

GENERAL REGULATION FOR WATER DISTRIBUTION IN THE WALLOON REGION

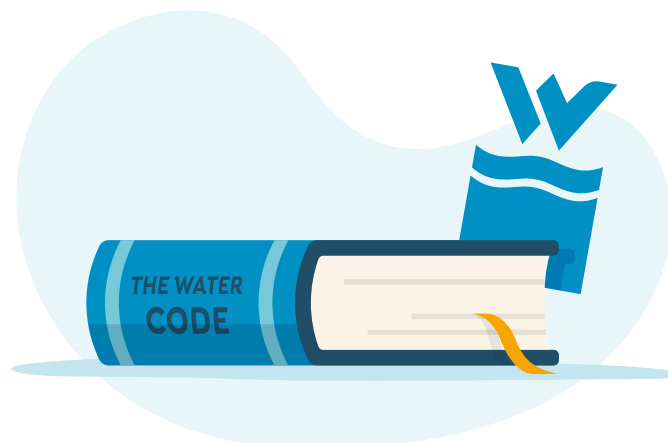
TABLE OF CONTENTS

CHAPTER ONE. DEFINITIONS	5
Article 1	5
CHAPTER II. ACCESS TO THE PUBLIC WATER SUPPLY AND CONNECTION	6
Article 2 Right to connection	6
Article 3 Application for placement, price information and connection arrangements	7
Article 4 Performance, modification, termination of service: terms and conditions	7
Article 5 Temporary water intake	7
Article 6 Number of meters per connection	7
Article 7 Conditions for the establishment of the connection	8
Article 8 Determination of meter type and size	8
Article 9 Water supply for fire-fighting	9
Article 10 Protection of the meter	9
Article 11 Change of owner or user	9
CHAPTER III. WATER SUPPLY, USE AND QUALITY	10
Article 12 Provision of services	10
Article 13 Complaints	10
Article 14 Interruption in water supply	11
Article 15 Suspension of water supply	11
Article 16 Saving water	11
Article 17 Article on water quality	12
Article 18 Access to systems and meters	12
CHAPTER IV. USE AND PROTECTION OF PRIVATE DISTRIBUTION SYSTEMS	13
Article 19 Protection of the network against backflow	13
Article 20 Alternative or complementary supply	13
Article 21 Carrying out the work	13
Article 22 Publicly accessible location	13
Article 23 Change in the pressure supplied by the distributor	13
Article 24 Connection between private systems	14
Article 25 Identification of pipes	14
Article 26 Supply of water to a third party	14
Article 27 Protection of private systems	14
Article 28 Lead pipes	14
Article 29 Water treatment appliance	14
Art. 29bis Hydrophore set and booster	14

CHAPTER V. RECORDING OF CONSUMPTION – PRICING AND BILLING	15
Article 30 Recording of consumption	15
Article 31 Method of meter reading	15
Article 32 Method of flat-rate estimation of consumption	15
Article 33 Checking the meter	16
Article 34 Pricing	16
Art. 34bis Multiple connections	17
Article 35 Exemption from C.V.A.	17
Article 36 Billing	18
Article 37 Presentation of the invoice	18
Article 38 Payment of invoices and collection	18
Article 39 Method and deadline for payment of consumption	19
Article 40 Reminder	19
Article 41 Formal notice	19
Article 42 Failure to pay	19
Article 43 Disputes	20
Article 44 Distribution of sums due between the owner and the user	20
Article 45 Payment of third parties	20
Article 46 Guarantee	20
Article 47 Adjustment of accounts	21
Article 48 Information	21
Article 49 Compensation	21
Article 50 Infringements	22
CHAPTER VI. TERRITORIAL JURISDICTION	23
Article 51 Territorial jurisdiction	23
CHAPITRE VII.SPECIAL PROVISIONS	23
Article 52 Costs and compensation	23
Article 53 Indemnity clause	23
Article 54 Indexing	24

COORDINATION CARRIED OUT BY SWDE AS OF 3 APRIL 2017 FOR SWDE CLIENTS

- the ministerial decree of 18 May 2007 establishing the general water distribution regulations in the Walloon Region for subscribers and users (M.B. of 31/07/2007, p. 40528)
- the decree of 7 November 2007 amending the decree part of Book II of the Environmental Code (M.B. of 19/12/07)
- the decree of 5 June 2008 on the investigation, recording, prosecution and punishment of environmental offences and compensation measures (M.B. of 20/06/08)
- the Walloon Government Order of 5 December 2008 inserting a Part VIII into the regulatory part of Book I^{er} of the Environment Code (M.B. of 27/01/09)
- the programme decree of 22 July 2010 containing various measures relating to good governance, administrative simplification, energy, housing, taxation, employment, airport policy, the economy, the environment, regional planning, local authorities, agriculture and public works (M.B. of 20/08/10)
- the programme decree of 12 December 2014 containing various budget-related measures relating to natural disasters, road safety, public works, energy, housing, the environment, spatial planning, animal welfare, agriculture and taxation (M.B. of 29/12/14)
- the decree of 23 June 2016 amending the Environmental Code, the Water Code and various decrees on waste and environmental permits (M.B. 08.07.2016)
- the Walloon Government's decree of 31 August 2016 amending the regulatory part of Book II of the Environment Code containing the Water Code with regard to the conditions of public water supply (M.B. 12.09.2016)
- the decision of the SWDE Board of Directors of 24 March 2017



Article 1. The following definitions shall apply:

