
Brussels 23rd of October 2007
Introduction of the consultation meeting

- The consultation was open for a restricted group of official representatives of EU Member States (maximum of 2 per MS) and representatives of other stakeholder groups:
  
  ✓ NGOs and consumer protection associations
  ✓ Water utilities
  ✓ Water associations
  ✓ Building technical contractors and suppliers of equipment
  ✓ Producers of chemical products and products for agriculture
  ✓ Industries producing consumer products
  ✓ International organisations and organisations related to standardisation
  ✓ Producers of industrial products and commodities

- For those that could not attend the consultation a possibility was be offered to give written input.
- The consultation meeting was the first in a series of in total four consultation meetings leading up to the revision of the DWD.
- No interpretation facilities are available during the meetings.
- The agenda of the meeting is included in this report.
- The supporting document “issues for the meeting” is attached as Annex I to this report.

These draft minutes are subject to comments from participants to be sent in to the EC. No rights can be derived from this document.
Agenda of the stakeholder consultation kick off meeting on the revision of the Drinking Water Directive
23 October 2007 Beaulieu 5, Room C, 9 AM

9:00 Opening
9:20 Revision of the DWD: historical context
9:35 Development of the revision since 2005
9:50 Start of the detailed presentation of issues and intermediate conclusions of the working groups
9:55 Water Safety Plans - Presentation by Mr. Roger Aertgeerts (WHO)
   Questions and discussions on Water Safety Plans
10:50 Revision of the microbiological parameters - Presentation by Benedikt Schaeffer (EGM)
   Questions and input from the stakeholders
11:25 Coffee break
11:45 Conclusions of the working group on sampling and monitoring - Presentation by Eddo Hoekstra (JRC)
   Questions and discussions on sampling and monitoring
12:15 Revision of the chemical parameters (by DG ENV)
   Questions and input from the stakeholders
12:45 Lunch break
14:00 Small systems: orientations for the directive (by DG ENV)
   Questions and input from the stakeholders
14:40 Conclusions on Art 12 Subgroup on the revision of Art 10 of the DWD (by DG ENV & DG ENTR)
   Questions and discussions on the revision of Art 10
15:30 Further issues relation to the revision (by DG ENV)
15:45 Presentation of the main lines of the ongoing assessment of Impacts (by DG ENV and COWI A/S)
   Questions and discussion relating to the assessment of impacts
16:35 Positions from stakeholders
17:15 Conclusions - further timing of the revision
17:30 End
Annexes

The annexes are available in e-format only

Annex I: Supporting document: “Issues for the meeting”, DGENV
Annex II: List of participants to the stakeholder consultation
Annex III: Revision of the DWD, DGENV
Annex IV: Water Safety Plans, presentation WHO
Annex V: Position on EUREAU on the revision of the DWD
Annex VI: Revision of the microbiological parameters, presentation EGM
Annex VII: Conclusions of the working group on sampling for compliance monitoring, DG JRC (presentation)
Annex VIII: Presentation of the main lines of the ongoing assessment of impacts DGENV, COWI A/S (presentation)
Annex XIX Position of Spain on the Revision of the DWD
Summary of the stakeholder consultation

The stakeholder consultation on the revision of the DWD was organised by the European Commission and took place on the 23rd of October 2007. The meeting was attended by around 50 representatives from EUMS and other stakeholder organisations (see Annex II).

Some conclusion from the meeting are:

1. There was a general agreement with the need to revise the DWD and to bring it in line with new scientific and technological developments;
2. The ambition to include a Risk Assessment/Risk Management approach (WSP) in a future directive was positively received;
3. There is a general need to re-assess the current microbiological parameters in the DWD and the analytical methods for these parameters. The advice of EGM is important and also the advice of the working group on monitoring and sampling;
4. The revision of the chemical parameters is subject to an external contract that has not yet been awarded. Attention was asked for the performance criteria, sum parameters and the so-called product specified parameters in the current DWD;
5. More clarity is needed for the sampling and monitoring requirements in the DWD. A working group will produce a guidance document on this issue. Special attention is asked for the scope of the DWD such as on issues of hot water and bottled water.
6. The stakeholders, both MS and the industry, reiterated their demand for a European Acceptance Scheme for materials and chemicals in contact with drinking water. A working group on this issue will further detail three possible options with different related costs. No conclusion could be reached.
7. All participants agreed on the importance of (very) small water supplies and the potential risk to human health of the sub-standard drinking water quality. The general feeling was that sufficient knowledge is available on the quality problems but not on the health related problems. Water Safety Plans could be a solution to some of the problems associated with these supplies if the information is adapted to such supplies. Private wells might be more difficult to deal with.
8. MS requested that the Impact Assessment should include the impact of the presence or absence of a European Acceptance Scheme.
**Opening of the meeting**

