State of play revision EU Drinking Water Directive & Implementation Annex II in German legislation

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Right2Water-Initiative -> EC launches public consultation in 2014

Water and sanitation are a human right!

Water is a public good, not a commodity. We invite the European Commission to propose legislation implementing the human right to water and sanitation as recognised by the United Nations, and promoting the provision of water and sanitation as essential public services for all. The EU legislation should require governments to ensure and to provide all citizens with sufficient and clean drinking water and sanitation. We urge that:

1. The EU institutions and Member States be obliged to ensure that all inhabitants enjoy the right to water and sanitation.
2. Water supply and management of water resources not be subject to ‘internal market rules’ and that water services are excluded from liberalisation.
3. The EU increases its efforts to achieve universal access to water and sanitation.

Signature collection closed!
Final number of signatures: 1,884,790
Thank you for signing.
Evaluation of DWD in 2015 ff

- **2015**: due to Commission’s Regulatory Fitness and Performance programme (REFIT) each piece of legislation has to undergo an evaluation before revision
- **Aim to prove**
  - **effectivity**
  - **efficiency**
  - **relevance**
  - **coherence**
  - **benefits**
  of each and every article of a legislation
- **05/-06/2015**: 1st stakeholder meeting, interviews with Member States & associations
- **12/2015**: 2nd stakeholder meeting: consultants propose **14 policy options** to develop DWD
- **01/2016**: consolidation to **6 policy options**

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**1. Risk based assessment – beyond compliance at the tap**
- Policy Option 1.1: Water Safety Plan Risk Based Approach
- Policy Option 1.2: Fully-fledged Water Safety Plan Risk Based Approach

**2. Selection of parameters and threshold values**
- Policy option 2.1: A core list of parameters with threshold values
- Policy option 2.2: A longer list of parameters with strict threshold parameters and accounting for the precautionary principle
- Policy option 2.3: A wider list of parameters including emerging substances

**3. Controlling the risk of pollution from material in contact with drinking water**
- Policy option 3.1: Regulation for products in contact with drinking water

**4. SMART information for consumers**
- Policy option 4.1: Access to information for reporting threshold values using IT tools
- Policy option 4.2: The “Safe Drinking Water Label” of water service suppliers
- Policy option 4.3: Smart water information systems

**5. Ensuring resource efficiency and the efficient management of water services**
- Policy option 5.1: High performance to deliver safe drinking water
- Policy option 5.2: Responsible drinking water service operators
- Policy option 5.3: Efficient management of the water (service) cycle
- Policy option 5.4: Governance: Responsible consumers

**6. Safe drinking water for all EU citizens**
- Policy option 6.1: Access to safe drinking water for all

23 February 2016

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**EurEau feedback on policy options – DWD review**
Comments on the policy options presented at the DWD Expert Group meeting on 22 January 2016
Policy options – January 2016

• Option 1: – Core WHO-list with common strict values

• Option 2 – Holistic risk based assessment (WHO-WSP)

• Option 3 – SMART drinking water information to all EU citizens

• Option 4 – Responsible drinking water consumers for decision making

• Option 5 – Enhancing performance and resource efficiency of drinking water services

• Option 6 – Access to safe drinking water and sanitation to all
Policy options – May 2016

• Option 1: **Core WHO-list with common strict values** => WHO study
• Option 2: **Holistic risk based assessment (WHO-WSP)** => WHO study
• Option 3: **SMART drinking water information to all EU citizens**
• Option 4: **Materials and products in contact with drinking water** => consultants study
• Option 5: **Access to safe drinking water and sanitation to all**

• **No longer as options:**
  • **Responsible drinking water consumers for decision making**
  • **Enhancing performance and resource efficiency of drinking water services**

• **Next step:** impact assessment of policy options – this means check the consequences when implementing options
WHO review of annex I – quality parameters

- **WHO review and evaluation**
  - reflect latest scientific evidence of parameters
  - provide a rationale
    - for potential inclusion of new priority parameters
    - and/or for potential removal of parameters from Annex I.