- **Water Code:** Book II of the Environment Code, established by the Decree of 27 May 2004 and the Order of the Walloon Government of 3 March 2005, which aims to manage the water cycle in a comprehensive and integrated manner, always with the aim of ensuring both the quality and the sustainability of the resource, within the framework of sustainable development;
- **Service charge:** all the obligations imposed on the person who is the owner or user, as the case may be;
- **Meter:** a metrological device and its components for determining the volumes of water consumed during a given period;
- **Consumer:** any person who enjoys the use of water provided by a supplier;
- **Distribution cost:** hereafter referred to as C.V.D. (Coût-vérité à la distribution), calculated per cubic metre, it includes all the costs of water production and distribution, including the costs of protection of water withdrawn for public supply;
- **Sanitation cost:** hereafter referred to as C.V.A. (Coût-vérité à l'assainissement), calculated per cubic metre, it includes all costs related to the public sanitation of domestic wastewater;
- **Distributor:** operator of the public water supply service;
- **Social water fund:** a mechanism involving distributors, public social action centres and the Société Publique de Gestion de l'Eau (S.P.G.E.), through which consumers with payment difficulties can obtain financial assistance in paying their water bills;
- **Private distribution system:** the pipes, accessories and equipment installed downstream of the meter, including the outlet joint;
- **Housing:** individual dwelling within the meaning of Article 1(4) of the Walloon Housing Code;
- **Junction point:** the boundary between the supply network and the private distribution system which is immediately downstream of the meter, excluding the outlet joint. If there is no meter, this connection point is defined by agreement between the owner and the supplier. In the absence of an agreement, this point is defined at the boundary of the private property
- **Owner:** any person holding a right of ownership, usufruct, bare ownership, use, habitation, surface area or emphyteutic lease on a building connected to the public supply;
- **Service:** all technical and administrative acts to ensure the public supply of water;
- **Connection:** all the pipes and fittings used to supply water to a building, from the tap on the distributor's water main to the meter;
- **User:** any person who enjoys the public water supply service as an occupier of a connected building.

 *Article D.2 of Book II of the Environmental Code constituting the Water Code*

Art. 2. Right to connection.

- §1. Any person holding a real right on a building has the right, at his request and at his expense, to have this building connected to the public water supply network. The extension or reinforcement of the public supply network that may be necessary for the building to be connected is entirely at the applicant's expense.
- §2. With the exception of the part of the extension or reinforcement that is laid in or along a private road, in the case of a request for connection of a new building intended mainly for individual housing within the meaning of Article 1 of the Walloon Housing Code and which requires an extension or reinforcement of the public supply network, the applicant is entitled to an allowance granted by the distributor, the amount and terms of calculation and payment of which are determined by the Government.

As a transitional measure, as long as the amount and the methods for calculating and paying the allowance have not been decided by the Government, the connection of a new building intended mainly for individual housing within the meaning of Article 1 of the Walloon Housing Code and which requires an extension or reinforcement of the public supply network is entirely at the applicant's expense, with the exception of the extension or reinforcement of the first fifty metres, which are at the distributor's expense.

However, the part of the extension or reinforcement that is laid in or along a private road remains entirely at the applicant's expense.

- §3. In the case of an application to connect a building covered by unexpired planning permission or an unexpired grouped building permit, the application will not be considered until the water supply equipment or reinforcement has been completed.

The installation or reinforcement of the water supply to buildings covered by an urban development permit that has not expired or by an urban development permit for grouped constructions that has not expired, including any necessary reinforcement of the existing network, is carried out entirely at the expense of the permit holder.

- §4. Unless agreed by the distributor, the extension of the public water supply network necessary for the connection or equipping of a building with water may not be laid in a private roadway. The distributor shall make this exemption conditional on the applicant's transfer, free of charge, of the real rights required to install, monitor, maintain and replace the extension, including the right of unimpeded access at all times to the roadway and basement containing the pipes, equipment, chambers and systems belonging to the public supply network.
- §5. The extension of the public water supply network necessary for the connection or the water equipment of a building starts at the junction with the existing network and ends, in the road or along it, at the level of the separating limit between the plot for which the connection or the water equipment is requested and the adjacent plot. However, when either the particular configuration of the premises so warrants or the adjoining plot of land is not suitable for urban development given its town planning status at the time of the request, the distributor shall determine the end of the extension at a maximum distance of six metres beyond the connection point of the last connection to be laid on that extension.

Art. 3. Request for placement, information on price and connection terms.

7

The request shall be submitted to the distributor by the holder of the real right over the building using a connection request form that the distributor shall make available.

Following the connection request, the distributor draws up and sends the applicant a quotation.

The total price is firm and final, unless unforeseen circumstances arise during the execution of the work. The quotation is free of charge. It is valid for two months from the date it is sent.

Art. 4. Implementation - Modification - End of service: Terms and conditions.

- §1. The work involved in making the connection is the responsibility of the owner and is subject to an estimate. The connection must be fully paid for before it is put into operation. If the owner requests a change of connection or termination of service, the work is also at his expense and is also subject to an estimate. The quotation shall be sent to the applicant within ten calendar days of receipt of the application. A deposit of up to 50% of the quotation may be requested by the distributor. Except in cases of force majeure, the work shall be performed by the distributor within thirty calendar days of receipt of the claimant's formal agreement to the performance estimate and subject to the performance conditions set forth therein.
- §2. When the owner requests to terminate the service, the distributor shall take all technical measures to do so without damage to safety and sanitation. If the owner is not the user, the application can only be considered with the formal agreement of the user.
- §3. The costs of modifications made to the connection by the distributor shall be borne by the distributor.
- §4. Without prejudice to Article 10, the connection shall belong to the distributor, who shall be responsible for its maintenance.

 *Article D.196 of Book II of the Environmental Code constituting the Water Code*

Art. 5. Temporary water intake.

The distributor may grant, without security of tenure, to works contractors, fairground vendors and other temporary users, a temporary water connection or intake under special conditions set in each case.

Art. 6. Number of meters per connection.

Each connection is equipped with at least one meter.