The meeting is opened by the European Commission Peter Gammeltoft (chair). The EC is also represented by Jan Cortvriend (policy officer drinking water), Manfred Fuchs (DG Enterprise) and Eddo Hoekstra DG JRC. A list of attendees to the meeting is presented in Annex II.

The objective of the stakeholder consultation is not to make decision but to give input and suggestions to the European Commission that can be used as a basis for a Commission proposal.

Revision of the current DWD in force is based upon Article 11 of the DWD. The first steps of the revision have already been made during the 2003 drinking water seminar. This seminar highlighted a number of important issues for consideration in a revision process.
**Revision of the Directive, historical context**  
(presentation Jan Cortvriend, see Annex III).

A short introduction was presented into the scope and the requirements of the current DWD. Specific issues addressed were the exemptions of various types of water and the water quality parameters (microbiological, chemical, organoleptic and radiological). Attention was paid to reporting obligations, the comparison between Member States and the expected compliance problems in the 12 Member States that joined after the DWD came into force.

**Development of the revision since 2005**

(presentation Jan Cortvriend, see Annex III)

Challenges to be addressed in the revision of the Directive are changes in technology and science. But also the very different operational situations in the new MS, the large number of small supplies that are mostly exempted from the national legislation and incomplete implementation of Article 10.

The revision of the DWD was started with the abovementioned Drinking Water Seminar organised in 2003. The issues identified during this seminar are also addressed in the stakeholder consultation as important main lines for the revision of the DWD. These issues are:

- Water Safety Plan approach;
- Revision of microbiological parameters;
- Revision of chemical parameters;
- Small water supplies as a EU-wide issue;
- Acceptance scheme for construction products and chemicals;
- Standardised analytical methods for monitoring, sampling and analysis.

The Water Safety Plan approach was further investigated in a joint EC/WHO study that should give guidance to the Commission on how to ‘anchor’ the concept of WSP in the revised drinking water legislation. WHO formulated 10 recommendations to the EC that are presented in the stakeholder consultation. The final report is available on the drinking water website of the Commission.

The revision of the microbiological parameters is assisted by the Expert Group Microbiology coordinated by DG JRC Ispra together with DG ENV. A preliminary position is presented during the stakeholder consultation and the final proposal will be ready early 2008.

The revision of the chemical parameters is prepared through an external study contract. The contractor has been selected and contract procedure is on its way. The first proposal is foreseen for February/march 2008. Both the revision of the chemical and the microbiological parameters will have to take into account the WSP approach.
Small water supplies that can be exempted from the DWD affect a large percentage of European citizens. During the revision of the Directive a number of questions concerning the small water supplies need to be addressed, such as: monitoring and reporting requirements, WSP approach, information to consumers and the need for more knowledge and information on small supplies.

Article 10 of the DWD has not been fully implemented. The issue of a harmonised European Acceptance Scheme has been studied by a sub-group of the Article 12 Committee. The report of the sub-group will be presented in autumn 2007. First conclusions are presented during the stakeholder consultation.

Another working group of the Article 12 Committee addressed standardisation and harmonisation of analytical methods for monitoring, sampling and analysis. The group worked under the coordination of DG JRC and the first conclusions are presented at the stakeholder consultation. The harmonised methods will also be put into a WSP framework.

The consultant COWI A/S was contracted by the Commission to carry out an impact assessment of the revision of the DWD, investigating the impacts and cost and benefit for a number of policy options. The analysis is carried out to underpin the policy to be developed. First results are presented at the stakeholder consultation and the preliminary conclusions are expected in March 2008.

