

EurEau's comments on the European Commission draft (27/6/2014 version) amending Annex II of Directive 98/83/EC

GENERAL COMMENTS

Revision of DWD or review of the Annexes?

Although it has been launched as a proposal that only concerns Annex II, some of the amendments have repercussions on the articles of the Directive, so EurEau believes that the review should be more comprehensive and carried out as a full revision of the Directive, not only limited to the Annexes. The simple inclusion of the Water Safety Plan approach in Annex II, without amending the articles themselves, leads to confusion and should be avoided in order to ensure a proper implementation of the DWD. With the proposal as it stands, the character of the DWD would undergo a fundamental change – now including key elements of risk management. In EurEau's opinion it would be preferable to have a firm legal basis for the inclusion of this risk-based approach in the articles of the DWD, rather than in Annex II.

In light of the above, EurEau would prefer to wait for the outcome of the European Commission's internal discussions on whether to proceed to a full revision of the DWD before amending the Annexes. If the discussions indicate that a revision is not considered necessary, EurEau will be ready to cooperate with the European Commission on a review limited to the Annexes as a fall-back option.

Economic impact

A firm legal basis is of paramount importance since the establishment of the risk-based approach according to standard EN 15975-2 is often connected with far-reaching organizational, operational changes, administrative burden as well as economic consequences for water suppliers.

The proposals stated in the draft Annex II will have economic consequences which, in the current general economic situation, will be not viable for some Member States. (see Recital 18 and Part 2.1 List of parameters).

Although the risk-based approach could seem to lead to a reduction of costs, it should be stressed that it might not be the case. In fact, the risk-based approach could turn out to be more expensive, not only because of a regular risk assessment needed, but also because of

the setting up of flexible monitoring programmes for different supply zones, as well as the analysis of different and potentially more difficult parameters.

Links with WFD

References to the WFD and the actions that must be implemented by Member States to comply with it are found in Recital 17 as in some articles of the draft (Annex II Part 1 - section 2 and 4, and Part 2 - 6 c). Since the competences related to the WFD and the DWD could correspond to different ministries in some Member States, any obligation of communication between them and the water suppliers should be established accordingly, so that it can be performed as provided in this revision.

No compliance that it is “not trivial”

This expression is used several times throughout the document (Part 1-1 c, Part 4-2 e). A clear definition of this term is required to avoid different interpretations even in the different Member States.

COMMENTS ON ANNEX II

Part 1 : Objectives and general obligations

~ Paragraph 1 a) Risk mitigation controls

The standard EN 15975-2 indicates, in the introduction, that it is based completely on the WHO scheme for Water Safety Plans’.

The standard EN 15975-2 refers to "risk control measures" and in its section 4.6.3 refers to the "validation of risk control measures" in short or long term when referring to the set of tests to be performed to preserve the integrity of the drinking water.

Therefore, it should be clarified what paragraph 1a) refers to when using the formulation “risk mitigation controls”, since it doesn’t relate to standard EN 15975-2.

~ Paragraph 2 & 4

For the purpose of compliance with article 4 of the DWD the draft states that Member States shall ensure that each water supply is subject to an appropriate monitoring programme from source to tap. Since drinking water resources vary within the EU in terms of source (groundwater, surface water) and the circumstances of the catchment area (e.g. up to river basin scale), an obligation should be set on Member States to communicate to water suppliers the results of monitoring obtained through the programs - established under article 8 of WFD - for the safeguard zones for drinking water - established under article 7 of the WFD.

~ Paragraph 3

Measurements recorded by on-line monitors are mentioned among the possibilities of the monitoring program. This option seems very useful, although EurEau believes that for a homogeneous use, criteria of acceptability should be established (e.g. accuracy and precision).

It should also be considered that on-line monitors being part of the risk-based approach might need to be part of an accreditation according to EN/ISO 17025.

The term “sanitary inspections” needs to be clarified.

Part 2: Parameters and frequencies

~ Paragraph 6c

Since some raw water monitoring data will be obtained by a body external to water suppliers (as provided by Member States by Article 8 of the WFD), an obligation of communication of these results to water suppliers must be set, so that water suppliers can react on monitoring results within the frame of the Water Safety plan approach.

~ Paragraph 6d

In addition to the update of the risk assessment guidelines listed in this section, EurEau thinks that also a new risk analysis should be done also when significant changes in the system occur.

Part 2.1: List of Parameters

~ Group A Parameters

The terms to include nitrite to Group A parameters should be clarified to unambiguously also include the application of chloramine at the water treatment plant. Now the term may be interpreted to apply only on the cases where chloramine is added in the distribution network.

Part 2.2: Sampling frequencies

In relation to water supplies with volume ≤ 100 m³/day, EurEau believes that a minimum frequency should be determined. Therefore EurEau proposes to amend Note 4 in order to avoid that no sample is taken as follows:

“The frequency is to be decided by the Member States concerned, in accordance with Article 3 (2) of the Directive **and the risk assessment**”.

Part 3: Sampling methods and sampling points

~ Paragraph 2 and 3

EurEau supports these paragraphs since they provide specific sampling methods and features for sampling. It should be clarified if the sampling taps in the distribution network can be used as an alternative to the sampling at the consumer's tap. Perhaps this could be solved by adding an additional paragraph 5.

The date of the norm ISO 5667-5 (2006) should be withdrawn, otherwise users are supposed to follow a specific version even if the norm is amended in the future.

~ Paragraph 4

EurEau stresses that responsibilities lies with different bodies in the chain from catchment to tap. Article 6 of the DWD (Point of compliance) for example refers to the situation water in the domestic installation does not comply with the parametric values established Member States shall nevertheless ensure that appropriate measures have to be taken to reduce or eliminate the risk of non-compliance such as advising property owners.

Part 4: Information and Accreditation

~ Paragraph 1:

The word "accreditation" creates some confusion. The accreditation of the "risk based approach" to standard EN 15975-2 is not possible. It is not a certifiable standard. It would only be possible the "certification" according that standard, but only in those countries that have incorporated this standard to their national certification system. For example in Spain, currently it would not be possible to do it because there is no national standard corresponding to EN 15975-2.

In either case the approval of the "risk based approach" should be more flexible to take also into account the personal resources of the competent authorities in Member States and established certification schemes on national levels. EurEau proposes the following wording for (1):

The risk based approach must be approved by the competent authority and be subject to either a system of accreditation, **certification** or audited by the competent authority.

On the other hand, the certification requirement involves additional economic costs that may have a bigger impact in the case of small water supplies.

~ Paragraph 2 and 3:

EurEau has serious concerns with respect to making all the information referred to in part 4 available to the consumers. In EurEau's opinion detailed information on contents and aspects of the risk assessment / risk management should not be part of the reporting since risk management is primarily an internal managerial tool of water utilities. EurEau

believes that consumer information should solely focus on the quality of the final product “drinking water” and on the information that the water supplier applies a risk-based approach that is approved by the competent authority. This would be also in line with the consumer risk communication procedures established for other consumer products, e.g. for food according to HACCP.

About EurEau

EurEau is the voice of Europe's water sector. With a direct employment of around 600,000 people, the European water sector makes a significant contribution to the European economy.

EurEau represents drinking water and waste water service providers from 27 countries in Europe, from both the private and the public sector. Our members are the national associations of water services in Europe.

At EurEau we bring national water professionals together to agree European water industry positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses.



Rue du Luxembourg 47-51,
B-1050 Brussels, Belgium
Tel : +32 (0)2 706 40 80
Fax : +32 (0) 2 706 40 81
secretariat@eureau.org
www.eureau.org