In the case of a new connection, a meter is placed to record the consumption of each dwelling, commercial activity or building individually. If the connection is equipped with more than one meter, an additional meter is placed to record the common consumption.

In the case of a modification of an existing connection, the change to the number of meters is the responsibility of the applicant. The connection of the internal systems to each meter is the responsibility of the owner(s).

 *Article D.197 of Book II of the Environmental Code constituting the Water Code*

Art. 7. Conditions for the establishment of the connection.

The route of any new connection must be perpendicular to the axis of the road on the public domain, on the private domain and on private land. In the event of major technical difficulty or exorbitant cost in placing or replacing the connection, the distributor may, in agreement with the owner, proceed with another route.

A street valve can be placed on the connection.

The location of the meter inside the building is near the front wall, as close as possible to the road.

The meter is placed in such a way as to facilitate access, meter reading, monitoring, regular operation, replacement and repair.

The meter is placed in a room in the building. If there is no room in the building where the above conditions can be met or if the building is set back more than 20 metres from the public domain, the meter is placed in a box provided for this purpose. The distributor may deviate from this principle by agreement with the owner.

The installation of individual meters in a building requires the provision of a single technical room freely accessible to all users for them to be installed.

Inside buildings, the pipe upstream of the water meter is visible at all times along its entire length to allow maintenance, repair or replacement work to be carried out easily. When a meter box is installed, it remains freely accessible at all times.

In order to preserve the integrity of the connection and the meter, the user or owner is prohibited from dismantling, removing, modifying or repairing any part of the connection established by the distributor. Repairs to be made to the part of the connection belonging to the distributor as a result of misuse by the owner or user shall be at the distributor's expense.

Indoor systems are designed with the quality of the water supply in mind.

 *Article R.270bis -1 of Book II of the Environmental Code constituting the Water Code*

Art. 8. Determination of meter type and size.

The distributor determines the type and size of the meter according to the needs of the owner or user and the technical requirements.

The applicant shall provide the most accurate information possible on his present and future water needs. For meters with a nominal diameter of twenty-five millimetres or more, the distributor may apply meter rental.

The sizing also takes into account the characteristics of the existing supply network and the route of the connection.

 *Article R.270bis -2 of Book II of the Environmental Code constituting the Water Code*

The technical characteristics of the connection and the meter are chosen by the distributor in accordance with the applicant's water needs.

In principle, the diameter of the connection will be smaller than the diameter of the pipes in the supply network to which it is connected. The diameter of the meter will be equal to or sometimes smaller than the diameter of the connection pipe. The distributor may, if necessary, replace the existing meter with one of a larger or smaller diameter in order to account for water consumption as accurately as possible.

Art. 9. Water supply for fire fighting.

If the owner requests a water supply for firefighting, the distributor makes two connections: one for human consumption, the other exclusively for firefighting. For this second connection, the flow rate and pressure requested by the competent Regional Fire Department are not guaranteed by the distributor.

The distributor may design the double connection with only one outlet on the parent pipe. In this case only, the design of the fire connection will avoid any alteration of the quality of the water delivered by the connection intended for human consumption by the installation, as a minimum, of an approved non-return valve installed on the fire branch outlet.

 *Article R.270bis -3 of Book II of the Environmental Code constituting the Water Code*

Art. 10. Protection of the meter and connection.

The owner and the user shall take all measures to avoid damage to the meter. It is their responsibility to inform the distributor as soon as they become aware of it.

As such, they are liable for damage to the meter and to the part of the connection located inside any building housing the meter, in particular by frost, unless it is established that the distributor made an error in the design or placement of the connection.

The distributor shall inform the owners and users at least annually or upon request of the actions to be taken to prevent damage to the meter.

In the portion of its route in private property, no raised or buried construction or shrubbery may be established above the connection, on the surface extending on either side of the axis of the pipeline up to a distance of one metre fifty centimetres from this axis.

 *Articles D.198 and D.227bis of Book II of the Environmental Code constituting the Water Code*

All meters are fitted with seals. In the event of tampering with the seals, in addition to any fraudulent consumption, the owner or user must pay lump-sum compensation of €100, without prejudice to any legal proceedings. The distributor shall inform the owner or user in advance that he has the opportunity to submit his explanations. Where the alteration is not the result of an intentional or negligent act on the part of the owner or user, the lump-sum compensation is not applicable.

 *Articles D.198 and R.270bis -4 of Book II of the Environmental Code constituting the Water Code*

Art. 11. Change of owner or user.

In the event of a change of ownership, the former and new owners of real rights in the connected building are obliged:

- to inform the distributor within eight calendar days of the date of the notarial deed of sale;
- at the same time, to communicate the reading(s) at the date of the change of ownership on the basis of an adversarial procedure.

If these conditions are not met, the former and new real right holders shall be jointly and severally liable for the payment of the sums due from the last meter reading for which a bill was issued until this obligation is fulfilled.

Each user shall inform the distributor of the date of entry or exit from a connected building and of the meter reading on that date within eight calendar days.

10

 *Articles D.199 and R.270bis -5 of Book II of the Environmental Code constituting the Water Code*

CHAPITRE III. WATER SUPPLY, USE AND QUALITY

Art. 12. Provision of services.

The distributor fulfils its public service mission when it ensures, except in exceptional circumstances or circumstances that cannot be reasonably controlled, a regular supply to the buildings connected to the public supply network. The distributor shall ensure that all work necessary to guarantee this supply is carried out as soon as possible.

 *Article D.200 of Book II of the Environmental Code constituting the Water Code*

The valve guarantees a static pressure at the meter of 2 to 10 bar, excluding deviation and isolated cases.

The distributor guarantees a minimum flow rate of 300 litres/hour at the meter under the network's usual operating conditions, unless the distributor makes provision in accordance with Articles R.314, 2nd paragraph and R.320, §4, of the Water Code, relating to the social water fund in the Walloon Region.

