**Drinking Water**

*Legal reference*

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption as amended by Regulations (EC) 1882/2003 and (EC) 596/2009

**Transposition**

1. **Which parts of the Directive have been transposed?**

 The Law on Food Safety (Official Gazette of the Republic of Montenegro 14/07) and Law on Water (Official Gazette of the Republic of Montenegro 27/07) are the legal documents in which part of the Directive is transposed:

Article 2 that defines which water is intended for human consumption, which is adopted in accordance with Article 37 of the Law on Food Safety (Official Gazette of the Republic of Montenegro 14/07), which provides definition for the clear water and drinking water, as well as table and mineral water and water intended to production and trade of food and feed.

Article 4.1 which defines necessary measures for providing clear and wholesome water, which is adopted in accordance with Article 3 of the Rulebook on Hygienic Conformity of Drinking Water (Official Gazette of the Former Republic of Yugoslavia 42/98 and 44/99).

Articles 4.1, 5.1 and 5.2, 5.3, 6.1, which define necessary measures for providing wholesome and clear drinking water, along with minimum requirements set out in Annex I, Part A, B and C, which is adopted in accordance with Article 6.3 of the Rulebook on Detailed Conditions for the Safety of Drinking Water (Official Gazette of the Republic of Montenegro 24/12), which defines places for performing control of parameters of drinking water quality, with the view to monitoring its safety and quality.

It is stated in Article 4.2 of this Directive which defines necessary measures that direct or indirect violation of quality standards for drinking water cannot be allowed, as well as the increase of pollution of drinking water; this is adopted in accordance with Article 6.3 of the Rulebook on Detailed Conditions for the Safety of Drinking Water (Official Gazette of the Republic of Montenegro 24/12), which regulates drinking water safety in case of accidents, the increase of percent by 20% in comparison with parameter, as well as the time period in which this water can be used for drinking.

It is stated in Articles 8.1, 8.2, 8.3, 8.4, 8.6, that:

* Member States must prohibit any supply of water intended to human consumption which can pose potential threat to human health, regardless of violation of parameters, along with competent bodies which decide on providing supply of drinking water, and
* in case of violation of parameters or specifications stated in Annex I, Section C, Member States must consider wheather that violation poses any risk for human health.

These Articles have been transposed to Article 7 of the Rulebook on Detailed Conditions for the Safety of Drinking Water (Official Gazette of the Republic of Montenegro 24/12) , where it is stated that water from a new water source has to be controlled at least four times within one hydrological year prior to its use for public water supply.

Article 8.7 which states that in case of necessary correction activities taken, Member States have to provide notifications to consumers, except in case when competent bodies consider disrespect of parameter values insignificant has been transposed to Article 9 of the Rulebook on Detailed Conditions for Safety of Drinking Water (Official Gazette of the Republic of Montenegro 24/12), which refers to repeal of the Rulebook on Hygienic Safety of Drinking Water (Official Gazette of the Federal Republic of Yugoslavia 42/98 and 44/99), except for provisions stated in Articles 5, 6 and 7.

Article 7.1 which defines regular monitoring, and which is adopted in accordance with Article 51 of the Law on Water (Official Gazette of the Republic of Montenegro 27/07), which regulates obligations of enterprises for water supply and sewerage regarding measures for systematic testing of quality of water from water – intake, as well as provision of sanitary quality of drinking water.

Article 7.2 which defines established competent authority for monitoring program adopted in accordance with Article 52 of the Law on Water (Official Gazette of the Republic of Montenegro 27/07), which defines the adoption of program for testing of water quality for water supply and bath.

Article 7.3 which defines competent authorities, which determine sampling points adopted in accordance with the Annual Program for Monitoring Water Quality on the grounds of Article 52 of the Law on Water.

Article 13.1 which defines provision of adequate and up – to – date information on the quality of drinking water to consumers, which was adopted in accordance with Articles 159 and 160 of the Law on Water (Official Gazette of the Republic of Montenegro 27/07), which stipulates the establishment of information system for water, in order to classify, monitor and promote the water regime, i.e. make information available to all competent authorities and the public.

