

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	Evaluation of the Drinking Water Directive 98/83/EC		
LEAD DG – RESPONSIBLE UNIT	DG ENVIRONMENT C.2	DATE OF THIS ROADMAP	06 / 2015
TYPE OF EVALUATION	Evaluation Interim, External	PLANNED START DATE	12 / 2014
		PLANNED COMPLETION DATE	12 / 2015
		PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose

(A.1) Purpose

The Drinking Water Directive 98/83/EC (DWD)¹ has never been systematically assessed. This initiative aims at its thorough evaluation as part of the Commission's Regulatory Fitness and Performance programme (REFIT). The overall aim of REFIT is to make EU law simpler and to reduce regulatory costs, thus contributing to a clear, stable and predictable regulatory framework supporting growth and jobs. The evaluation looks at past and current performance and provides an assessment by five different criteria: Relevance, Effectiveness, Efficiency, EU-added value, and Coherence.

This evaluation is a direct follow up to the first successful European Citizens' Initiative (ECI) Right2Water -Water and sanitation are a human right! Water is a public good, not a commodity!² The evaluation has been preceded by an EU wide public consultation, which took place from June to September 2014, as announced by the Commission in its reply to the ECI. The results of the consultation call upon the Commission to improve its drinking water policy in a number of areas.

(A.2) Justification

The evaluation of the Drinking Water Directive is included in the Commission Work Programme 2015 "A New Start", COM(2014) 910 final of 16 Dec. 2014, Annex 3 Refit.

B. Content and subject of the evaluation

(B.1) Subject area

High quality, safe drinking water is essential for public health and well-being and an important asset for the economy. Whilst not a commercial product like any other, water is economically important: Every citizen uses up to 150 litres per day, and the total abstraction of freshwater across Europe is around 250 billion m³/year. A good supply infrastructure is essential to provide for high quality water services to citizens and an essential precondition for the development of economic activities. Defects in quality and quantity cause high social and economic costs.

The DWD was introduced in 1980 and revised in 1998. It has led to the availability of high-quality drinking water across the EU. Joint efforts from EU institutions, Member States (MS) and service providers have resulted in high compliance rates with the drinking water standards. An extensive documentation about the implementation of the Directive is available through the Article 13 Member States reporting and information to consumers. The Directive including its links to other EU policies has

¹ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption – OJ L 330, 5.12.1998, p. 32

² Commissions' reply to the ECI - (COM(2014) 177 final)

however never been systematically assessed.

In March 2014 the Commission committed itself in its reply to the ECI Right2Water to perform an EU wide public consultation. It was carried out from June to September 2014. The results of the consultation call upon the Commission to improve its drinking water policy in certain areas, such as; ensuring high drinking water quality in remote and rural areas; providing better information to the public; improving monitoring systems; addressing materials in contact with drinking water, or reviewing the list of parameters and values to be met.

(B.2) Original objectives of the intervention

The objective of the Directive is 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.

(B.3) How the objectives were to be achieved

Diagram illustrating the intervention logic of the Directive:

Objectives DWD

- to protect human health from the adverse effects of any contamination, and
- to ensure that drinking water at the consumer tap is wholesome and clean.

Actions for Member States:

- Compliance with Microbial parameters, Chemical parameters (geogenic, anthropogenic, leaching from contact materials), related to fertilization, or related to plant protection
- Monitoring programmes
- Remedial action to restore Drinking Water quality
- Derogations
- Quality assurance measures for contact materials
- Up-to-date information to consumers

Consequences:

- Better protection of consumers, risk of diseases minimised
- Staff and equipment in place
- Relevant quality information available to suppliers and authorities
- Water pollution prevented, eliminated, use prohibited or restricted
- Exceedances not constituting a potential danger to human health temporarily granted
- Safer materials for water distribution used
- Consumers and Commission better informed

External Factors:

- National/regional characteristics related to drinking water management like abstraction sources, disinfection
- Evolution of treatment techniques
- Scientific development of analytical methods
- Other legislation (water framework, agriculture (CAP), nitrates, pesticides, food, construction products)
- Pressures related to human and economic activities
- Climate change effects (floods, droughts, scarcity)

Expected Results/Impacts:

- Higher water quality and better health
- Consumers can rely on wholesome and clean tap water
- Supply zones and water distribution established
- More jobs and social cohesion in the drinking water sector
- Effective pollution prevention of source water
- Further and indirect impacts on water supply, land-use, agriculture, research

C. Scope of the evaluation/FC

(C.1) Topics covered

The evaluation of the DWD on the whole since its adoption in 1998 will provide evidence on whether the legislation is fit for purpose in accordance with the REFIT programme and achieving its objectives. An evaluation methodology and detailed evaluation questions will be developed and iteratively refined by the external contractor.