A further two issues that will be addressed in the context of the revision are:

- Community legislation related to the DWD
- Issues concerning bottled water.
Roger Aertgeerts of WHO presented the outcome of cooperation project between WHO and the EC on the assessment of a potential framework for the implementation of a risk based approach in the DWD. This project took place in 2006 and 2007 and involved experts from EU Member States. The basis for the development of a risk based approach for drinking water was the need for a more holistic approach for drinking water.

The first activity in the framework is to define health-based targets for different situations, such as specified technologies, specified performance targets, targets for water “quality” and targets for desired health outcomes. The second activity in the framework is the actual Water Safety Plan (WSP) that consists of three steps. In step 1 the system is assessed for its capability to deliver water meeting the health-based targets. Then in step 2 the operational monitoring is addressed which involves the monitoring control measures necessary to ensure that the system consistently meets the targets. Step 3 of the WSP concerns the monitoring plans, which implies documenting the system assessment (including upgrading plans) and monitoring and describing management under normal and incidental or emergency conditions, including management plans. The last step in the framework is the surveillance and verification, an independent surveillance to verify that the WSP is operating properly.

The objective of the study was to make recommendations to the EC on the possible inclusion of the above-mentioned framework in council legislation for drinking water during the revision of the DWD. The project results that were already presented to the
Article 12 Committee in May 2007 consists of three parts; general recommendations, legal issues and supporting measures. General recommendations were in the sense that WSP are sound and feasible and complement the current end-product testing, that there are benefits for public health in the EU as well as benefits to water suppliers and utility costs and last but not least benefits for the consumers. Some additional concerns were identified such as the need for sufficient time to introduce the framework, the need for technical guidance and control over the verification process. Legal recommendations mentioned the need to introduce the legislation at the level of the EU but actions at that level should be limited to those tasks which can not be performed effectively at the local level. One important issue concerns other related Directives that need to be taken into account. Supporting measures that are recommended relate e.g. to the necessary inter-sectoral cooperation and supporting measures as guidance documents. More detailed information can be found in the attached presentation (Annex IV) and in the final report on this study that can be downloaded from the EC drinking water site.

Reactions from the audience:
EUREAU compliments the EC and WHO on this study and makes a number of comments:

- EUREAU believes Preventive Risk Management (PRM) approach is advisable for drinking water supply, and is already used one way or another by EUREAU members;
- According to the MS, elements of PRM are already in place either as code of practice or as regulations or both;
- There is a strong need to fully implement WFD-article 7 which deals with resource protection- an integrated part of PRM. Also, knowing that the Directive 75/440/EEC will be repealed soon, new measures have to be taken in replacement for the protection of surface water used for drinking water production. The new Groundwater directive should also be fully implemented;
- Water installations inside buildings are beyond the responsibility of the water suppliers, and are often the cause of non-compliances. PRM plans must be developed to protect water quality inside building installations;
- Clear responsibilities must be assigned to the different stakeholders, with due consideration to the current legal environment in the EU;
- If it is decided to give a legal basis for PRM development in the water sector, it needs to allow sufficient time to implement PRM without an increase in bureaucracy;
- If PRM is required in the EU legislation, then the use of the terminology “Water Safety Plans” would entail a strong reference to the WHO Guidelines, which are not of a legislative nature;
- In terms of responsibility, it is important to recognize that the delivered water quality rests with the suppliers up to the point of delivery. For the public water supply, PRM plans do not have to be approved by the regulatory authority (ies) which would lead to creeping regulations and micromanagement of water suppliers by the authorities.
The suggestion was made to include Technical Standards (EN 1717 on water installations in buildings) in the new Directive.

The working group on sampling and monitoring will make proposals for a harmonized monitoring and sampling approach and will make recommendations on what should be included in a WSP with respect to monitoring and sampling.

France mentions that they already have WSP in their recommendations and that a dedicated working group has produced a document for small water supplies.

A warning was made on possible gaps in legislation for bottled water.

**Answer from Roger Aertgeerts (WHO):**

Compliance checking is not excluded. It concerns both reduction of risk and verification that the control are operating which is compliance checking.