Article 13.2 which provides that Member States must ensure publication of report on the quality of drinking water adopted in accordance with Articles 4 and 35 of the Law on Data Collection to Health Protection (Official Gazette of the Republic of Montenegro 80/04), which state that all citizens shall exercise the right to health care equally, i.e. health care organization at the secondary and tertiary level.

Article 14 which defines measures to be taken in order to ensure that drinking water complies with provisions of this Directive adopted in accordance with Article 49 of the Law on Water (Official Gazette of the Republic of Montenegro 27/07), which states that water intended for drinking or production and processing of foodstuffs, as well as sanitary – hygienic requirements of the sea must fulfill all conditions stated in regulations regarding its quality.

Annexes I, Part A which refers to microbiological parameters, Part B-chemical parameters and Part C – indicatory parameters, as well as Annexes II and II have been transposed to Annex I, tables 1, 2 and 3 of the Rulebook on Detailed Conditions for the Safety of Drinking Water (Official Gazette of the Republic of Montenegro 24/12) .

1. **How and when remaining provisions will be transposed?**

Articles 7.5 and 7.6, defining that Member States have to be in compliance with specifications for parameter analysis stated in Annex III, i.e. provision of implementation of additional monitoring of substances and microorganisms for which no parameter value has been provided, if there is a reason for doubt that they are present in quantities or numbers which pose potential threat to human health, will be transposed along with Annex II through the Rulebook on Methods for Control of Drinking Water Safety which will include forms, manner and methods for quality testing, and the adoption of which is expected during 2013.

**Implementation**

What has been achieved as regards:

* **Establishing an administrative system for ensuring delivery of safe drinking water**

The local government is obliged to organize and provide public water supply in their territories, for all settlements with more than 200 inhabitants, or whose average annual water demand is greater than 100 m3/day (1.16 l / s). Delivery of the safe drinking water is done through the public system of water supply which is managed by local administrative units. The water supply activities are performed by the public company or a company that is registered for performing water supply in the Central Register, and which meets the requirements in terms of technical equipment and organizational and staff capacity (Local enterprises for management of water systems). Water supply for two or more units of local government or settlement in their areas, public water supply can be provided by organizing a regional water supply for Montenegrin Coast.

Local enterprises for management of water systems are in charge for extraction, delivery and treatment of waters.

Local enterprises for management of water systems are in charge to ensure monitoring of drinking water quality. The monitoring is performed by four authorized laboratories in Montenegro: Institute of Public Health, CETI, Sanitary – Epidemiological Unit of the Public Health Centre of Bar and Laboratory of Water Supply and Sewage Company of Podgorica.

In case of incompliance, Sanitary Inspection is in charge of enforcement of adequate measures.

Local enterprises for management of water supply systems are in charge of informing the public on water quality, disruptions in water supply systems and measures taken to improve water quality in accordance with the Law on Communal Services.

* **Identifying all relevant individual supplies of drinking water (Articles 1 and 3)**

There is no unique view of individual water supplies at the state level. Most local governments have some information for some of these systems (mainly the rural water supply systems) that are on their territory, but not sorted out the data on characteristics of these individual systems, the number of persons served by, the water quality etc.

Pursuant to Section 48 of the Law on Water, in cases where there are no conditions when local governments are obliged to provide public water supply (for all settlements with less than 200 inhabitants and the average annual water demand 1.16 l / s), water supply of rural and other settlements or parts of municipalities, is regulated by local government’s acts.

Apart from control of hygienic safety of water from permanent water supply units within distribution network of city water supply, microbiological and chemical analysis of water was performed during 2011 in the Institute of Public Health, with the view to certification of network for technical reception of new residential and other facilities, as well as acting upon other individual requirements.

Upon the request issued in 2011, 25 complete and 42 periodic analyses of drinking water were performed.

3255 samples of drinking water were taken and analized upon individual requests. Out of total number of physically and chemically analized samples, 9,3% did not match, while 19,2% of total microbiologically analized samples did not match.

* **Establishing standards for drinking water (Articles 4 and 5)**

Article 37 of the Law on Food Safety defines clean water in accordance with the Directive.

Rulebook on Detailed Conditions for the Safety of Drinking Water is fully harmonized with requirements of Annex I, parts A and B. The parameters have the same values.