In the event of a service interruption exceeding eight consecutive hours, not counting the hours between 10:00 p.m. and 6:00 a.m., alternative means of supply shall be implemented by the distributor.

The distributor is required to survey connections that do not meet the conditions for regular supply by the end of 2006.

It shall draw up a plan for bringing all such connections into conformity with the above conditions. It ensures that the plan is implemented as soon as possible. It determines the schedule for its implementation.

The list of connections that do not meet the conditions for a regular supply and the plan for bringing the connections into compliance with the above conditions are sent to the Water Control Committee by the end of 2006.

This Committee reports to the Minister responsible for water by 31 March 2007.

The compliance of the connections must be achieved by 31 December 2015. On the basis of a duly justified request, the Minister responsible for water may, after consulting the administration and the Water Control Committee, grant an additional period of five years. This derogation is renewable once only.

 *Article R.270bis -6 of Book II of the Environmental Code constituting the Water Code*

Art. 13. Complaints.

Any complaint from a user of the service shall be taken into consideration immediately; the distributor shall nominate the persons responsible for receiving and handling complaints.

 *Article D.201 of Book II of the Environmental Code constituting the Water Code*

Art. 14. Interruption in water supply.

The public water supply to a building used wholly or partly for habitation may only be interrupted in the following cases:

- to protect public health, sanitation or continuity of service;
- at the user's request;
- in enforcing a court order for non-payment authorising the interruption of distribution;
- in the event of a duly established impediment to access to the meter, in accordance with Article 18.

The public supply of water to a building not used for habitation may only be interrupted in the following cases:

- in cases provided for by or under the decree;
- at the user's request;
- in the event of non-payment after formal notice;
- in the event of a duly established impediment to access to the meter, in accordance with Article 18.

When service is interrupted for reasons of public health or safety, the distributor shall immediately inform the mayor of the municipality concerned, stating the causes of the interruption. When the service is interrupted as a result of a court decision, the president of the Public Social Welfare Centre shall be informed by the distributor of the interruption without delay.

 [Article D.202 of Book II of the Environmental Code constituting the Water Code](#)

The service is interrupted by closing the street valve, closing and sealing the valve before the meter or plugging the street tap. When distribution has been interrupted by the act or fault of the user or owner, it shall be restored at his request and expense after he has fulfilled all his obligations to the same distributor, without prejudice to the right to distribution for a new user.

 [Article R.270bis-7 of Book II of the Environmental Code constituting the Water Code](#)

Art. 15. Suspension of water supply.

The distributor may suspend service in the event of force majeure or whenever the requirements of repair, renewal, modification, relocation, maintenance or operation so warrant.

The distributor shall endeavour to choose the times when such suspensions cause the least possible inconvenience to all users and to limit their number and duration. Except in cases of emergency, users shall be informed in advance, with three clear days' notice, by circular letter or public address.

 [Article D.203 of Book II of the Environmental Code constituting the Water Code](#)

Art. 16. Saving water.

The user shall ensure that water is used economically and shall comply with the distributor's decisions and instructions limiting the use of water in the event of drought, technical incidents or water quality, without prejudice to the powers of the competent authorities.

 [Article D.205 of Book II of the Environmental Code constituting the Water Code](#)

Art. 17. Article on water quality.

The distributor must take representative samples of the quality of water consumed throughout the year. These samples are distributed throughout the supply networks at the frequency set by the Government.

The parametric values laid down by the legislation must be complied with at the point where, within the premises or an establishment, water supplied by a distribution system comes out of the taps which are normally used for human consumption. Except in premises and establishments where water is supplied to the public, the distributor is deemed to have fulfilled its obligations when it can be established that non-compliance with the parametric values set by the legislation is attributable to the private distribution system or its maintenance. However, the distributor advises consumers on any corrective measures that can be taken.

In order to ensure water quality control, the distributor may access the connection and the private distribution system on the basis of the provisions set forth in Article 18.

At least once a year, the distributor informs its users about the quality of the water distributed during the past calendar year.

The distributor is obliged to provide any consumer who so requests with adequate and up-to-date information on the quality of the water supplied in the distribution area it serves.

The water distributor may not supply water for human consumption if its safety and cleanliness are not assured.

Where water intended for human consumption constitutes a potential danger to human health, the supplier shall interrupt its distribution, restrict its use or take any other measure necessary to protect human health. In this case, it shall immediately inform the consumers and provide them with the necessary advice.

 [Articles D.182, §2, D.184, §1, D.187, D.188 and D.193 of Book II of the Environmental Code constituting the Water Code](#)

The supplier must establish a procedure called an internal emergency and response plan to be followed in the event of a water quality event.

 [Article R.262 of Book II of the Environmental Code constituting the Water Code](#)

Art. 18. Access to systems and meters.

In compliance with the principles of privacy protection and after informing the occupants in writing at least forty-eight hours beforehand, the distributor's employees, who carry a service card and are equipped with their identity card, and the inspection bodies may, in the presence of the occupants or their representative, easily and safely access the connection and the private distribution system between 8:00 a.m. and 8:00 p.m. in order to carry out any operation aimed at reading the consumption and verifying the systems and the meter.

 [Article D.207 of Book II of the Environmental Code constituting the Water Code](#)

Art. 19. Protection of the network against backflow.

All connections must be fitted with a non-return valve approved by the distributor. This valve is designed to prevent any backflow into the distribution system.

The backflow preventer is checked, maintained in perfect condition, repaired, replaced by the owner and at the owner's expense, without any liability for the distributor.

Art. 20. Alternative or complementary supply.

In the event of supply from an alternative or complementary resource to the piped water, the owner must ensure a complete separation, without physical junction, of the two supply circuits.