**Response from the EC:**

- Both resource protection and water quality aspects inside buildings are important. WHO has a separate working group on WSP inside buildings that will report in 2008. We look forward to this.
- WSP will help to achieve compliance with the parametric values in the DWD and will help to prevent outbreaks.
- Climate change will have an impact on the sources for drinking water and also the higher temperature of the water will enhance microbiological growth. WSP offer a good opportunity to control the water supply. Climate change will be addressed in the Impact assessment.
**Revision of microbiological parameters, recommendations by EGM, Benedikt Schaefer chair EGM**

(presentation by Benedikt Schaefer, see Annex VI).

EGM was established in 2006 following on from the former EMAG. Two meetings on the revision of the DWD took place in 2007 and another one or two meetings on the same subject are foreseen. A formal position from EGM is foreseen for early 2008. A number of recommendations was made by EGM, some of which concerned agreed issues and some are still under discussion.

Agreed issues on the microbiological aspects of the DWD are:
- *Clostridium perfringens* is to be removed from compliance monitoring;
- *E.coli* and Enterococci are useful indicators;
- The terminology has to be described with reference to the WHO Guidelines for Drinking Water Quality e.g. what is an indicator parameter;
- With respect to the parameter “Colony Count’, the wording “no abnormal change” needs to be rephrased;
- The legislation needs to specify and clarify what is covered by the DWD with respect to bottled water;
- If the reference to ISO 6222 is retained the incubation temperature should be adjusted accordingly;
- *E.coli*, the EGM agrees that the current method mentioned in the DWD for this parameter is not suitable for various types of drinking water;
- A reference to ISO 8199 (enumeration) is recommended, to avoid problems with values 0 in 100 ml;
- A reference to ISO 19458 for microbiological sampling is recommended;
- The sampling frequency for Enterococci should be increased to the same level as the frequency for *E.coli*;
- The WSP approach in general is supported by the group, but the details still need to be discussed;
- Routinely monitoring of pathogens is not recommended, but they need to be analysed for in the case of outbreaks. Suitable methods for pathogens are needed.

Issues on the microbiological aspects of the DWD that are still under discussion:
- Effect of the WSP approach on methods and values in comparison to the current DWD;
- Coliform bacteria are not suitable as faecal indicator but they may serve other purposes. Coliforms are analysed together with *E.coli* and there is a need to discuss the methods and definitions of *E.coli* and coliforms;
- Another issue still to be discussed is the coverage of the DWD and more specifically the aspect of buildings, public buildings and the coverage of hot water. These issues have an impact on the coverage for *Legionella* in the DWD;
- *E.coli* methods, there is a need to change the current method in the DWD;
• Small supplies parameters and minimum sampling frequency;
• *Clostridium perfringens* or *Sulphite Reducing Clostridia*?

**Reactions from the audience:**
EUREAU on change in parametric values:
• In the view of EUREAU, changes must be based on best available scientific information; the primary source of such information is WHO:
• EUREAU believes that any change to parametric values must be practically achievable in a reasonable timescale, at costs which is commensurate with the benefits that will accrue to European citizens;
• The proposed parametric value must take into account the availability of adequate analytical methodologies which can be routinely used in laboratories across Europe;
• When proposing new parameters to be applied at the European level, the Directive should retain the issues which are relevant to public health across Europe. Under the principle of subsidiarity, MS may introduce additional standards if these are appropriate to their particular region of country.

[All interventions from EUREAU addressing most issues addressed can be found in Annex V].

**Other interventions and questions from the audience:**
The question was asked if an alternative method accredited by a national body in a MS should be accepted without approval from the EC.

Another question concerned the link between the DWD and the WFD and more specifically the work done under the WFD.

Are other then bacterial indicators such as coli phages considered for the revision of the DWD?

Has Campylobacter been considered for surface water.

With respect to colony counts France mentions that they have different standards for the water leaving the treatment plant and water in distribution pipes.

Colony Counts can be useful for control, but the legal status of this parameter in the DWD is not clear. Only for water in bottles this is clear.
*Response from EGM:*

Other indicators have been discussed, ISO methods do exits or phages but they are not generally used. It is therefore difficult to compare results between MS.

With respect to Campylobacter, there is an ISO method for Campylobacter, but it is closely linked to *E.coli*.

On Colony Counts EGM remarks that Austria has separate values for disinfected and non-disinfected water. However, there is not yet one proposal that can be accepted by all MS. Colony Counts are widely used and with the introduction of WSP they become even more important.

