



Drinking Water Directive

EurEau position

Summary

EurEau welcomes the revision of the DWD, as European water services strive to guarantee wholesome and clean drinking water to consumers.

We support the underlining philosophy of the directive to ensure the protection of public health and we uphold the goals the European Commission intends to achieve with the new proposal. We believe that European citizens' trust in tap water needs to be further increased.

However various elements of the European Commission's proposed text will have to be improved by the co-legislators to make the directive legally sound and implementable in an efficient and effective way.

Definitions – Art.2

On the definition of 'water suppliers', a new category of "medium water suppliers" should be inserted, as the current categorisation does not allow for a sufficiently meaningful delineation. In fact, the proposed definition of "large supplier" includes rather small suppliers.

The Revision of the quality parameters - Art.5 and Annex I

We welcome the update of the quality parameters of Annex I. We believe however that the indicator parameters have to be maintained as provided for in table C in Annex I of Directive 98/83/EC currently in force. They have a fundamental role to play in the control of processes carried out in drinking water production and the acceptability of tap water for consumers.

For the quality parameters, we suggest adhering to the WHO recommendations.

Should some parametric values be set according to the precautionary principle, extra time after the end-date for transposition should be granted. This is essential to adapt the processes and to make the necessary investments so that it is possible to attain the proposed stricter values in a reasonable timeframe. Failing to do so would jeopardise the sustainability of the services and would impact on the affordability of household's water bill.



The introduction of the risk-based approach – Art.7 and Annex II B

We support the introduction of the risk-based approach (RBA), but call for a more operational implementation of it. The way the proposal would enact the RBA raises issues in terms of shared responsibilities (Member States, water operators, property owners).

We also question the additional health benefits deriving from such a high frequency of sampling for chemical parameters (which tend to be quite stable) in Annex II part B and the absence of linearity between sampling frequencies and population served. These aspects are only partially considered in the impact assessment as highlighted by the Regulatory Scrutiny Board opinion: <http://bit.ly/2tAkQOI>.

Our members estimated the additional costs for monitoring (not including the costs of sampling and the investments needed to comply with the new parameters) at the proposed very high frequency for the first three years: the economic impact will vary according to supply zone, but the total extra spending all over Europe for analytical monitoring only is expected to be around €3 billion annually. We believe these resources could be spent more effectively.

The supply risk assessment should be carried out by all suppliers, without distinction of size, within six years after the end-date for transposition, and its review and update should be carried out whenever necessary and at least once every six years

The hazard assessment of bodies of water used for the abstraction of water intended for human consumption – Art.8

We support the link between the DWD and the Water Framework Directive (WFD). Member States responsibility in protecting drinking water resources should be clearly spelled out in the article. Only Member States have the legal means to enforce preventive or measures in the catchment areas, which are under the remit of the public competent authorities.

The materials and products in contact with drinking water – Art.10 Directive 98/83/EC

We regret the deletion of Art.10 of Directive 98/83/EC. The introduction of a “domestic distribution risk assessment” is welcomed, but the proposed provisions do not ensure that EU-wide hygienic requirements for materials in contact with drinking water are set for the materials which are used solely or as components of products that form part of the public water supply infrastructure. In particular, the migration of substances and the enhancement of microbial growth are important criteria for the



suitability of materials that are in contact with drinking water in order to effectively protect public health.

We call therefore for strengthening of the current Art.10 while maintaining the link between the DWD and the Construction Products Regulation (CPR) by establishing EU-wide minimum hygienic requirements for materials in the DWD.

With a view to clearly stipulating responsibilities, Art.6.2 of the current directive 98/83/EC should be reinstated.

The deletion of derogations – Art.9 Directive 98/83/EC

We do not back the deletion of Art.9 'Derogations' of the directive currently in force. Flexibility mechanisms should be re-enshrined in the text, so as to allow for the smooth implementation of the directive according to realistic timelines; not only for newly introduced parameters but also for existing ones when the values are set below the WHO recommendations and based on the precautionary principle (i.e. pesticides). Derogations cannot often be redressed immediately through effective remedial measures. We must count several years for the planning, approval and commissioning of a treatment plant. Moreover, an improvement of the drinking water resources will only become effective with a significant time delay, depending on the measures taken.

Remedial actions and restriction in use - Art.12

We cannot support the proposal that any exceedances of values should be considered "automatically as potential danger to human health". Especially with regards to parameters where values have been set based on the precautionary principle (pesticides or EDCs) or are indicators (coliform bacteria, colony count), an exceedance does not automatically cause such a potential danger. This approach would undermine consumers' trust and is against the new directive's goal to increase citizens' confidence in tap water.

The competent health authorities are best placed to assess the situation, evaluate the extent to which the exceedance of the parametric value constitutes a potential danger to human health, take the subsequent appropriate remedial actions, including the decision to inform the public.

Access to water – Art.13

We support the ambition of the European Commission to realise the human right to water and the implementation of Sustainable Development Goal 6. We are greatly attached to the definition of the human right to water by the UN according to which this right encompasses five dimensions: availability, accessibility, affordability, acceptability and safety.



In order to guarantee the inter-generational sustainability of water services, accessibility and affordability should be considered intertwined: for this reason we second the Impact Assessment findings that individual connection to the piped system for all would be too costly and make water services unaffordable.

We share the ambition to increase access to water in recreational places, cafes and restaurants already in place with positive effects in some Member States. However, any such scheme needs to consider where the responsibility for maintenance, hygiene and cost coverage of these installations will lie (as this will likely be outside the remit of water suppliers), and the most appropriate location for these installations. Local authorities are best placed to decide on these aspects.

Information to the public - Art.14 + Annex IV

We favour transparency and back the European Commission's intention to make consumers aware of the good quality of tap water in Europe to increase consumers' confidence.

We do not want to lose the focus on the information provided to consumers on water quality aspects, as in the scope of the current directive. More relevant information could lead to more interest and understanding from the public and policy makers. It is however unclear who has to carry out the obligation to ensure that information is made available online.

If this were carried out by water suppliers or by competent authorities, extra resources would be required and these are not accounted for in the Impact Assessment.

We also underline that for Annex IV point (7), Member State will have to adopt the relevant definitions at national level, instrumental to the implementation of the directive.