Future implementation of the Drinking Water Directive? Revision?

The legal background

Under the Drinking Water Directive the Commission has the obligation to review key annexes of the Directive

- annex I (on the parameters and parametric values); review at least every five years; where necessary the Commission shall propose amendments under the ordinary legislative procedure (article 289 TFEU) to the European Parliament and the Council; article 11(1) of the Directive.
- annex II (on monitoring) and annex III (on specifications for the analysis of parameters); review at least every five years; where necessary, the Commission shall amend the annexes following the regulatory procedure with scrutiny (Decision 1999/468/EC); article 11(2) of the Directive.

Further, the Commission fulfils the role of "Guardian of the Treaty": according to 17(1) of the Treaty on European Union, i.e. ensuring the application of the Treaties, and of measures adopted by the institutions pursuant to them (such as Directives), and overseeing the application of Union law under the control of the Court of Justice of the European Union. http://ec.europa.eu/environment/legal/implementation_en.htm


With the Water Framework Directive, the EU has given itself a comprehensive framework for water protection and water management; main elements are

- protection of all waters (rives, lakes, groundwaters and coastal waters) with the binding objective of achieving 'good status' for all waters as a rule by 2015; 'good status' is for surface waters defined in terms of biological, chemical and hydromorphological elements, for groundwaters in terms of chemical composition and quantity (i.e. balance between natural recharge and abstractions);
- specific protection for waters used for drinking water abstraction, or intended for such use, with the obligation to establish and implement the measures necessary for the protection of our drinking water resources;
- transboundary cooperation and coordination in shared river basins, across political and administrative boundaries;
- river basin management plans for achieving the objectives, to be developed in broad public participation with citizens, municipalities, NGOs and stakeholders; have a look at the state of river basin management plans here.

2003: The Drinking Water Seminar

The 1998 Drinking Water Directive is largely based on the 1993 Drinking Water Guidelines by the World Health Organisation (WHO) plus the precautionary principle enshrined in the Treaty. As an example, the values for pesticides in the Directive are stricter than those under the WHO Guidelines. The quality standards are set to ensure that drinking water can be safely on a life-long basis (recital 13 of the Directive). However, scientific, technical and management developments require regular scrutiny and (see above under 'The legal background') where appropriate legislative initiative.
In 2003 the Commission facilitated a first broad public consultation, in particular the 2003 Drinking Water Seminar, where both the question of validity of the drinking water quality standards and a range of other issues was discussed with experts and bodies from Member States, the scientific community including the World Health Organisation, stakeholders and NGOs. On quality standards, the conclusion of the Drinking Water Seminar was that there was no immediate need for revising the standards, but that evolving knowledge and experience would have to be carefully observed. Beyond quality standards, the seminar touched in particular the issue of small water supplies and of a risk-based approach to holistically look at safe drinking water from the source of abstraction via storage, treatment and distribution to the tap of the consumer.

2004: Increasing interest in risk-based approaches

The concept of a risk-based approach all along the production and distribution of drinking water was introduced by the WHO in 2004 into the Guidelines for Drinking Water Quality under the header “Water Safety Plans”, and further developed in the 4th edition (2011) of Guidelines for Drinking Water Quality. Such an approach aims at shifting drinking water surveillance from the control at the tap towards quality management along the production and distribution cycle from capture to tap.

2007 to 2009: Consultation on the need for a revision of the Directive

2007 and 2008 saw a broad consultation on the need for a revision, with Member States and EFTA Countries, stakeholders and NGOs as well as the scientific community including the WHO, as well as exchange of experience on the state of implementation. This consultation process focused on a range of aspects, in terms of legislation as well as implementation of the Drinking Water Directive:

1. Parameters and parametric values for drinking water quality;
2. Monitoring and analysis requirements;
3. Coherence with other water legislation adopted since 1998, in particular the Water Framework Directive of 2000 (with its specific protection of drinking water resources);
4. Data exchange and reporting, in particular with a view to reduce administrative burden (Water Information System for Europe 'WISE');
5. Compliance of water supplies, not least compliance for drinking water from small supplies, and risk-based approach for more effective quality control.