*Response from the EC:*

Colony Counts is an indicator parameter, it can indicate danger to the quality of water.

With respect to the subsidiarity issue in the DWD:

1. Drinking water should be safe everywhere in the EU;
2. Drinking water should be of sufficient quality for food transported all over Europe.

So local issues are also European issues.

On monitoring and WSP: Also in the WSP approach end-point monitoring for compliance with the requirements of the DWD will be required. EGM is working on a matrix of parameters, including recommendations for sampling and monitoring and analytical methods for the various parameters. Alternative methods are also within the mission given to EGM.
Conclusions of the working group on sampling for compliance monitoring

(presentation Eddo Hoekstra DGJRC Ispra, see Annex VII)

This working group was created by the Standing Committee (Art.12) for the revision of the Drinking Water Directive, to give advice on selection of sampling points, sampling methods and sampling frequencies.

The deliverables of the working group will be recommendations for the revision of the DWD and a guidance document for sampling and monitoring. The main recommendations coming from the group will be to harmonise monitoring and sampling practices, to adopt the water safety plan approach in the new DWD and recommendations on the selection of sampling points for compliance monitoring. The selection of sampling points will be based on “the behaviour of the various parameters” within the water supply zones. The contents of the Guidance document will be:

- the scope;
- terms, definitions and abbreviations;
- sampling equipment;
- sample collection locations;
- pre-collection cleaning, disinfection and flushing;
- sample collection;
- sampling frequencies;
- compliance with the DWD and
- references.

Some items have been identified that need to be discussed and some items where a link with other working or expert groups are required:

- Removal of the product specified parameters: AA, ECH, VC;
- Re-evaluation of the “weekly average ingestion”;
- Clarification of the scope of the DWD e.g. hot water;
- Clarification monitoring requirements for showing compliance at wsz level and individual property level;
- Strengthening consumer awareness at European scale on the potential adverse effects of the domestic distribution system on the quality of drinking water at the tap.

Response from the EC:

The comments on the "weekly average ingestion" are considered to be outside the scope of the mandate for this working group on sampling. The value is based on health considerations and concerns a public health protection issue. The discussion within this working group should be restricted to best monitor the weekly average ingestion.

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Reaction from the audience:
For the design of and decision on a proper method it needs to be clear what the scientific basis for the weekly average ingestion is, why is it not a yearly average ingestion? At the moment it is considered that the RDT (Random Day Time) sample is the best available method to estimate the weekly average ingestion. A draft Guidance Document on sampling for lead, copper and nickel has been produced but it is not yet public and finalised.

It was also suggested to discuss the sampling for microbiological parameters together with the experts of EGM.

The representative of the bottled water industry (EFBW) highlighted the fact that there is a double monitoring requirement for spring water in the DWD. Therefore the spring waters should be removed from the DWD as they are already covered by food legislation, also because the really critical points within the production process are not addressed in the DWD.
Revision of the chemical parameters DG ENV

Presentation Jan Cortvriend EC, see Annex III.

The revision of the chemical parameters in the DWD will be subject for an external contract. The contractor has already been selected and will start the work towards the end of 2007. A first proposal for the revision of the chemical parameters is foreseen for February/March 2008. The task of the contractor is to re-assess the current parameters in the DWD, to make a proposal for an updated chemical parameter matrix, which includes parameters, parametric values and methods of analysis. Special attention is required for newly emerged parameters such as new pesticides, metabolites and other emerging substances e.g. NDMA and tolylfluanil. In building the matrix the WSP approach should be taken into account. The advice should be based on toxicological data.

Reaction from the audience:

Some MS commented on the inventory that was carried out by the EC in 2006 on the most problematic chemical parameters in the various MS. Not all MS understood and answered the questions in the same way. Also asking for problem parameters does not give any information on the scale of the problem nor does it indicate whether the problem occurs in source water but is addressed in treatment to produce safe drinking water.

MS are interested to know if the contractor will also indicate the performance criteria for the various parameters. Also there was a question if radio-activity parameters are part of the study and in line with that the chemical toxicity of uranium.

There was a request to replace sum parameters by individual parameters (examples are total pesticides, THM, PAH and tri and tetra).

