
WELSH STATUTORY INSTRUMENTS

2001 No. 3911

The Water Supply (Water Quality) Regulations 2001

PART VII

WATER TREATMENT

Application and introduction of substances and products

31.—(1) In this regulation—

“the Directive” means Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾;

“EEA State” means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽²⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽³⁾;

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Directive by a body authorised by an EEA State to issue European technical approvals for those purposes and notified by that body to the European Commission; and

“harmonized standard” means a standard established as mentioned in the Directive by the European standards organisation on the basis of a mandate given by the European Commission and published by the Commission in the Official Journal of the European Communities.

(2) Subject to paragraph (3), a water undertaker shall not apply any substance or product to, or introduce any substance or product into, water which is to be supplied for regulation 4(1) purposes unless one of the requirements of paragraph (4) is satisfied.

(3) A substance or product which, at the time of its application or introduction, bears an appropriate CE marking in accordance with the Directive, or conforms to—

- (a) an appropriate harmonised standard or European technical approval; or
- (b) an appropriate British Standard or some other national standard of an EEA State which provides an equivalent level of protection and performance,

may be applied or introduced, notwithstanding that none of the requirements of paragraph (4) is satisfied; but any such application or introduction shall be subject to—

- (i) such national conditions of use restricting the dosing concentration as are for the time being in force in relation to such substances and products pursuant to a determination of the National Assembly for Wales by an instrument in writing; and
- (ii) such other requirements, within the meaning of Council Directive [98/34/EC](#), as amended⁽⁴⁾ (which lays down a procedure for the provision of information in the field of technical

(1) O.J. No. L40, 11.2.89, p.12.

(2) Cmnd 2073.

(3) Cmnd 2183.

(4) O.J. No. L204, 21.7.98, p.37, amended by Council Directive [98/48/EC](#) (O.J. No. L217, 5.8.98, p.18).

standards and regulations and of rules on Information Society services), in relation to such substances and products, as have been communicated to the Commission in the form of a draft technical regulation in accordance with Article 8 of that Directive, and whose adoption by a Member State has also been communicated to the Commission.

- (4) The requirements of this paragraph are—
- (a) that the National Assembly for Wales has for the time being approved the application or introduction of that substance or product and it is applied or introduced in accordance with any conditions attaching to that approval;
 - (b) that the National Assembly for Wales is satisfied that the substance or product either alone or in combination with any other substance or product in the water is unlikely to affect adversely the quality of the water supplied;
 - (c) that the substance or product is to be applied or introduced solely for the purposes of testing or research, and the water undertaker has given to the National Assembly for Wales not less than 3 months' notice in writing of its intention so to apply or introduce the substance or product.

(5) An application for such an approval as is mentioned in paragraph (4)(a) may be made by any person.

(6) If the National Assembly for Wales decides to issue an approval under paragraph (4)(a), it may include in the approval such conditions as it considers appropriate and, subject to paragraph (10), may at any time revoke or vary any approval it has previously given.

(7) Where substances or products are applied or introduced in any case in which the requirement mentioned in paragraph (4)(c) is satisfied, their application or introduction shall be discontinued within 12 months of the date on which they were first applied or introduced or, if the National Assembly for Wales by notice given in writing to the water undertaker so directs, within such other period (whether longer or shorter) as may be specified in the notice.

(8) The National Assembly for Wales may, by notice given in writing to any water undertaker, prohibit the water undertaker from applying to, or introducing into, water intended to be supplied for regulation 4(1) purposes any substance or product which the water undertaker would otherwise be authorised to apply or introduce by virtue of—

- (a) paragraph (2) and sub-paragraph (b) or (c) of paragraph (4); or
- (b) paragraph (3).

(9) A prohibition under paragraph (8) may be without limitation as to time or for such period as is specified in the notice.

(10) The National Assembly for Wales may—

- (a) revoke by an instrument in writing any approval given by it under paragraph (4)(a);
- (b) modify any such approval by an instrument in writing by including conditions or varying existing conditions;
- (c) give any such notice as is mentioned in paragraph (8);

but, unless the National Assembly for Wales is satisfied that it is necessary to do so in the interests of public health without notice, shall not do any of those things without giving all such persons as are, in the opinion of the National Assembly for Wales, likely to be affected by the revocation or modification of the approval or by the giving of the notice at least 6 months' notice in writing of its intention.

(11) Notice shall be given forthwith by the National Assembly for Wales to all persons likely to be affected by the making of such an instrument as is mentioned in paragraph (10)(a) or (b).

(12) At least once in each year beginning with the year 2004, the National Assembly for Wales shall issue a list of all the substances and products in relation to which—

- (a) an approval under paragraph (4)(a) has been granted or refused;
 - (b) such an approval has been revoked or modified;
 - (c) a notice has been given under paragraph (8),
- with particulars of the action taken.