

DWA- Rules and Standards

Standard DWA-A 400E

Principles for the Preparation of DWA Rules and Standards

January 2008

Grundsätze für die Erarbeitung des DWA-Regelwerks

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German Association for Water, Wastewater and Waste
Deutsche Vereinigung für Wasserwirtschaft, Abwasser und Abfall e. V.
Theodor-Heuss-Allee 17 · 53773 Hennef · Germany
Tel.: +49 2242 872-333 · Fax: +49 2242 872-100
E-Mail: info@dwa.de · Internet: www.dwa.de

The German Association for Water, Wastewater and Waste (DWA) is strongly committed to the development of secure and sustainable water and waste management. As a politically and economically independent organisation it is professionally active in the field of water management, wastewater, waste and soil protection.

In Europe DWA is the association with the largest number of members within this field. Therefore it takes on a unique position in connection with professional competence regarding standardisation, professional training and information. The approximately 14,000 members represent specialists and executives from municipalities, universities, engineering offices, authorities and companies.

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Foreword

In August 1984, the first edition of the Standard ATV-A 400 was published in order to make it possible to establish “generally accepted rules of technology” for wastewater and waste technology through a formal participation procedure. It represents a binding regulation on the procedure for the preparation of ATV Rules and Standards.

Due to the restructuring of the ATV in 1986, a change of responsibilities in the steering bodies of the ATV occurred, making an editorial revision of the ATV-A 400 necessary. The second edition was published in October 1986. The third edition of January 1994 was intended to give the ATV Rules and Standards a clearer structure. Since then, “notes” are no longer created, but only “Standards” and “Advisory Leaflets” published within the Set of Rules and Standards.

In July 1996, the managing board of the ATV again decided to revise the ATV-A 400 with the aim of adapting the content to the further development of the Wasserhaushaltsgesetz (Federal Water Act) (6th amendment) and providing further steps to speed up procedures, especially for the revision of existing provisions. During the processing it became apparent that the acceleration effects were primarily to be achieved by means of changes to the rules for the committees and working groups of the ATV, so the goal of speeding up procedures was further advanced at this level. In the framework of the fourth edition of February 1998, especially Section 5 “Application of the Rules and Standards” and the User Notes in the Standards and Advisory Leaflets based on this section were revised.

The fifth revised edition was necessitated by the merger of the ATV and DVWK. It united the Standard ATV-A 400 “Principles for the Preparation of German ATV Standards” and the Advisory Leaflet DVWK-M 200 “DVWK-Regelwerk, Grundsätze” (DVWK Rules and Standards, Principles) in a revised form.

The introduction of the new short name “DWA” in September 2004 and the revised DWA article of association which entered into force on 1 January 2006 made further updating of the Standard necessary. Since the changes are not of a substantial nature, a public participation procedure was waived.

Authors

The revision of the DWA-A 400 “Principles for the preparation of DWA Rules and Standards” was resolved by the main committee “Law”.

The DWA main committee HA-RE “Law” consists of the following members:

BERENDES, Konrad	MinRat Dr., Bonn
DRIEWER, Gerhard	RA Dr., Essen
DÜSTERDIEK, Bernd	RA, Bonn (Deputy Chairman)
FEUSTEL, Martin	MR, Erfurt
KNOPP, Günther-Michael	MinRat i. R. Dr., Landshut
LINDNER, Wulf	Dr.-Ing., Bergheim
MEYER, Marion	RA, Hanover
MÜLLER, Wolf-Dieter	RA, Berlin
MUNK, Hans-Hartmann	MR, Mainz
PIENS, Reinhart	RA, Essen
SCHEIER, Michael	RA, Cologne
SCHENDEL, Frank Andreas	RA Dr., Bergisch Gladbach (Chairman)
SCHULZ, Paul Martin	RA Dr., Bonn
VIERTEL, Berthold	RA Dr., Essen

Project organiser within the DWA Head Office:

LEPTIEN, Christoph	Ass. jur., Hennef Department of Water and Waste Management
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User Notes

This Standard has been produced by a group of technical, scientific and economic experts, working in an honorary capacity and applying the rules and procedures of the DWA and the Standard DWA-A 400. Based on judicial precedent, there exists an actual presumption that this document is textually and technically correct and also generally recognised.