For the product specified parameters (AA, ECH, VC) there was the request to not include them at all or to give parametric values.

A suggestion was made to include microcysteine.

Response from the EC:

The performance criteria for the analytical methods are part of the study. The study is restricted to chemical parameters and toxicological aspects. The list of parameters to be addressed is open and not restricted in anyway. The issue of radio activity will be addressed in the next Article 12 Ctie meeting.
Conclusions on Article 12 Subgroup on the revision of Article 10
of the DWD DGENV and DGENTR

Jan Cortvriend EC, see Annex III

Article 10 of the DWD has never been fully implemented. A proposal for the so-called EAS on paper was produced after a long process led by DG ENTR together with various MS. The proposal was not implemented as not all parties involved were convinced of its practicality, there were many differences between the MS and there was a need for a huge effort from the side of the EC.

A special Article 12 subgroup was set up to deal with this issue and to prepare a document for the revision of Article 10 of the DWD. Article 10 was based on Article 4 of the DWD that addressed the wholesomeness and cleanness of drinking water. For the chemicals used in the production of drinking water there are acceptance schemes in some MS and for construction products there are some national approval schemes in some MS.

The CPD sets a framework for EU marking and the DWD refers to old documents in the CPD. The scope of the CPD is very limited as it only concerns products used after the drinking water production plant, so it does not include all materials from source to tap. Water meters, water pumps etc are covered by other legislation.

The subgroup is working on a number of possible options that are presented. The final report is expected at the end of 2007.

The possible options are:

1. Keeping Article 10 unchanged and delete the reference to the CPD. In this case MS need to implement their own legislation. Up until now the EC did not act on non-implementation of Article 10. If appropriate there could be a mutual acceptance of technical standards between MS.

2. Develop a framework for approval in the Annexes of the DWD. This could be very general without any details on tests that have to be carried out. In this case MS need a national acceptance scheme but not necessarily their own scheme. MS will use each others schemes and costs will be lower because of the mutual acceptance.

3. The full EAS option, with the implications as proposed in 2005. This implies a legal framework, composition lists, positive lists and test schemes. Elements of the food stuffs packaging standards can be used. This is less costly for the MS as it will all be organised at EU level. It will be costly for the EC. But the availability of an EC standard will strengthen the CE mark.

The report of the subgroup will go to the Article 12 Ctie and will take into account the links with other pieces of EU legislation.

It was pointed out that not all options offer the same protection levels to EU citizens. The option preferred by MS is option 3, where a full scheme is in place.
**Reactions from the audience:**

EUREAU position on construction products in contact with drinking water. EUREAU strongly supports the European Acceptance Scheme. EUREAU is very disappointed that the promises made nearly 10 years ago were not fulfilled. EAS is seen as essential to ensure that materials and products in contact with drinking water are fit for this purpose and do not cause any harm to health. (Also see Annex V).

The costs of option 3 might be very high for the EC but very high costs for the MS can be saved with this option. The question was raised why the EAS has not been addressed in the Impact Assessment study as it is such an important aspect that can save billions of euros. In other words non-regulation will cost much more than regulation.

MS remark that this important issue is not separately mentioned in the Commissions Issue paper as basis document for this consultation. Is it not a main topic?

The industry supports the importance of the issue. There should be a same level for products in the whole EU, which makes it much more clearly for industry. Lack of a European approach can cause barriers to trade for producers.

**Response from the EC:**

Vigorous implementation and legal follow-up will produce good results and the EC has not focused on this yet.

The issue of no-action is addressed in the IA study.

It is another issue and not one of the main issues of the revision. This also has to do with budgets. MS are recommended to take this up with the budget authorities. Council and EP should approve the budget for such issues.
Small systems: orientations for the Directive DGENV
Jan Cortvriend, see Annex III

The issue of the small water supplies was highlighted by a WEKNOW survey in 2003 (Web-based European Knowledge Network On Water). There are many small and very small water supplies in Europe and the number is growing with the enlargement of the EU. The WEKNOW study provided information on the many water quality problems often associated with (very) small water supplies and private wells. Such as microbiological contamination, iron and manganese, nitrate and nitrite, arsenic, pesticides and radon and also organoleptic problem taste, smell and turbidity. Most very small supplies and private wells are never monitored at all, because of financial reasons, ignorance or no legal support nor follow up from health authorities.