- **Essential criteria for review**
  - **Significance** for Member States in terms of occurrence in drinking-water
  - Reported **exceedances** of the standard in Member States
  - Known **health effects** associated with exposure through drinking-water even if significance is limited

- **Request to EurEau to provide data**
• **September 2016**: Stakeholder meeting on WHO study
  - Main criteria for annex I list: **relevance for health**
    - => pharmaceuticals, EDCs not likely to be included in future list.
  - **benefit** of monitoring parameters to secure drinking water quality
  - integration of WHO's risk based approach
  - link water treatment efficiency to compliance with microbiological quality parameters

• **October 2016**: Commission publishes working programme 2017:
  - a REFIT revision of the Drinking Water Directive (incl. impact assessment (Q 4/17))

• **December 2016**: EC's conclusions at the end of the evaluation phase (REFIT)
1. **DWD** is one of the tools relevant to ensure the quality of the water consumed in the EU.

2. fulfills its basic purpose to enforce drinking water monitoring and restoration of the required quality level in case of non-compliance.

3. **4 areas** leave room for improvement:
   I. parameters
   II. risk-based approach
   III. information to consumers
   IV. contact materials

4. **quality standards and values** have not been revised in the last 18 years, they could be partly not relevant anymore and not fully match emerging pressures, latest scientific knowledge and changing pollution pressure.

5. **preventive safety planning and risk based** elements are so far only under-proportionately considered.
6. **offers opportunities** to concentrate time and resources on risks that matter and to avoid analyses on non-occurring parameters, in particular in small supplies with risks easy to survey.

7. **current access to information** on water quality and transparency is not good enough. Does not tap the potential of modern information technology and data management for a swift and multiple use of information.

8. **products in contact with drinking water**: multiple testing required for national approval in different Member States can be seen as an obstacle to the internal market.

9. **Article 10 provisions do not work well** and represent a long term challenge to the provision of clean and healthy drinking water in the EU.
03/2017: Impact assessment report
State of play: 2017

- 24/03/2017: Publication of study on materials and products in contact with drinking water
- 09/2017: Finalisation WHO-EC study on drinking water parameters
- 19/09/2017: EurEau meet DG Environment: Tobias Biermann & Matjaz Malgaj to discuss state of play
- End 2017: DG Environment plans to publish draft of „new“ DWD

• 11/2015 – 12/2016:
  • German ministry of Health carried out 3 workshops
  • Participants: health authorities, water suppliers and stakeholders
  • Ministry of Health and UBA Environment Agency work on guideline
  • very much driven by idea to Water Safety Plan within the scope of new annex II -> creates much discussion!!!

• 06/2017:
  • Proposal for 4th revision of the German Drinking Water Ordinance published
  • Various amendments:
    – implementing revised annexes II & III,
    – new limit value for chromium, special note for Cr(VI),
New § 14 German Drinking Water Ordinance

§ 14 Requirements for compliance monitoring

1. Decision to be made:
   - Option A: surveillance monitoring „as usual and know“ according the „old“ (current) DWD
   - Option B: Monitoring according risk assessment (annex II)

2. Risk assessment (RA)
   - According DIN EN 15 975-2
   - Data of Member States WFD-monitoring to be taken into account
   - Summary of RA to be made available for consumers
   - RA to be done by experts with knowledge of the water supply system
   - RA to be approved by health authority(ies)
   - Health authority is free to accept, ask for more information or rejects the application
   - Approved application/RA is valid for 5 years
   - Renewal on basis on updated RA
§ 14 Requirements for compliance monitoring ff.

3. *Derogation from parameters and frequencies*
   - Depends on origin, variations and trends of substances concentrations
   - Reduction of parameters to be analysed and of frequencies only in cases where RA proves that no deterioration of the drinking water quality occurs
   - Criteria in line with Commission Directive
     - Frequencies: samples collected over last 3 years (*within the last 7 years*) all be less than 60% of parametric value
     - Removal of parameters: samples collected over last 3 years (*within the last 7 years*) all be less than 30% of parametric value
• **08/2017**
  - Deadline for comments
  - Public consultation on comments

• **11/2017**
  - Consultation in Federal council (Bundesrat) – *due to the national elections no meeting before*

• **06/2017-12/2019**: Ministry of Health provides funds
  - to support implementation of new annex II
    - *Collection of experiences on risk management*
    - *Provision of educational material on WSP-concept*
    - *Development of IT-tool to support risk assessment, esp. for small supplies*
    - *Elaboration of concept to assess risk assessments done externally*
Thank you for your attention!