The parameter values are same as in Part C of Annex I of the Directive in the Rulebook are presented together with parameters from parts A and B and also prescribe additional parameters related to radioactivity and enriching with ozone.

* **Establishing an appropriate monitoring system (Articles 6 and 7)**

 For the time being, systematic testing of quality of water from water supply units are provided by the owners, i.e. users of water supply facilities through legal persons authorized for this form of testing (Program of Systematic Testing of Water Quality in the Water Supply Units and Public Bathing Areas, Official Gazette of the Republic of Montenegro 13/2000).

Rulebooks on methods for monitoring drinking water quality prescribe minimum frequency of sampling of drinking water.

Methods are going to be defined by the Draft Rulebook on Methods for Determination of Water Quality which will be adopted during 2013.

* **Establishing a mechanism for taking action, including timely informing of the public concerned when drinking water fails to meet the standards (Article 8)**

The Ministry of Health depending on the type of failure calls the Council for Food Safety to propose adequate remedial measures.

Yes if there is a potential danger to human health determined by Public Health Institute, the Sanitary Inspection prohibits its use.

Local undertaking for water system management is obliged to inform the public on safety of drinking water. If there is a greater problem, the Ministry of Health can take over the information to the public or authorise the Public Health Institute to advise the public.

The entity that manages the water supply facility for the public water supply by itself or upon proposal of institution in charge of monitoring is required to inform consumers.

* **Establishing a mechanism and criteria allowing derogation, taking action and communication of this to the Commission (Article 9)**

 Rulebook on Detailed Conditions for the Safety of Drinking Water allow an increase of limit values of polluting substances an increase in the water by 20% in emergency situation.

Derogation period can last maximum 7 days and Council on Food Safety shall make appropriate plan for remedial actions with costs estimate. Also, a public is advised to e.g. refrain from use of water or, use just boiled water etc.

In the event of unplanned or unexpected events or interruptions in the performance of municipal services (water delivery), the local enterprises for management of water systems shall immediately notify the relevant local authority and to take measures to eliminate the causes of, and over at least one electronic and printed media information on citizens created disturbances or interruptions

* **Establishing quality assurance of treatment, equipment and materials (Article 10)**

According to statistics from 2011, 401 thousand people live in urban areas in Montenegro.

In those areas water supply is via a public water supply systems that cover approximately 90% of the population in urban areas.

Water that is delivered to users by public water supply systems is regularly tested and meets the requirements of Art 4.1 and Annex I parts A and B. This means that at least 360,900 people receive water that meets the above mentioned requirements.

Accodring to available Report, 14.503 samples of drinking water have been analized in Montenegro in 2011; samples were taken from city water supply units and other public water supply units. Out of the above mentioned number, 7542 samples were tested on microbiological safety, while physical and chemical analysis was performed for 7031 water samples.

According to results of microbiological testing, 14,6% of chlorinated water samples do not meet prescribed norms of hygienic safety, mostly because of increase in the total number of bacteria and identification of faecal indicators.

On the grounds of results of physical and chemical testing, 11,3% of tested chlorinated samples did not match. The most frequent cause is the insufficient concentration or complete absence of residual chlorine. Besides, there is a salination of drinking water in individual water supply units in coastal area, particularly during the period of low water level.

* **Establishing a mechanism to provide information to consumers (Article 13)**

Regular information (annual reports, monthly reports) on drinking water quality are provided by the Institute of Public Health and Sanitary Inspection/MH. In case of incident situations, information are provided to the public via following procedure: Local enterprises for management of water systems inform the Institute of Public Health, which is in charge of taking additional measures and analysis and informing Sanitary Inspection. The Ministry of Health is in charge of informing the public itself or authorizing the Institute of Public Health to advise the public adequately.

Apart from regular report publication on the website of the Institute of Public Health, there is a summary annual report in Statistical Yearbook, which is available in electronic form at the website of the Institute, as well as in publication. Furthermore, data on hygienic safety of drinking water can be found in yearbooks of MONSTAT as well.

* **Establishing a system to provide reports to the Commission (Article 13)**

Not determined yet.