The Drinking Water Directive 1998/83/EC

Presentation for the multilateral meeting with Croatia and Turkey

Jan Cortvriend
DG ENV, unit Water and Marine
Main Objective of the EC Treaty:

Human Health

According to the EC Treaty:

Community policy on the environment shall contribute to pursuit of the following objectives:

- Protection of human health
- Shall aim at a high level of environmental protection
- Shall take account of available scientific data
OBJECTIVES

Protection of human health (according to art 174 of the Treaty)

- Drink / use water for a lifetime without the risk of adverse health effects (based upon 1992 WHO guidelines)

- To ensure that drinking water is free from microorganisms, parasites and substances which constitute a danger to human health
“Water for human consumption”

Water in its original state or after treatment,

– intended for drinking, cooking, food preparation or other domestic purposes

– from a distribution network, from a tanker, in bottle or in containers.

All water used in any undertaking of human food manufacturing, processing, ...

-- Unless the quality of the water cannot affect the wholesomeness of the finished foodstuff
– Natural mineral waters

– Medicinal waters

And at discretion of a MS:

– Waters for some other purposes (second grade water)

– “Very small” Supplies < 10 m³/day or <50 persons
  ▪ unless water is supplied as part of commercial or public activity
  ▪ information and advisory duty towards the public

The Directive does not apply to
To be wholesome and clean, drinking water must:

- Contain no micro-organisms, parasites, substances endangering human health
- Meet the minimum (parametric) requirements in the field of:
  - Microbiology (like enterococci, -coli, …)
  - Chemistry (like nitrates, fluoride, arsenic, nickel, acrylamide)
  - Radioactivity (like tritium, … defined TDI)
  - Appearance (like colour, smell, turbidity, Fe, …)

As described in Annex 1 (A, B, C) of the Directive – and MS shall set values for these AND additional parameters where protection of human health …
Point of compliance

- **Bottled water** or **containers** intended for human consumption:
  - at the **bottling plant** – filling point
- **Tanker**:
  - at the **point**, at which it emerges from the tanker
- **In the distribution network**
  - sampling at the **tap** is an obligation
  - sampling in the network or ex-water works is an option on condition *no downstream adverse effect may occur*
  - **MS** are only responsible for quality of the distribution system in public buildings, not for the **domestic distribution system**
- **Monitoring programs**: Annex II – Methods of Analysis: Annex III
- **Compliance in EU15 > 99 %**
“domestic distribution system”

Shall mean the pipe work, fittings and appliances between the taps and the distribution networks.

But:

only if they are not the responsibility of the water suppliers, according to national law.
Further Obligations (1)

Derogations

- From **chemical values** set out in Annex I (B)
  - and without a potential danger to human health
  - Water supply cannot otherwise provided by any other reasonable means
  - 2 possible derogation shall be limited to as short time as possible and shall not exceed 3 years
  - Review towards the end and determine progress

- **third derogation** only under exceptional circumstances - MS must ask EC (< 3 years)

- **MS have to inform the Commission** and the **population** affected by any such derogation promptly in an **appropriate** manner
Remedial Action, Information and Reporting

- **In case of any failure:**
  - Immediate remedial action to restore water quality
  - Prohibit, restrict use and advise on use

- **Reporting towards consumers**
  - Obligation to ensure the adequate and up-to date information on the DW quality is available for consumer
  - Increased information to consumers in cases of deviations

- **Reporting towards the European Commission**
  - Obligation to report to the EC according to fixed timetables
The revision of the
98/83/EC Drinking Water Directive

If all is fine why then a revision of the directive ??
The revision of the
98/83/EC Drinking Water Directive

<table>
<thead>
<tr>
<th>Previous legislation</th>
<th>Present legislation 98/83/EC</th>
<th>Future legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameters</td>
<td>48 parameters</td>
<td>Less parameters, new parameters?</td>
</tr>
<tr>
<td></td>
<td>2 µbiological</td>
<td>What with:</td>
</tr>
<tr>
<td></td>
<td>26 chemical</td>
<td>endocrine disrupters,</td>
</tr>
<tr>
<td></td>
<td>20 indicators</td>
<td>Protozoa, legionella</td>
</tr>
<tr>
<td></td>
<td>&gt; 62 parameters</td>
<td>Radioactive substances</td>
</tr>
<tr>
<td></td>
<td></td>
<td>new generation pesticides</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cu, Pb, Ni</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Construction products, etc</td>
</tr>
<tr>
<td></td>
<td></td>
<td>etc</td>
</tr>
<tr>
<td>Method</td>
<td>Parameter compliance</td>
<td>What with</td>
</tr>
<tr>
<td></td>
<td>Maximum values acceptance</td>
<td>Risk assessment?</td>
</tr>
<tr>
<td></td>
<td>no abnormal changes</td>
<td>Risk management?</td>
</tr>
<tr>
<td></td>
<td>tap sampling</td>
<td>Multi-barrier approach?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Water safety plans?</td>
</tr>
</tbody>
</table>

