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Drinking Water Directive

Policy Review

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Drinking Water Directive

Policy Review
Name/Type of the Legal Act or Policy
DWD, Drinking Water Directive, Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption One motivation of the DWD was to adapt the Council Directive 80/778/EEC relating to the quality of water intended for human consumption to scientific and technological progress. That Directive does not apply anymore and a correlation table between articles of DWD and articles of previous directive 80/778/EEC is set out in Annex V of the DWD.
Entry into force
12/1998
Departments/Units in charge
DG ENV + DG ENRG, DG SANCO, DG ENTR
Common Implementation strategy (CIS processes)
Revision of technical annexes: The Commission worked in close consultation with Member States, experts and stakeholders on a revised text for Annexes II and III. The amendments will give in the future an opportunity to monitor drinking water parameters at more appropriate frequencies (adaptation of Annexes to scientific and technical progress). It will be adopted later in 2015 by the Commission, provided there are no objections from Council and Parliament. It will enter into application after a transposition period of 24 months in 2017." The group constituted by Commission, Member States and Joint Research Centre, working on the aspects above mentioned is called Drinking Water Committee. Drinking water aspects are furthermore treated in different CIS working groups of the WFD. For example, the CIS Work Programme 2013-2015 mentions that coordination with the implementation of other water-related Directives (among which Drinking Water Directive) has improved, and two working groups of the Water status Cluster have tasks that aim at ensuring coordination between both directives (Working group Chemicals (Surface Water Chemical Status and Monitoring): "Ensuring coherence and consistency in risk management approaches under other legislation" and Working Group Groundwater: "Drinking water – better integration in River Basin Planning and Management. Risk assessment in the catchment area (contributing to water safety plans), monitoring and data access/exchange in collaboration with Drinking Water Committee"). WFD CIS Guidance Document No. 16 on Groundwater in Drinking Protected Areas is also representative of the attention paid to the interrelation between WFD implementation and DWD implementation or revision.
Administrative body handling implementation in MS

In most cases, but depending on countries, it is either the Ministry of Health (France, Italy, Austria), either the Ministry of environment (Belgium, Germany, Ireland) which dealt with the implementation of the DWD. Some countries have delegated the monitoring of the quality of water required by the DWD to independent authorities (drinking water inspectorate in UK), or at regional scale (Health Regional Agencies in France).
Main Objective
"The objective of this Directive shall be to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean." (Art. 1)
Principles included in the legal text
Precautionary principle (to set parametric values that would ensure that water intended for human consumption can be consumed safely on a life-long basis)
Other objectives/Key concepts/key elements of the legislation
Key principles laid in the DWD are: - Planning – Member States have the obligation to establish water supply zones and adequate monitoring programmes in accordance with the minimum requirements set in the Directive. - Regulation – Member States are required to take all necessary measures to ensure that the water intended for human consumption is wholesome and clean. - Monitoring – Member States have the obligation to ensure that regular monitoring of the quality of water is carried out in order to check that the water available to consumers meets the requirements of the Drinking Water Directive (48 microbiological, chemical and indicator parameters must be tested regularly). - Information and Reporting – The Directive also requires providing regular information to consumers (on meeting quality standards, remedial action and restriction in use, exemptions and derogations). In addition, drinking water quality has to be reported to the European Commission every three years. After each reporting cycle the Commission produces a synthesis report, which summarizes the quality of drinking water and its improvement at a European level.
Terminology
(Art. 2) 'water intended for human consumption' shall mean: a) all water either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers; b) all water used in any food-production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the competent national authorities are satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

'domestic distribution system' shall mean the pipe work, fittings and appliances which are installed between the taps that are normally used for human consumption and the distribution network but only if they are not the responsibility of the water supplier, in its capacity as a water supplier, according to the relevant national law.
Derogations
Member States may, for a limited time depart from chemical quality standards specified in the Directive. This process is called "derogation". Derogations can be granted, provided it does not constitute a potential danger to human health and provided that the supply of water intended for human consumption in the area concerned cannot be maintained by any other reasonable means. As a rule, two derogations are allowed by the Directive; each of them limited in time to a maximum of three years.
Types of management measures
In addition to monitoring and consumer information, no major types of measures are described in the Directive to ensure a wholesome and clean drinking water. However, they may include measures for reducing pollution on water bodies, water protection and remedial actions (measures of water treatment). In case of failure to meet the parametric values, restrictions in use must be applied. An example for consumer information is the website where all the results about drinking water quality by municipality are given with frequent updates.
Reporting units – what are the specific transposition requirements
Reporting to the Commission is done at member state level. Each report shall include, as a minimum, all individual supplies of water exceeding 1 000 m^3 a day as an average or serving more than 5 000 persons. (Art. 13)
Management unit
The DWD applies to: all distribution systems serving more than 50 people or supplying more than 10 cubic meter per day, but also distribution systems serving less than 50 people/supplying less than 10 cubic meter per day if the water is supplied as part of an economic activity; drinking water from tankers; drinking water in bottles or containers; water used in the food-processing industry, unless the competent national authorities are satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form. The Drinking Water Directive doesn't apply to: natural mineral waters recognised as such by the competent national authorities; and waters which are medicinal products.
Key planning steps
The DWD doesn't clearly prescribed key steps in its text. However key steps for its implementation are implied in the regulations themselves: establishment of appropriate monitoring programmes by the competent authorities for all water intended for human

