down the requirements for distributors of drinking water with regard to quality, which are comparable to those of the producer. It is essential that the quality requirements are uniform throughout the chain in order to ensure that the end product at the tap is of good quality. For the sake of brevity, please refer to the explanation for Article 3.3. The basis for this is Article 3.5, second paragraph, preamble and under a, in conjunction with Article 2.3, second paragraph, of the Act. In addition, the second paragraph contains requirements regarding quantity. This should be sufficient for the daily demand. If necessary, quantitative requirements regarding quantity and pressure may be laid down through ministerial regulation.

Article 2.5

Even those who produce for their own use, and owners of collective pipeline networks (installations as referred to in Article 3.13 of the Act), must comply with the quality requirements for drinking water at the tap. If this is not the case and the cause is located in the party's own installation or pipeline, the owner must take the necessary measures to bring the quality up to the required level. The basis for this is Article 3.13, first paragraph, preamble and under a and second paragraph, in conjunction with Article 2.3, second paragraph, of the Act. If necessary, further requirements, for instance concrete requirements regarding Legionella prevention, may be laid down through ministerial regulation.

Article 2.6

The basis for the rules regarding quality assurance and monitoring is Article 2.3, third paragraph, preamble and under b (producers) and Article 3.5, fifth paragraph, preamble and under d (distributors). The basis for the rules regarding reporting (fourth paragraph) is Article 2.3, second paragraph, preamble and under b and Article 3.5, fifth paragraph, preamble and under d.

Article 2.7

Appendix E includes the requirements for the quality and capacity document. In view of the scale of the facilities, these are limited to the essential requirements regarding continuity, capacity and quality. The basis for this is Article 3.5, third and fourth paragraph, of the Act.

Article 2.8

This article describes the duties producers and distributors have with regard to taking measures in case of disruptions. The basis for this is Article 2.3, second paragraph, preamble and under d, of the Act, and Article 3.5, fifth paragraph, preamble and under e and f, of the Act. It goes without saying that measures should be taken immediately. In cases such as those referred to in the second paragraph, the regulator must also be contacted immediately. This is also of importance for starting up the emergency production or distribution, if required. The producer should also immediately contact the distributor and the distributor must inform the customers as soon as possible.

Based on Article 3.5, fifth paragraph, the distributor is obliged to provide emergency drinking water if a disruption causes a (continuous) disruption of the drinking water supply for a period longer than 24 hours. The basis for this is Article 4.2, second paragraph, of the Act. Article 3.9 contains further rules for emergency drinking water.

Article 2.9

The regulations for emergency drinking water are based on Article 4.2, second paragraph, of the Act. If a disruption lasts for a (continuous) period exceeding twelve hours, under Article 3.9, third paragraph, of the Act, the distributor must offer an alternative mode of delivery to the customers.

Based on Article 3.7, fifth paragraph, of the Decree, the distributor is also obliged to provide emergency drinking water if a disruption causes a (continuous) disruption of the drinking water supply for a period longer than 24 hours. The distributor must have an emergency supply that will last at least ten consecutive days for its service area (Article 3.5, first paragraph, preamble and under f, of the Act).

An emergency producer or distributor shall be appointed after prior consultation. It must be possible to put the emergency provision into operation immediately after the request. Distribution shall take place at distribution points designated by the board of the public body, taking into account travel distances (e.g. no more than 3 km) and the maximum number of people that can use a distribution point (e.g. no more than 1500). Home delivery is desirable for people who have difficulty walking or who are sick. It is up to the (emergency) distributor and the board of the public body to make further arrangements in this respect.

Article 3.1

Rules may be laid down through ministerial regulation for the criteria that producers or distributors must meet in order to receive a license or be appointed (Article 2.2, first paragraph, and 3.2, first paragraph, of the Law). The aim is to increase the legal certainty and transparency concerning the requirements and to increase the predictability of licensing or appointment. Where possible, best practices for drinking water supplies will serve as a basis, taking into account the scale and financial and technical capabilities of the companies involved. The basis for this is Article 2.2, fifth paragraph, Article 2.3, third paragraph, and Article 6.13, second paragraph, of the Act.

The Algemene wet bestuursrecht (General Administrative Law Act) shall apply to proceedings for the issue, modification or withdrawal of licenses as referred to in Article 2.2, first paragraph, of the Act, appointment, as referred to in Article 3.2, first paragraph, of the Act, or exemption, as referred to in Article 6.13, first paragraph, of the Act. Pursuant to Article 4.1, ministerial regulations may lay down rules for the content of licenses or appointments or the content, duration and terms of exemptions.

Article 3.2

This provision is intended to promote effective measurement and therefore increase cost savings. The basis for this is Article 3.5, fifth paragraph, preamble and section a, of the Act.

Article 4.1

This provides for an introduction in stages, simultaneously with the relevant Articles of the Act. The objective is to tie in with the quality requirements for drinking water in the Netherlands in Europe, with due regard for the feasibility and affordability of changes in provisions, and taking into account the specific conditions in the Dutch Caribbean.

THE MINISTER OF INFRASTRUCTURE AND ENVIRONMENT,