Any party is free to make use of this Standard. However, the application of its contents may also be made an obligation under the terms of legal or administrative regulations, or of a contract, or for some other legal reason.

This Standard is an important, but not the sole, source of information for solutions to technical problems. Applying information given here does not relieve the user of responsibility for his own actions or for correctly applying this information in specific cases. This holds true in particular when it comes to respecting the margins laid down in this Standard.

1 Objectives and Scope of the Rules and Standards

Uniform technical rules make a major contribution to the effective and economic protection of material goods and the environment and to quality assurance in technology, economy, science and government. They have to conform to the technical findings whilst taking functional reliability and safety engineering, hygienic, economic and environmental requirements into account.

The German Association for Water, Wastewater and Waste, DWA, draws up uniform technical rules for the areas of water management, land development, soil conservation, wastewater and waste technology and publishes them in the DWA Rules and Standards. The Rules and Standards contain statements on the planning, construction, operation, maintenance and inspection of facilities, on services and products, and the sustainable use of water and soil. They also serve education and training purposes.

2 DWA Rules and Standards

2.1 Structure

The Rules and Standards consist of Standards and Advisory Leaflets.

Standards differ from Advisory Leaflets in their degree of acceptance and practical testing.

2.2 Standards

The task of the Standards is, in particular, to describe technical procedures, facilities, operational modes and measures for the implementation of statutory requirements, which have proven themselves in their practical application, and which, according to the expert opinion of those persons active in the specialist field concerned, can be considered technically perfect and economical solutions.

The Standards are prepared by specialist committees and are subject to a formal, public recognition procedure.

2.3 Advisory Leaflets

The task of the Advisory Leaflets is to provide recommendations and assistance in solving technical and operational problems and in quality management. They can also represent additions to Standards and describe procedures, facilities, operational modes and measures that do not yet meet the requirements for recognition in a Standard. If the statements contained within them are confirmed in practice and they have received recognition

in the relevant field, Advisory Leaflets can be transformed into Standards.

The Advisory Leaflets are prepared by specialist committees. The specialist community is involved through a procedure determined by these principles.

2.4 Cooperation with other Organisations

If a technical rule is developed in consultation with other organisations, it shall be determined in advance whether the Standard DWA-A 400 or an equivalent code of practice of the other association is to be applied. The joint commencement of work is to be advertised in the journal “KA – Abwasser, Abfall”, “KW – Korrespondenz Wasserwirtschaft” and in other specialist journals where applicable.

3 General Stipulation

Standards and Advisory Leaflets are to be prepared in accordance with the relevant parts of DIN 820 “Standardisation”. This applies especially to the formulation and evaluation of the statements.

4 Realisation

4.1 Commencement of the Work

Any person can propose the preparation or revision of a Standard or an Advisory Leaflet to the head office. The competent main committee decides on the admission or rejection of the work and classification of the work within the Rules and Standards within six months on the basis of a project description.

4.2 Method of Processing

Standards and Advisory Leaflets are processed separately according to subject area and specialist field in committees or working groups or through these in cooperation with specialist committees of other technical-scientific organisations.

The processing is based on the principles laid out in the “Geschäftsordnung für die Ausschüsse und Arbeitsgruppen der DWA” (rules of procedure for committees and working groups of the DWA).

4.3 Participation Procedure

The commencement of work is to be announced in the journal “KA – Abwasser, Abfall”, “KW – Korrespondenz Wasserwirtschaft” and in other specialist journals where applicable. Here it is to be specified whether the processing of a Standard or an Advisory Leaflet is planned.

4.3.1 Standards

4.3.1.1 Release of the Draft

The release of the draft (“yellow print”) of Standards as well as their amendments and additions is to be announced to the specialist community having regard to the reference source and the period for objections in the journal “KA – Abwasser, Abfall”, “KW – Korrespondenz Wasserwirtschaft” and in other specialist journals where applicable. In addition, the publication of the “yellow print” is to be announced in the German Federal Gazette. The circles concerned are to be informed separately.