 *Article D.182, § 3 of Book II of the Environmental Code constituting the Water Code*

Art. 21. Carrying out the work.

On completion of the work, the installer must:

- ensure the conformity of the equipment before its installation;
- install backflow prevention devices approved by the distributor;
- follow best professional practice defined by the standards and technical documents of the building industry, welding of fittings, joints (beware of grease and thread, etc.), choice of coverings, fastenings, etc.;
- carry out cleaning, disinfection and rinsing operations before the systems are made available

Art. 22. Publicly accessible location.

In premises or establishments where water is supplied to the public, the private water supply network must be certified by an approved body in accordance with rules determined by the Government.

 *Article D.187, § 3, of Book II of the Environmental Code constituting the Water Code*

Art. 23. Change in the pressure supplied by the distributor.

If the water pressure supplied by the distributor in accordance with Article 12 is deemed excessive or insufficient by the user to meet specific requirements (multi-storey building, industrial system, etc.), the user must adapt the pressure to his needs. The devices used for this purpose must comply with the technical requirements for private distribution systems.

In principle, the direct connection to the water supply is made via an automatic or float valve-fed draw-off tank. In this case, the tank must be clean and easily accessible.

However, the distributor may authorise direct connection to the distribution system by means of pumps equipped with a safety device that stops the pump at a minimum supply pressure set by the distributor.

Art. 24. Connection between private systems.

Private distribution systems in the same building supplied by several separate connections may not be joined without the distributor's prior written consent.

Art. 25. Identification of pipes.

Where there are several water distribution systems of different origins in the same establishment, it is recommended that the different water pipes be visibly marked to avoid confusion.

Art. 26. Supply of water to a third party.

The user or owner is prohibited from supplying water to a third party without prior authorisation from the distributor, except in the event of fire; the user or owner is also prohibited from connecting to his private distribution system or allowing a water intake to be connected to this system for the benefit of a third party.

Art. 27. Protection of private systems.

The user and the owner shall take all measures to protect their appliances and systems to avoid damage of any kind due to service interruptions, pressure variations, network recharging, freezing and changes in the composition or quality of the water resulting from any cause whatsoever.

Art. 28. Lead pipes.

The use of lead pipes for indoor systems is strongly discouraged.

Art. 29. Water treatment appliance.

If any kind of water treatment appliance is installed in the indoor system, it is compulsory to install, immediately upstream of this appliance and successively in the direction of water flow, a valve and a non-return device in accordance with the standards in use, equipped with a control drain cock, all in good working order. Any damage to people (non-drinkability of the water) or to the internal system (damage) linked to these devices is assumed by the owner and/or the user without any responsibility for the distributor. Owners are advised to check with the distributor about the suitability of water treatment devices and the risks inherent in some of them.


Art. 29 bis. Hydrophore set and booster.

It is forbidden to connect a hydrophore or a booster directly to the connection pipe. Such a connection must be made via a float tank.

Annex: technical regulations

Owners must comply with the technical regulations for internal systems as issued by Belgaqua, the Belgian federation for the water sector,

 Boulevard de l'Impératrice, 17 - 1000 Bruxelles

 02/706.40.90 -  02/706.40.99

 www.belgaqua.be -  info@belgaqua.be

These requirements are set out in a brochure entitled «Directory 2xxx - Technical requirements for indoor systems – Compliant equipment – Approved protection – Certified fluids», which is available on request from your distributor or from Belgaqua.

CHAPTER V. RECORDING OF CONSUMPTION – PRICING AND BILLING

Art. 30. Recording of consumption.

The volumes consumed are recorded on the meter placed by the distributor. The time and frequency of the reading of the volumes consumed are determined by the distributor. This reading must be taken at least once a year, and the user must allow the distributor access to the systems under the conditions set forth in Article 18.

 *Article D.208 of Book II of the Environmental Code constituting the Water Code*

Art. 31. How to read the meter.

The meter is read either by the user or the owner himself, or by the distributor's agents or by a remote reading method.

This reading does not involve checking consumption; this is the responsibility of the owner and the user.

Within the time limit set by the distributor, the user or owner shall provide the distributor with the meter reading by any means available to him. If this formality is not completed, the consumption volume shall be estimated in accordance with the procedures laid down in Article 32.

In accordance with Article 14, in the event of a duly noted impediment to accessing the meter, the distributor may interrupt the water supply.

Art. 32. Flat-rate estimation of consumption.

If the meter reading is not known, or in the event of a recording failure or damage to the meter, the consumption volume is calculated on the basis of the average consumption recorded at the user's premises during the previous three billing cycles. If it is not possible to apply this method, the basis of calculation shall be the previous billing cycle or, failing that, the average daily consumption observed at the user's premises or any other means accepted by both parties.

Art. 33. Checking the meter.

Both the distributor and the user or owner may at any time request a functional check of the meter by the Metrological Service or by an approved independent body in accordance with the adversarial procedure defined by the Metrological Service. The user and/or owner shall be informed by the distributor of the financial conditions of this check.

The disputed meter shall be removed in the presence of the owner or his duly authorised representative, or where applicable the user, and shall be sealed without delay. The distributor installs a new meter.

If the meter submitted for inspection complies with the standards defined by the applicable regulations, the recorded consumption is confirmed and the costs of all operations related to the inspection are borne by the applicant.

If the meter is not compliant, these costs shall be borne by the distributor and consumption shall be estimated on a flat-rate basis in accordance with Article 32.

Art. 34. Pricing.