consumption (Art. 7.2); adoption of measures to limit water pollution when possible and if not sufficient, application of the necessary remedial actions to restore water quality; information of consumers on water quality standards met, and if parametric values are not met information of consumers about restrictions in use; reporting on the quality of water intended for human consumption, destined for consumers and the Commission.

Timelines

For the 15 Member States which were part of the EU before 2004 (EU-15):

November 2003: In accordance with the provisions of Art. 14 of the Directive, Member States would have taken the measures necessary to ensure that the quality of water intended for human consumption complies with the Directive.

November 2008: The Directive provides for a separate conformity deadline for bromate and trihalomethans.

November 2013: The Directive provides for a separate conformity deadline for lead.

For the 12 Member States which joined the EU in 2004, 2007 and 2013: New Member States had to comply with the Directive by the day of accession unless specific implementation deadlines were laid down in the Accession Treaties. Transitional periods are provided for CZ, EE, CY, LV, LT, HU, MT, PL, SI, and SK.

The first report should cover the years 2002, 2003 and 2004 and be published within one calendar year of the end of the reporting period. (Art. 13) Embedded in the DWD is the need to assess a possible review of the Annexes I, II and III at least every five years (art 11).

Integration/coordination issues with other related pieces of legislation

Synergies mainly concerned regulations on phytosanitary/chemical products and their possible impact on water quality (interdiction of products, conditions of use, etc.) or regulations on water bodies' protection. The WFD complements the Drinking Water Directive requirements by establishing safeguard zones where water for human consumption is abstracted. Drinking water is thus protected at source where it is abstracted until delivery at the tap. *(source: WISE – Water Note 9 – Linking all EU water legislation within a single framework, 2008, DG ENV)*

Linked documents in EUR-Lex: Based on this Directive: Thematic strategy on the sustainable use of pesticides (European Parliament resolution of 2007)

Cited in this Directive: Directive concerning the placing of biocidal products on the market (98/8/EC); Council Directive concerning the placing of plant protection products on the market (91/414/EEC); others documents but not concerning environment, as construction products, exploitation and marketing of natural mineral waters, proprietary medicinal products.

Mentioning this directive: Water Framework Directive (2000/60/EC); Directive on the protection of groundwater against pollution and deterioration (2006/118/EC); Regulation concerning the making available on the market and use of biocidal products (528/2012); others directive or regulations but concerning water intended for human consumption.

Moreover, implementation of Nitrates Directive and Urban Waste Water Directive contributes to attain objectives of the DWD by developing measures to respect the parametric values for nitrates in water bodies and for pollutants in waste water discharged.
Coordination issues with the EU Biodiversity Strategy
There is no direct effect of DWD on EU Biodiversity Strategy. An indirect effect could be the following: the goal of clean and wholesome water provided for human consumption could be attained, among other measures, through maintaining and restoring ecosystems services (Biodiversity Strategy – Target 2).
Relevance to ecosystems/habitats?
Freshwater and groundwater bodies (rivers, lakes and wetlands in the MEA's classification) where water is abstracted and intended for human consumption, because they need to be protected and/or monitored to ensure a safe and clean quality. In an indirect way, protection zones around abstraction points could also be affected, but concerned measures are in fact included in WFD and not DWD. Agricultural plots (croplands in the MEA's classification) could also be indirectly affected because of regulations on phytosanitary products necessitated to respect DWD goals. As mentioned above, aquatic biodiversity could be impacted in water bodies where water is abstracted and intended for human consumption. The impact would rather be positive as the goal is to improve water quality. To some extent, clean water (or contribution to cleaner water) could also be seen as an ecosystem service provided by aquatic biodiversity. This ecosystem service goes along with a lower use of water treatments and/or remedial actions.
Drivers
Drivers implicitly addressed by the DWD are domestic distribution system managers and food industries using water that affect the wholesomeness of the foodstuff. (Plus indirectly farmers, waste water treatment managers, industries polluting water, etc.)
Pressures
Pressures indirectly addressed in the DWD are pollution (with an objective to reduce it to attain water quality standards), and abstraction (with a requirement to monitor quality of water supplied and thus abstracted).
Assessment of Environmental State
Chemical and microbiological states are addressed in the DWD. Physical state is also partly addressed through indicators as colour, odour, and taste. 48 parameters (chemical, microbiological, indicator) to be monitored. 48 indicators defining parametric values for chemical, microbiological and indicator parameters, quantified in concentration in water (mg/ml, nb/ml, etc.). Annexes 2 and 3 specify monitoring requirements and methods of analysis for some parameters. Parameters and indicators are defined in the Annex 1 of the