4.3.1.2 Opinions on the Draft and Deliberation of Objections

Any party may submit opinions (approvals, objections, suggestions for amendments and additions) on the drafts within a specified reasonable period of time – usually three months from the date of announcement in the journal “KA – Abwasser, Abfall”, “KW – Korrespondenz Wasserwirtschaft” – at the national head office stating the reasons.

After expiration of the period for objections, the opinions are to be discussed in the competent committee or the competent working group. If it is not possible to take an opinion into account, the contributor is to be invited to the relevant committee for consultation, provided he maintains his opinion.

The contributors are to be informed individually in writing of the outcome of the consultation on their opinion.

4.3.1.3 Conciliation Procedure

If no agreement is reached on the opinion, the contributor can file an application for conciliation with repeated justification within a period of one month after receipt of the notification in accordance with Section 4.3.1.2. This shall be submitted in writing to the national head office. This forwards the application to the members of the conciliation committee.

The conciliation committee is to be composed of:

- A member of the competent main committee as chairperson,
- The applicant or a representative appointed by him,
- The representative of the responsible specialist committee,
- A member of the competent specialist committee or the competent working group and
- A member of staff of the national head office as secretary without the right to vote.

The chairperson can admit further specialists for consultation without voting rights. If the applicant does not name a representative or fails to appear at the hearing, the conciliation committee is to decide without him.

The application is settled once the conciliation committee has found a formulation which is unanimously accepted.

The conciliation committee is to inform the specialist committee and the applicant of the result of its consultations in writing.

The conciliation hearing can be dropped if the chairperson of the conciliation committee has reached an agreement in advance.

The conciliation procedure should be settled at the latest two months after application for conciliation.

4.3.1.4 Arbitration Procedure

If no agreement is reached in the conciliation procedure, the applicant can request arbitration within a further period of one month after notification of the decision of the conciliation committee.

The application shall be submitted to the national head office by registered letter. The application is to be justified with reference to the specialists to be consulted. The national head office is to forward the application to the chairperson of the arbitration committee.

The arbitration committee is to be composed of:

- A member of the managing board as chairperson,
- A member of the main committee “law”,
- A member of the competent main committee,
- Two experts named by the applicant who are not in a dependent employment relationship to the applicant and
- A member of staff of the national head office as secretary without the right to vote.

Members of the committee concerned, the working group concerned and the applicant shall not be members of the arbitration committee.

The chairperson can admit further specialists for consultation without voting rights.

The chairperson of the arbitration committee is to decide whether an application can be resolved in writing or if the arbitration committee shall convene. The committee concerned is to be given the opportunity to give its opinion on the application.

If the arbitration committee considers the application to be founded, it is to grant it or arrange for the competent committee to process the application again, taking the results of the hearing into account. Otherwise, the arbitration committee is to reject the appeal. The arbitration committee is to decide by simple majority and inform the specialist committee and the applicant in writing of the result its hearing.

The arbitration procedure should be settled at the latest two months after the application is filed.

4.3.1.5 Suspensive Effect

The initiation of conciliation and arbitration procedures has no suspensive effect for the further processing of the Standard. This does not apply where safety engineering or health protection form the subject matter of the proceedings.

4.3.1.6 Duration of the Procedure after the “Yellow Print”

The procedure after publication of the “yellow print” is, where possible, to be completed within eighteen months. After twelve months the competent committee shall decide if the work is to be continued, a new “yellow print” created, or the project abandoned.

4.3.1.7 Repeated Draft Publication

If significant changes occur as a result of the consultation, on the recommendation of the competent committee, a further draft publication is to be carried out, with a shorter period for objections where applicable.

4.3.2 Advisory Leaflets

Prior to publication, the Advisory Leaflets are to be sent in draft form to those circles of experts which the committee considers to be affected. The deadline for opinions is three months

If wider public participation is considered necessary or expedient, the draft can also be released as a “yellow print”. 4.3.1.1 and 4.3.1.2 apply accordingly.

4.4 Adoption and Publication (“White Print”)

Once the participation process is complete, the final version (“white print”) of the Standard is to be released for publication by the competent main committee and the presiding committee.