By virtue of the polluter-pays principle, a uniform water tariff applicable to consumption is introduced, comprising an annual fee per meter, which may be anticipated, intended to reward the advantage provided by the provision of water regardless of whether or not consumption has taken place, and three tranches divided into annual consumption volumes, calculated according to the following structure

Fee: $(20 \times \text{C.V.D.}) + (30 \times \text{C.V.A.})$

Consumption:

- first tranche from 0 to 30 m³: $0.5 \times \text{C.V.D.}$
- second tranche from 30 to 5.000 m³: $\text{C.V.D.} + \text{C.V.A.}$
- third tranche more than 5.000 m³: $(0.9 \times \text{C.V.D.}) + \text{C.V.A.}$

The tariff applied may deviate from the above tariff structure for annual consumption volumes above 25,000 m³ by reducing the coefficient applied to the C.V.D.

The contribution to the Social Fund for Water is added to the present tariff in the French-speaking territory.

The C.V.D. is determined by the distributor on the basis of a multi-year and forward-looking projection prepared on the basis of a known accounting situation and established in accordance with the valuation rules set out in the standard chart of accounts adopted by the Government. The Government may determine the method and form of calculation of the C.V.D.

The Sanitation cost (Coût-vérité à l'assainissement – C.V.A.), calculated per cubic metre, includes all costs related to the collection and disposal of wastewater. The C.V.A. is determined for the entire Walloon territory by the S.P.G.E., in application of the management contract that links it to the Walloon Government.

 *Article D.228 of Book II of the Environmental Code constituting the Water Code*

Art. 34bis. Multiple connections.

When a user is supplied by one or more connections totalling more than 5,000 m³ on an annual basis on a single geographical site located in the same place and in a single block without taking into account the separate roads or pavements, by way of derogation, the volume to be taken into consideration for invoicing purposes is the sum of all the volumes supplied by these connections. The fees and other charges for the various connections remain applicable on an individual basis for each connection.

A user wishing to benefit from this derogation must submit a request to his distributor who, after examining the admissibility, shall apply it as from the current billing year according to the date of submission of the request.

 *Article D.445 of Book II of the Environmental Code constituting the Water Code*

Art. 35. Exemption from C.V.A.

The C.V.A. shall not be applied, in the context of the tariffs provided for in Article 34, in the following situations:

- 1° on volumes of water distributed to users who are subject to the tax on the discharge of industrial waste water;
- 2° on volumes of water consumed by agricultural holdings subject to the tax on environmental charges, with the exception of the volume equal to the presumed household consumption, i.e. 90 cubic metres.

When the user referred to in 1° is liable for the tax on the discharge of industrial wastewater, the C.V.A. is replaced by a tax on the discharge of domestic wastewater in accordance with the procedures set out in article D.268 of the Water Code.

When the user contributes to the cost of industrial sanitation provided for in Article D.260 of the Water Code, the C.V.A. is billed directly by the public water company.

Until 31 December 2021, natural or legal persons under public or private law who treat the domestic wastewater they produce or receive for treatment and who benefit from an exemption or refund of the C.V.A., may choose to continue to benefit from it or to be subject to payment of the C.V.A. under the conditions defined by the Government. The volumes of water abstracted by persons benefiting from an exemption or return of the C.V.A. are not counted in the volumes of water referred to article D.254, paragraph 2.

The Government is empowered to determine the measures related to the transitional period including:

- 1° the conditions for bringing wastewater treatment systems into compliance in order to benefit from public management of on-site sanitation;
- 2° the modalities to benefit from the services of the public management of on-site sanitation;
- 3° the modalities of controls, maintenance and emptying of individual wastewater treatment systems that continue to benefit from a transitional exemption from the C.V.A.

 *Articles D.229, D.231bis and D.254 of Book II of the Environmental Code constituting the Water Code*

Art. 36. Billing.

An annual invoice is issued by the distributor. In addition, interim payments or invoices will be issued at least every three months.

In the event of a change of user and in the event of a change in the billing period by the distributor, the charge, as well as the consumption bands, shall be calculated in proportion to the period of occupancy of the building or part of the building. Where applicable, the fee paid in advance will be adjusted.

 *Article D.230 of Book II of the Environmental Code constituting the Water Code*

Art. 37. Presentation of the invoice.

The annual adjustment invoice shall detail at least:

- the name and address of the recipient;
- the place of supply;
- a consumption history with a histogram of consumption (minimum three years);
- the meter number;
- the consumption period
- the old and the new meter reading;
- the calculation of the invoice amount including at least the following elements separately:
 - the fee;
 - the price of consumption, with details of the tariff structure;
 - the amounts of the C.V.D. and C.V.A.;
 - the amount of the contribution to the Social Water Fund;
 - V.A.T.;
 - the total amount of the invoice to be paid;
- in the event of a tariff change during the consumption period covered by the invoice, the invoice shall specify, by tariff, each consumption period concerned;
- the date of the invoice and the last date for payment;
- the distributor's customer service contact details;
- identification of any collective treatment plant that treats the user's wastewater.

The invoice shall clearly indicate the various components of the C.V.D. and C.V.A., in accordance with their definition.

 *Article R.270bis-8 of Book II of the Environmental Code constituting the Water Code*

Art. 38. Invoice payment and collection.

In the event of non-performance of the obligations, and in particular in the event of non-payment of the amounts owed to the distributor on the basis of the instalments and invoices provided for in Article 36 within the time periods provided for, the distributor shall recover its debt from the users and, where applicable, from the owner, as provided for in Article 44, by all legal means.

 *Article D.232 of Book II of the Environmental Code constituting the Water Code*

Art. 39. Method and deadline for payment of consumption.

The amounts due are payable to the distributor's revenue office or to the account of the financial institution designated by the distributor. The last date for payment is indicated on the invoice after the words «to be paid before...». This date shall be at least fifteen calendar days after the date of dispatch of the invoice.

 [Article R.270bis-10 of Book II of the Environmental Code constituting the Water Code](#)

Art. 40. Reminder.

