

Water UK Position Paper

Revision of Annexes II and III of the Drinking Water Directive

Background

As part of the cycle of regular review of European Directives DG Environment stated in February 2011 that there would be no overall revision to the Drinking Water Directive (98/83/EC) (DWD). There is an opportunity for revisions to two of the annexes of the Directive, namely Annexes II (monitoring) and III (analytical specifications).

The revision process for these two Annexes is that the DWD Article 12 Committee (on which the UK is represented by DWI) will establish working groups to further develop the proposed changes based on an early draft (dated April 2012). These groups will be chaired by the EU Joint Research Centre and are expected to initially meet early October with a view to providing a further draft of the Annexes by the next meeting of the Article 12 Committee in January 2013. A final decision is expected in November 2013 with implementation to take place during 2014 or 2015.

The draft revisions are likely to be significantly modified during the process. However these have formed the basis on which the Water UK task and finish group have based their analysis and recommendations.

Potential impact on the UK

The proposed revisions to Annex II will potentially lead to a net increase in monitoring frequency and analysis, particularly for substances resulting from plumbing materials, and an associated increase in costs. The benefit of this increase in cost appears unclear and marginal at best. However the current draft of the changes has too many inconsistencies to allow a robust impact assessment to be carried out at this time.

The proposed changes to Annex III will result in modifications to the established analytical performance criteria. Whilst this may have a positive impact on the cost of analysis there would be a negative impact on the robustness of data upon which decisions are made and public confidence is based. In order to understand in more detail the impacts on the UK the Water UK working group has established a laboratory sub-group to provide an indicative assessment of the proposed changes.

In addition, the timetable for review, revision and implementation does not align with the business planning AMP cycle and as such any increase in expenditure that may result will have to be incorporated into water company budgets outside of the current price review process.

Water UK position

Revision of Annexes II

Revision of Annex II provides an excellent opportunity to introduce a risk based approach to monitoring. By adopting a risk based approach, a monitoring programme would be able to be adjusted to reflect the conditions present in particular supply systems or geographic regions. This will reduce the burden of overly prescriptive monitoring requirements by focussing monitoring on ensuring risks to citizens health are appropriately controlled. Such monitoring

requirements should also build in proportionate links to health-based limits (such as WHO guideline values) to ensure that the implementation of the Directive continues to remain consistent with evolving scientific understanding.

The early version of the revised Annex II does contain reference to a risk based approach but this needs to be clearly defined and cross referenced with the requirements of the main body of the Directive and Annex III to ensure that there is no contradiction between different parts of the legislation.

Revision of Annex III

The existing provisions of Annex III on the setting of analytical performance characteristics are felt to be adequate to ensure that appropriate criteria are in place for the analysis of drinking water samples. The proposed changes will modify the statistical requirements with respect to these performance criteria and reduce robustness of the resulting analysis both for those making operational decisions but also in customer confidence. We strongly support the contribution from the UK Drinking Water regulators in their letter to DG Environment in March 2011 that any deviation from the current requirements should be clearly represented as setting a *de minimis* standard from which Member States can establish their own requirements to maintain the *status quo* in analysis of drinking water.

Inconsistency and contradiction

The versions of Annex II and Annex iii documents made available to Water UK (proposals by Article 12 Committee 30 April 2012) are clearly the output of two discrete working groups and, as such, there are inconsistencies and contradictions between the two Annexes and also with the main body of the DWD. The working groups developing the final changes should ensure that there is a full read across between all parts of the DWD. In addition the working groups should consider the potential cross over with the proposed Council Directive on Radioactivity in Drinking Water.

Recommendations

Water UK recommends that, as there is no planned revision of the DWD for possibly a further 4 years, every opportunity should be taken to encourage European water policy to adopt a risk based approach to drinking water quality. As such the current revision process should be influenced to ensure that this is the case.

Water UK recommends that in order to fully incorporate a risk based approach into drinking water policy that a full revision of the DWD is carried out at the soonest available opportunity.

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Version 1.1 draft – 6 August 2012