Brussels, 4 April 2006
There is need for a revision because of …

- lack of scientific information and/or political compromise
- 10 new Member States facing very different problems
- growing awareness around Water Safety Plans, RA, RM
- evolution: partial update is difficult for Cu, Pb, Ni
- ……..
- 2003: Large public & stakeholder consultation through Drinking Water Seminar
Outcome of the 2003 Drinking Water Seminar

Guidance on the main focal points of the revision:

1. Risk assessment & management
2. Materials in contact with drinking water (EAS)
3. microbiological parameters
4. Chemical parameters

+ Problem of Small Supplies
First focal point of the revision: Risk assessment & management

- Water Safety Plans
- Concept integrated by WHO in 2004
- Guidelines for DWQ
- Control of water production chain source ➔ tap
- Multi barrier approach
- Approach of studying and handling risks
First focal point of the revision: Risk assessment & management

The problem is finding the right balance

- Health considerations – level of protection
- Consumer confidence
- Acceptance water suppliers …probably not a problem
- Defining the process: production and operational management
- Describe the process from a regulator and legal point of view

We start a common project WHO-EC

- *In order to define an appropriate regulatory framework for WSP*
Second focal point of the revision: Chemical parameters

- DWD 98/83 less stringent in relation to chemicals (than to microbiology)
  
  No immediate health effect ????
  No derogations possible.

- Growing awareness on chemical substances in DW
  
  WHO, Bonn charter, Eureau, DWS2003, DW Workshops in EU10

- 2005 Survey in EU25+ on chemical parameters

  At least 20 chemical parameters cause concern in > one Member State
  Fluoride, Nitrates, Arsenic are problematic in > 8 Member State
  Causes: Natural (geological), agriculture, heritage, deadlock, …
Second focal point of the revision: Chemical parameters

- Focus on chemical substances must be given in revision process.
  
  Attention for
  
  - new substances (pesticides, endocrine disruptors, ....)
  - sensitive matters where state of art has evolved (Fluoride, ..)
  - Copper Lead Nickel
  - pesticides (global/individual limits..)
  - chemicals for treatment of water, ....
Third focal point of the revision: Construction Products in Contact with Drinking Water

• Cu, Pb, Ni, cements, plastics, ECD ...

• Relates to 2 directives (DW art 10 and CP Directive)
  
  • “No substances .. for new installations .. used in the distribution …should remain in Drinking Water.”

  • “The interpretative document of the CP Directive (89/106) shall respect the requirements of the DWD”

• Regulatory group produced latest proposal for an EAS (European Acceptance Scheme) in March 2005

• The EAS is still under construction …
The 98/83/EC Drinking Water Directive

Fourth focal point of the revision: Microbiological parameters

• Pending issues
  Parameters, indicators, methods, equivalence of methods
  legionella, cryptosporidium & giardia
  …

• EMAG is JRC run expert group dealing with
  Equivalence of methods
  Addressing microbiological issues for DWD Support for revision
Extra focal point of the revision: Small supplies

EU has:

- Incomplete knowledge on number of small supplies (< 5000 persons served)

- Even less knowledge on very small supplies (< 10 persons served)

- Unreliable data on percentage of population dependent on such supplies in most countries (rough estimate > 10% Europe wide)

- Incomplete information on number of (very) small supplies used for public or commercial activities
Ongoing issues with relevance for the revision:

- Strategic document for the revision: internet consultation
- Seminars in the new and candidate Member States on DW
- DWD Reporting guidelines
  Guidelines formulated in 2005
- Monitoring of Radioactive parameters
  Commission Decision 2006
Thank you for your attention

email  jan.cortvriend@cec.eu.int