In the event of non-payment within the period prescribed in Article 39, the distributor shall send a reminder to the defaulting user or owner. In its reminder letter, the distributor informs the user or owner of the possibility of benefiting from the social water fund. The reminder can only be sent from the thirtieth calendar day after the date of dispatch of the invoice. The reminder shall set a new deadline for payment which shall be at least ten calendar days from the date of issue of the reminder. The reminder fee charged to the user or owner is €4.

 [Article R.270bis-11 of Book II of the Environmental Code constituting the Water Code](#)

Art. 41. Formal notice.

In the event of non-payment of the invoice upon expiry of the new deadline set in Article 40, the distributor shall send a letter of default setting a new payment deadline of at least five calendar days. The amount of the unpaid invoice is increased by the costs of the formal notice procedure. The maximum charge is the cost of the reminder plus the cost of registered post. During this formal notice, the consumer is reminded that he or she can apply for the social fund through the C.P.A.S. and that, unless he or she advises otherwise, his or her details will appear on the lists sent to the C.P.A.S. In the context of respect for privacy, the client may object to the transmission of his or her details to the C.P.A.S.

 [Article R.270bis-12 of Book II of the Environmental Code constituting the Water Code](#)

Art. 42. Failure to pay.

In the event of failure to pay within the period set by the notice of default, the sums due may be increased by statutory interest at the end of the period set.

The distributor may use all legal means to recover its debt, including limiting the flow rate supplied to the user.

A flow restrictor can be installed provided the following conditions are met:

- in the event of persistent non-payment, the debtor is warned by letter of the risk of debit limitation within a minimum of thirty calendar days from the date of the letter;
- at the same time, the distributor notifies the CPAS in writing;
- without a reasonable commitment from the debtor or the CPAS to settle the debt within thirty calendar days of the date of the letter referred to in the first indent, the distributor may continue the procedure for installing a flow limiter; it shall inform the debtor of its decision to install a flow limiter and the terms and conditions for its implementation;
- the distributor has seven calendar days to remove the debit limiter after full payment of the amounts due.

 [Article R.270bis-13 of Book II of the Environmental Code constituting the Water Code](#)

Art. 43. Complaints.

To be admissible, any complaint must be made in writing within fifteen calendar days of the date of dispatch of the invoice. It does not suspend the obligation to pay the amounts claimed.

Any payment whatsoever made to the distributor shall neither bear interest nor suspend payment of the sums due or claimed on any account whatsoever.

If the distributor acknowledges and upholds the complaint, it has fifteen calendar days to reimburse the consumer for the amounts due.

 *Article R.270bis-14 of Book II of the Environmental Code constituting the Water Code*

Art. 44. Distribution of the sums due between the owner and the user.

The user is indebted to the distributor for all sums owed to the distributor for the public supply of water, except for fees or compensation for which the owner is expressly liable.

When the connected building is made up of dwellings, commercial activities or buildings and the connection is not equipped with several meters allowing the respective individualised consumption to be recorded, whether or not the dwellings, buildings or commercial spaces are occupied by different occupants, the owner acquires the status of user as regards the billing of the service and the corresponding rights and obligations.

Where the user does not have a real right in the connected building, the owner may not be jointly and severally liable to the distributor for any amounts unpaid by the user, provided that:

- 1° it provides proof that it has notified the distributor in writing, no later than 30 calendar days after the date of the change in occupancy of the property, of the identity of the incoming and outgoing users, as well as the meter reading on that date;
- 2° that an unusually high consumption is not due to the state of the private systems.

Where several persons hold undivided real rights in a connected property, they are jointly and severally liable for the owner's obligations.

In the case of an unoccupied building, the owner becomes a user and is therefore liable to the distributor for the costs of the fee and the recorded consumption until notification is given that the building is occupied by a new user.

 *Articles D.233 of Book II of the Environmental Code constituting the Water Code*

Art. 45. Payment of third parties.

Payments made by third parties are deemed to be made on behalf and at the expense of the user or owner.

 *Article R.270bis-15 of Book II of the Environmental Code constituting the Water Code*

Art. 46. Guarantee.

In the case of a building not used exclusively for residential purposes, the distributor may request a guarantee to ensure payment of the amounts owed to it due to the user's specific situation.

 *Article D.232, paragraphs 3 and 4, of Book II of the Environmental Code constituting the Water Code*

The guarantee requested by the distributor takes the form of a cash deposit of a sum equivalent to a maximum of six months of consumption. When distribution ceases, this sum is returned after deduction of any amounts due. In the case of a meter connected to a hydrant, the guarantee provided for in the preceding paragraph may be increased by a lump sum determined by the distributor to cover the cost of the equipment and the risks of deterioration of the water distribution systems.

An agreement on the provision of equipment is drawn up between the owner and the water distributor.

 *Article R.270bis-16 of Book II of the Environmental Code constituting the Water Code*

Art. 47. Adjustment of accounts.

In the event of an error or omission affecting the amounts claimed from the user, an account adjustment shall be made as soon as possible by the distributor, either on its own initiative or at the request of the user or owner. The consumption period to which the account adjustment relates may not exceed the fifteen months preceding the last meter reading taken by the distributor's agent and giving rise to billing.

Art. 48. Information.

The distributor shall make available to the users a list of the current tariffs and the technical and administrative requirements. The distributor has a duty to actively inform its users about the technical and administrative conditions establishing the quality of the service it provides. However, certain information may be withheld where disclosure would impede the protection of privacy, be contrary to the public interest or could seriously harm public security. Unless otherwise provided by law, the distributor may communicate any data relating to the status of the user's accounts to the user and to the bodies responsible for providing guidance, at their request and with the user's consent.

 *Article D.209 du Livre II du Code de l'Environnement constituant le Code de l'Eau*

Art. 49. Compensation.