A range of documents has been developed in this context, by expert working groups as well as external consultants. All the documents of the consultation process can be seen here.
Assessment by the Commission as per 2011, and conclusions

This consultation process gave the Commission a valuable and in-depth opportunity to assess a range of aspects, in terms of legislation as well as implementation of the Drinking Water Directive.

As per 2011 the process and its evaluation has led the Commission to the following assessment and conclusions:

1. Validity of the parameters and values for drinking water quality
   The approach of setting values for parameters which are of EU-wide importance, plus obliging Member States to set values for additional parameters where public health considerations in its territory or part of it so require, continues to be a valid and proportional approach. The parametric values set out in the Directive reflect also from today's point of view the necessary high level of protection, and a revision of the values is currently not necessary.

   However, the Commission will continue to carefully scrutinise scientific and technical development and where appropriate come forward with proposals to the European Parliament and the Council.

2. Monitoring and analysis requirements
   The requirements in the Drinking Water Directive for monitoring (annex II) and analysis (annex III) require updating in order to reflect technical and scientific development. The Commission will use its right and obligation (Council Decision 1999/468/EC; article 11(2) of the Directive) to amend these annexes under the regulatory procedure with scrutiny. Work on these annexes has already commenced and will in particular be based on the wealth of expert input during the consultation process 2007-2009.

3. Coherence with other water legislation adopted since 1998, in particular the Water Framework Directive
   Protection of drinking water resources is established as indispensable part of the plans and measures under the Water Framework Directive, as is information and consultation of the public including citizens, municipalities and water suppliers.

   Assessment by the Commission of the river basin management plans is currently ongoing, with a Commission Report to be published by the end of 2012 (article 18 Water Framework Directive).

4. Data exchange and reporting: integration of drinking water reporting into the Water Information System for Europe 'WISE'
   There is a joint commitment by Member States, Commission and European Environment Agency to integrate drinking water reporting into WISE, to improve data quality and availability and not least to reduce administrative burden. This will follow already operational successful examples e.g. for bathing water quality data http://www.eea.europa.eu/themes/water/interactive/bathing/quality or data under the Water Framework Directive http://www.eea.europa.eu/themes/water/interactive/soe-rl.

5. Improved quality compliance for drinking water from small supplies, and risk-based approach for more effective quality control.
   Evaluation of monitoring results for drinking water supplies have shown
   - high compliance with drinking water quality standards larger supplies (i.e. those serving more than 5000 citizens),
   - distinctly lower compliance in many cases for smaller supplies (serving between 50
and 5000 citizens): whilst there are considerable regional differences, EU-wide more than one third of the small supplies are delivering drinking water not complying with all quality standards.

To address this challenge the Commission will take further targeted implementation and enforcement action, along two parallel lines of action:

- Firstly, developing and promoting a Best Practices and Guidance Document on a risk-based approach for small supplies, aiming at a holistic protection of drinking water from the source to the tap of the consumer, building on experience and achievements of certain Member States and regions. Work on such a document and its promotion has already commenced;

- Secondly, taking enhanced formal enforcement action where appropriate (based both on the Drinking Water Directive and the general cooperation obligations by Member States in article 4(3) of the Treaty on European Union). To that aim, the Commission has requested all monitoring data for those supplies within the scope of the Directive, but not covered by obligations to regularly publish a national report (article 13(2)), i.e. water supplies serving between 50 and 5000 citizens.

The Commission has shared and discussed its conclusions both with the European Parliament and Member States:


At the invitation of the Commission, the Committee under the Drinking Water Directive (participation by all 27 Member States) had a meeting on 22.2.2011; summary record of the meeting available here: insert link to Comitology Register http://ec.europa.eu/transparency/regcomitology/index.cfm?do=Search.getPDF&thSDhM3rVKnkJTT8NCblqBB7fl4EnisQ1BdEUOi8vC5SVAw47eF02NzJJLXFBElYmAoIL+DBqWkUQAUSR0vEUBA1Uxa7mJl1GidS+HNgw