The awareness of the problem and the international attention is growing both in the MS and at WHO. Four questions are put to the audience during the stakeholder consultation.

1. Can all (very) small water supplies be monitored and sampled as nowadays foreseen for large supplies by the DWD, including reporting?
2. Can the RA/RM WSP approach in the DWD be extended to all wsz regardless of the size?
3. Can the MS accept a role to make the WSP concept known to all their consumers, regardless of the size of the wsz?
4. Do we need to better know about the extent and the seriousness of health related risks of (very) small water supplies in the EU?

Reactions from the audience:
The reactions to question 1 are that it will be too costly to monitor all very small supplies and private wells. It is better to use this money in treatment, preventive actions and awareness raising. There is a warning not to include private wells as it is a very difficult issue.

The reactions to question 2 are that the RA/RM approach can be made applicable to very small supplies but that the information needs to be prepared in a different and more practical way to make it understandable to all levels.

The reactions to question 3, yes MS can accept a role in making the concept of WSP known. WHO points out that there is a wealth of information available on small supplies through the small water supplies network. WHO will make the website information available.

On question 4 there is a mixed reaction from the audience. Some stress the need for more information as it is now a black box. Others assume that very small supplies are a known problem that should be dealt with. There is a general feeling that the issue of (very) small supplies is a highly relevant problem from a health point of view. There is a specific need for better health related knowledge, the surveillance of water related diseases.
Other suggestions are made to the extent that such supplies are within the scope of the current DWD, but they can be exempted.

Panagiotis Balabanis of DG Research mentions the TECHNEAU project that also looks at small water supplies. DG Research is willing to try and help with this issue.
**Other issues related to the revision DGENV**

Jan Cortvriend, Annex III

A subgroup of Article 12, consisting of Luxembourg and the Netherlands will look at other EU legislation related to the DWD. There will be one or two meetings of this group.

The issue of bottled water has the attention of the EC. There are general legal links that have to be clarified. At the end of February 2008 there will be an answer to the legal questions.
**Presentation of the main lines of the ongoing assessment of impacts DGENV, COWI A/S**

Presentation Malene Sand-Jespersen, see Annex VIII

The contractor COW A/S started late September with this Impact Assessment study on the social, economical, environmental and administrative effects of the revision of the DWD. The possible revisions to be investigated consist in:

- Changes to the parameter list (limit values), adding new parameters and/or removal of some parameters;
- Introduction of Risk Assessment/Risk Management based approaches into the DWD;
- A combination of both.

Environmental aspects are: chemicals use, energy use and new technology, water scarcity. Climate change has to be taken into account as an existing base line. Social impacts are: health effects, affordability; Economic impacts are: investment costs and operational costs for utilities and laboratories; Administrative impacts are: administrative implementation at utilities of e.g. WSP and small and very small supplies.

The aim of the assessment is to produce more specific information for the decision making process and the costs of the various scenarios.

The contractor would like to assess 6 countries. The next step is to approach these 6 countries. The planning is as follows:
Step 1 by mid December: impacts and stakeholder countries identified
Step 2 by mid February: baseline defined
Step 3 by early March: Impact Assessment.

**Reactions from the audience:**

EUREAU (also see Annex V):

EUREAU members are willing to continue enhancing public health protection, and are determined to take actions whenever needed in this respect; To meet the current DWD requirements, massive investments are underway in the majority of MS; Without waiting for the revision of the DWD, EUREAU members already investigate risks that are not sufficiently understood and install new treatment whenever necessary; The revision of the DWD could require additional investments. Any requirements for new standards should balance any additional benefit to public health against the carbon impact and implementation costs. In the same way, if PRM would become mandatory, the costs incurred would have to be identified and properly funded.
Again the MS asked attention for the issue of EAS to be included in the IA. The different MS have different test procedures not only for equipment but also of materials. In the case of a unified harmonised system the cost would be much lower. The cost for testing would be reduced. At the moment there is little overlap between the four major systems (F, D, UK and NL). The industry experiences barriers to enter the market in some MS when they are in the process of writing their legislation it is impossible to enter the market. MS do not change their testing requirements in time, which implies that that market is not open to suppliers and manufacturers. The legislation is often abused to keep the market closed.