Directive, which is amended every five years by the Commission to take into account scientific and technical progress.
Assessment of Status
Status is addressed as clean and wholesome if parameters meet the parametric values defined by the Directive.
Data
Currently, data reporting for the period 2011-2013 is ongoing. The EC adopted in 2014 a Synthesis Report on the Quality of Drinking Water in the EU examining the Member States' reports for the period 2008-2010. As referred to in the synthesis report, technical reports which contain detailed fact sheets per Member State are also available.
Funding
The European Regional Development Fund (ERDF) can co-finance actions and infrastructures in the specific sector of drinking water, and thus participate to the DWD implementation. The cost recovery principle of the Water Framework Directive foresees that costs of water services (including the provision of drinking water) are covered by the users. Although not questioned in the current DWD, the difference of costs and benefits between measures that rectify the pollution causes at source and remedial actions is a key point of DWD funding.
Other issues to be aware of relevant for AQUACROSS?
An evaluation of the directive is currently carried out and will be followed by an impact assessment (environmental, social and economic) of different policy options foreseen for the revision of the directive → www.safe2drink.eu/. Questioning future DWD policy options and the links with other water directives (WFD, UWWTD, etc.), EC plans to consider internally the scope of each of them and their interrelation.

About AQUACROSS

Knowledge, Assessment, and Management for AQUAtic Biodiversity and Ecosystem Services aCROSS EU policies (AQUACROSS) aims to support EU efforts to protect aquatic biodiversity and ensure the provision of aquatic ecosystem services. Funded by Europe's Horizon 2020 research programme, AQUACROSS seeks to advance knowledge and application of ecosystem-based management (EBM) for aquatic ecosystems to support the timely achievement of the EU 2020 Biodiversity Strategy targets.

Aquatic ecosystems are rich in biodiversity and home to a diverse array of species and habitats, providing numerous economic and societal benefits to Europe. Many of these valuable ecosystems are at risk of being irreversibly damaged by human activities and pressures, including pollution, contamination, invasive species, overfishing and climate change. These pressures threaten the sustainability of these ecosystems, their provision of ecosystem services and ultimately human well-being.

AQUACROSS responds to pressing societal and economic needs, tackling policy challenges from an integrated perspective and adding value to the use of available knowledge. Through advancing science and knowledge; connecting science, policy and business; and supporting the achievement of EU and international biodiversity targets, AQUACROSS aims to improve ecosystem-based management of aquatic ecosystems across Europe.

The project consortium is made up of sixteen partners from across Europe and led by Ecologic Institute in Berlin, Germany.

AQUACROSS PARTNERS

Ecologic Institute (ECOLOGIC) | Germany

Leibniz Institute of Freshwater Ecology and Inland Fisheries (FVB-IGB) | Germany

Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO) | France

Wageningen Marine Research (WMR) | Netherlands

University of Natural Resources & Life Sciences, Institute of Hydrobiology and Aquatic Ecosystem Management Austria

Fundación IMDEA Agua (IMDEA) | Spain

Universidade de Aveiro (UAVR) | Portugal

ACTeon – Innovation, Policy, Environment (ACTeon) | France

University of Liverpool (ULIV) | United Kingdom

University College Cork, National University of Ireland (UCC) | Ireland

Royal Belgian Institute of Natural Sciences (RBINS) | Belgium

Stockholm University, Stockholm Resilience Centre (SU-SRC) | Sweden

Danube Delta National Institute for Research & Development (INCDDD) | Romania

Eawag – Swiss Federal Institute of Aquatic Science and Technology (EAWAG) | Switzerland

International Union for Conservation of Nature (IUCN) | Belgium

BC3 Basque Centre for Climate Change (BC3) | Spain

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