In the event that a user is provided with water that does not comply with the legal and regulatory provisions, or that the service is not regularly supplied, or that the service is interrupted or suspended outside the conditions set out in Articles 14 and 15, the following invoice sent to the customer who is the victim of this service failure shall be reduced by an amount equivalent to the following formula:

$(A \times B \times C)$

A = the billed consumption/duration of the billing cycle;

B = the number of days of default;

C = the rate for the first consumption band in force at the time of billing.

 *Article D.403 of Book II of the Environmental Code constituting the Water Code*

Art. 50. Infringements.

If any of the following commits a second category offence within the meaning of Part VIII of the decree part of Book I of the Environment Code, punishable by imprisonment for a period of between eight days and three years and a fine of at least EUR 100 and a maximum of 1,000,000 or one of these penalties only:

- 1° a distributor that fails to provide appropriate advice as provided for in Article 17;
- 2° a distributor that supplies water intended for human consumption where its safety and cleanliness are not ensured in accordance with Article 17;
- 3° a distributor that does not establish or implement an annual control programme to regularly verify that water intended for human consumption meets the parametric values set by the Water Code, in accordance with Article 17;
- 4° anyone who evades or attempts to evade payment of the annual wastewater discharge tax, water abstraction fee or contribution.

If any of the following commits a third category offence within the meaning of Part VIII of the decree part of Book I of the Environment Code, punishable by imprisonment for a period of between eight days and six months or a fine of at least EUR 100 and a maximum of 100,000 or one of these penalties only:

- 1° a distributor that does not install a meter;
- 2° a distributor that does not apply the annual consumption volume-based rate schedule under Article 34;
- 3° a distributor that does not adjust the amount of the fee provided for in Article 34;
- 4° a distributor that fails to comply with the provisions relating to the billing and collection of water consumption as set out in Articles 36, 39 to 42 and 46;
- 5° a distributor that unilaterally terminates the service in cases other than those provided for in the General Conditions for Public Water Supply in Wallonia or in the provisions relating to the non-fulfilment of obligations and in particular the non-payment of sums due or in Articles 49 and 51 of these regulations;
- 6° a user that does not comply with the distributor's decisions and instructions restricting the use of water in the event of drought, technical incidents or water quality;
- 7° an owner or user that fails to comply with the orderly procedures determined by the Government and relating to the placement of connections, the conditions for the construction and use of private domestic systems and the protection of the distributor's systems, the meter reading, the flat-rate consumption estimate meter check, adjustment of the user's accounts, compensation of the distributor for the cost of its services performed at the request or through the fault of the user or owner, and compensation of the distributor following infringements committed by the user or owner;
- 8° those who do not comply with their obligations for the establishment of contributions and taxes on potable water intakes, non-potable groundwater intakes, non-potable surface water intakes; tax on the discharge of industrial and domestic wastewater; tax on environmental charges generated by agricultural holdings.

If any of the following commits a fourth category offence within the meaning of Part VIII of the decree part of Book I of the Environmental Code, punishable by a fine of at least 1 euro and at most 1,000 euros:

- 1° an owner that, in the event of supply by an alternative or complementary resource to the piped water, does not ensure a complete separation, without physical junction, of the two supply circuits, as provided for in Article 20;
- 2° an owner of a private water system where water is supplied to the public, who has not had the system certified by an approved body in accordance with Article 22;

- 3° a private individual who does not authorise the distributor's employees, who carry a service card and are in possession of their identity card, and the control bodies, to have easy and safe access to the connection and to the private distribution system, between 8:00 a.m. and 8:00 p.m., in compliance with the principles of protection of privacy, after having informed the occupants in writing within the preceding 48 hours, and in the presence of the occupants or their representative, to carry out any operations aimed at checking the quality of the water;; 23
- 4° anyone who withdraws water from the public supply network outside the cases provided for by the Water Code or authorised by the distributor;
- 5° a distributor that, where there is a risk that the water will not comply with the parametric values set, does not take appropriate measures to reduce or eliminate that risk, does not use appropriate treatment techniques to modify the nature or properties of the water before it is supplied, so as to reduce or eliminate that risk after supply, does not inform or advise the consumers concerned about possible additional corrective measures to be taken, in accordance with Article 17;
- 6° a distributor that does not inform the approved certification body without delay, in the places referred to in 2° above, where it can be established that non-compliance with the set parametric values is attributable to the private distribution system or its maintenance;

 *Articles D.400, 401, 404 and 406 of Book II of the Environmental Code constituting the Water Code*

CHAPTER VI. TERRITORIAL JURISDICTION

Art. 51. Territorial jurisdiction.

The territorial jurisdiction of the judicial bodies to which disputes relating to the application of this rule are submitted is determined by the rules of the Judicial Code.

 *Article D.405 of Book II of the Environmental Code constituting the Water Code*

CHAPTER VII. SPECIFIC PROVISIONS

Art. 52. Costs and compensation.

- §1. The cost of each trip, supply and service performed by an agent of the distributor, at the request or through the fault of the user or owner, shall be borne by him.
- §2. Compensation claimed by the distributor for violations of these by-laws shall be determined by its Board of Directors or any other similar body without prejudice to administrative costs, damages and any legal proceedings.

Art. 53. Indemnity clause.

Any sum unpaid at the end of the period of notice referred to in Article 41 may be increased by right, by way of damages, by a fixed indemnity of 10% of the amount of the invoice with a minimum of 50 euros. This provision is reciprocal according to the law

Art. 54. Indexing.

The amounts provided for in Articles 10, 40 and 42 of this Regulation shall be indexed each year on 1 January, on the basis of the change in the price index with reference to the health index in force on 1 September 2005.

 *Article R.270bis-18 of Book II of the Environmental Code constituting the Water Code*



For further information
we can be contacted on

 **087 87 87 87.**

Or visit

 **www.swde.be.**