The MS stress that the protection level of consumers should be the same in all MS. MS also ask why there is legislation for food stuffs but not for drinking water. Where is the IA on consumer health, consumer protection and cost in this study.

MS also remind the EC that the EAS project was an initiative from the European Commission.

The question was raised what the impact of the WFD implementation will be on the IA study.

**Response from the EC:**
The issue of barriers to the market should be taken up with DGMarket.

The obligation of results is anchored in Article 10 and another approach has been taken by the EC to implement this Article. If there is no proper implementation of this Article by the MS there should perhaps be a more intensive legal follow up of the implementation of Art 10 by the Commission.

Germany is asked to produce information on the cost related to testing in the MS.
Stakeholder positions

Position plumbing contractors:
The association draws attention to the role of buildings in the DWD. At the moment the responsibility of the water suppliers stops at the water meter (in private buildings), but the quality of drinking water very much depends on the design and the maintenance of the plumbing installation. In the case of long stagnation times and unqualified workmanship cases of non-compliance occur. Data from EUREAU indicate that more than 50% of non-compliance comes from buildings. The question is if WSP should include buildings and the answer is yes. Workers should be qualified. Can the EC impose that as is the case with electricity and gas supply there will be a standard practice for water supply workers. WHO recommends a certification scheme for plumbing operators, or at least an inspection by a qualified plumber. When a house is sold or has new tenants, there should be an obligation to check the plumbing system or check the quality of the water at the tap. MS could do that on a voluntary basis.

Position from Spain: send to the EC on paper.

Position EUREAU: Also see Annex V:

- EUREAU believes that the maintenance of public health is paramount and must not be compromised. In this respect, EUREAU strongly believes that the directive 98/83/EC on water intended for human consumption is a good directive in terms of the protection of consumers’ health. This directive is still under implementation, not only in newer MS but also in the EU15;
- EUREAU recognises that more needs to be done to ensure the long term sustainability of Europe’s water systems and to fully meet the expectations of all European citizens with respect to their water supply services;
- In the light of scientific, technical and managerial progress, EUREAU welcomes the discussion on a possible revision of the directive. In particular, the revision of parameters and parametric values, in light of toxicological and epidemiological progresses, is necessary, as provided for in the DWD itself;
- The spirit of the current directive is easily understood and enforceable. These advantages should be kept in a revision of the DWD. In EUREAU’s view, changes to the DWD should provide more legal certainty for local, regional or national authorities on how water services can be developed in an optimal way for the 21st century;
- If it appears necessary to replace the DWD by a new directive, this must be done in the frame of the EU better regulation process, with its consequences in terms of simplification, codifications, withdrawals and measurement of administrative costs;
- Water resources protection and prevention of pollution at source are the primary guarantees for a sustainable drinking water supply as provide for in the WFD;
- On the same issue of subsidiarity: the governance, natural surroundings and structure of drinking water supply vary considerably across MS, with responsibilities of State, regional, county or municipal levels;
• Another appreciable difference lays in the use of regulations, by-laws, due diligence, codification, standards, check-lists, obligations of means etc. These differences strongly determine the water supply is organised and supervised by MS authorities. For a cost effective implementation in different MS, the new requirements that would be laid down in a revision of the DWD, must leave enough flexibility to MS to build upon their existing system for the demonstration that fit for purpose principles are followed;

• EUREAU believes that the EU should introduce legislation only for tasks which cannot be performed at a more MS level.
The way forward

A number of follow-up stakeholder meetings are foreseen.

- A second meeting will take place in mid February and will address water safety plans, small water supplies and microbiological parameters;
- A third meeting will take place at the end of March and will address chemical parameters, monitoring and sampling, bottled water, European legislation and EAS;
- A fourth meeting will take place mid May and will address the impact assessment, WHO water safety plans in buildings and small systems.

There will be a meeting with the MS experts at the end of 2007 and an Art 12 meeting in spring 2008.

An inter-service consultation will take place in June/July. A Commission proposal for a new DWD is foreseen for the end of 2008.

Input can be given through the website or directly by email.