Advisory Leaflets are to be released for publication (“white print”) by the relevant main committee after an internal vote, taking the opinions received into account.

The release is to be announced in the journal “KA – Abwasser, Abfall”, “KW – Korrespondenz Wasserwirtschaft”, in the Federal Gazette and in other specialist journals where applicable.

Especially the following are to be announced:

- Title and number of the Standard or the Advisory leaflet,
- Date of issue.

4.5 Validity

Standards and Advisory Leaflets become valid on their date of issue. Published Standards and Advisory Leaflets remain in force until a new “white print” is published, or until they are withdrawn in accordance with the “Geschäftsordnung für die Ausschüsse und Arbeitsgruppen der DWA” (rules of procedure for committees and working groups of the DWA).

4.6 Revision

Standards and Advisory Leaflets are to be reviewed at the latest every five years to ensure that they are up-to-date. The specialist community is to be involved in an appropriate manner (e. g. note in the journal “KA – Abwasser, Abfall”, “KW – Korrespondenz Wasserwirtschaft” and in other specialist journals where applicable). Here it is to be decided whether they can be retained, or if they have to be revised or withdrawn.

In case of amendments and additions to the contents, a renewed participation process can be dispensed with if these are not substantial in nature. For Standards, this requires the consent of the presiding committee and for Advisory Leaflets, the consent of the competent main committee. The intended amendment of Standards is to be announced in the journal “KA – Abwasser, Abfall”, “KW – Korrespondenz Wasserwirtschaft” and in other specialist journals where applicable three months before the intended amendments take effect, stating the reasons, so as to give the specialist community the opportunity to give an opinion.

5 Application

These Rules and Standards are the result of honorary, technical-scientific/economic collaboration carried out in accordance with the principles applicable (constitution, rules of procedure of the DWA and the Standard DWA-A 400). Based on judicial precedent, there is an actual presumption that they are textually and technically correct and also generally recognised.

The application of the Rules and Standards is open to everyone. However, their application can form an obligation under the terms of legal or administrative regulations, a contract or for another legal reason.

The Rules and Standards are an important, but not the sole source of information for correct solutions. Their application does not relieve the user of responsibility for his own actions or for the correct application in specific cases. This especially applies to the correct handling of the margins described in the Rules and Standards.

6 Copyright

As the publisher of the Rules and Standards, the DWA is entitled to assert the copyright to these. Accordingly, the DWA in particular holds the reproduction and distribution rights to the Standards and Advisory Leaflets.

An assertion of individual rights to the results of the Rules and Standards is not compatible with the nature of this work as a collaborative achievement.

The reproduction of constituent parts of the Rules and Standards in extracts or in full, as well as their duplication, requires the prior consent of the DWA. This also applies to their further processing by computer.

With the prior consent of the DWA, constituent parts of the Rules and Standards may be translated into foreign languages.

7 Previous ATV and DVWK Rules and Standards

Previous publications remain valid. The revision, withdrawal and updating are to be governed by this Standard DWA-A 400.

8 Entry into Force

The Standard DWA-A 400 enters into force on publication. At the same time, the fifth edition of the Standard ATV-DVWK-A 400 ceases to be in force.

The German Association for Water, Wastewater and Waste draws up uniform technical rules for the areas of water management, land development, soil conservation, wastewater and waste technology.

Thus, a major contribution to the protection of material goods and the environment and to quality assurance in technology, economy, science and administration is made.

The DWA Rules and Standards also serve education and training purposes.

The present Standard is – as well as the “Geschäftsordnung für die Ausschüsse und Arbeitsgruppen der DWA” (rules of procedure for committees and working groups of the DWA) – the basis for the implementation of the statutory mission of creating, updating and publishing of the DWA Rules and Standards. It specifically regulates the nature of Standards and Advisory Leaflets, lays down the proceedings for their coming into existence and makes statements concerning the notice and information about them.



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German Association for Water, Wastewater and Waste
Deutsche Vereinigung für Wasserwirtschaft, Abwasser und Abfall e. V.
Theodor-Heuss-Allee 17 · 53773 Hennef · Germany
Tel.: +49 2242 872-333 · Fax: +49 2242 872-100
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