(C.2) Questions/issues to be examined

The main evaluation questions to be answered are provided below:

Effectiveness

- To what extent has the Directive achieved its objectives, e.g. to reduce contamination of water intended for human consumption and to protect human health?*
- Which provisions have been most appropriate for protecting human health? To what extent have parameter requirements and also general ones for Member States been effective and why?*
- What main factors, in particular related to water bodies or agriculture, have influenced, or stood in the way of, achieving these objectives?*
- What results, if any, did the DWD achieve beyond its main aim to protect human health, for example towards environmental protection?*
- Did the Directive cause any other unexpected or unintended changes?*

Efficiency

- What are the costs and benefits associated with the implementation of the DWD?*
 - To what extent are the costs involved with implementing the DWD justified given the benefits which have been achieved?*
 - What provisions in the Directive have caused excessive administrative/regulatory costs compared to the benefits?*
 - Have there been technical or other developments since the elaboration of the Directive that could contribute to achieving the objective more efficiently, for example the risk based water safety planning of the WHO?*
 - To what extent does the Directive allow for efficient policy monitoring (e.g. reporting mechanism)?*
- How far do the reporting processes allow for efficient collection of all relevant information?*

Coherence

- To what extent are the Drinking Water provisions internally coherent? Do provisions overlap or contradict, do they co-act as intended? To what extent are there overlaps, discrepancies, contradictions? What impacts do these overlaps have?*
- To what extent can effects be linked to provisions in other EU legislation -in particular regarding pollution prevention (for example regarding chemicals, pesticides, fertilisers) water abstraction, preparation and distribution (including materials and products used)?*
- Which effects had the DWD on areas targeted by other EU legislation -in particular legislation on food, chemicals, pesticides, fertilisers, agriculture, water abstraction, preparation and distribution, product policy?*
- To what extent are there any gaps between the DWD and other relevant EU legislation or initiatives that could prevent the objectives of the DWD to be met?*

Relevance

- To what extent is the DWD approach to protect human health from the adverse effects of any contamination of drinking water still appropriate?*
- Which other approaches or parameters than those set currently in the DWD became more important for human health?*
- Can any obsolete provision in the Directive be identified and if yes, why are such provisions obsolete?*
- Why has the DWD not been adapted to technical and scientific progress?*

- What are citizens' expectations for the role of the EU to ensure drinking water quality?

EU added value

- What has been the EU added value of the Directive, and do the issues addressed continue to require action at EU level?

- Is there any possibility to compare EU legislation and its effectiveness with what is in place elsewhere in similar regions, e.g. in Asia, Latin-America or North America?

- What would be the most likely consequences of withdrawing the Directive?

(C.3) Other tasks

The evaluation will build on the open public consultation on drinking water quality performed in 2014. The survey following a Citizens Initiative was prepared according to the stakeholder consultation guideline requirements, and the DWD related questions were elaborated in a way that the consultation feeds well into the evaluation. The analysis of the survey and further consultation activities foreseen to inform policy making are an essential part of the evaluation.

D. Evidence base

(D.1) Evidence from monitoring

*The application of the monitoring, information and reporting provisions have resulted in detailed information about the implementation of the DWD and about drinking water quality in the EU is available: http://ec.europa.eu/environment/water/water-drink/reporting_en.html
We refer in particular to the latest synthesis report COM(2014)363 final.*

(D.2) Previous evaluations and other reports

Related water policies were assessed by the Fitness Check of EU Freshwater Policy (SWD(2012) 393), and the Blueprint to Safeguard Europe's Water Resources (COM(2012) 673, SWD(2012) 382). The Blueprint has set out key actions that need to be taken by water managers and policy makers to address the challenges faced by the aquatic environment. It proposes inter alia to support access to safe drinking water by the Commission, Member States & stakeholders. A great deal of background information from the 2010 review process (which concluded not to revise the Directive at that time), is available, including an updated economic assessment of impacts of the revision of the DWD.

http://ec.europa.eu/environment/water/water-drink/review_en.html

<https://circabc.europa.eu/w/browse/fc507779-2a3a-4f83-bf56-0c5dfe98c7d4>

Also, a 'Semester' study on potential for stimulating sustainable growth in the water industry sector in the EU was finalized in 2014, which includes valuable data on economic impacts of the drinking water sector. <https://circabc.europa.eu/w/browse/cf323c7c-cf7f-4e9e-9589-d38fb8c841a3>

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

The Directive is well transposed and implemented, therefore the few court cases and infringements, for example on ample non-compliance with parameters like arsenic, do not provide much information about the value of the Directive. A meaningful source of information is however the EP database with the replies to Parliamentary questions, which collects around 50 drinking water related questions per year. This gives a good overview of problems and concerns, and provides further evidence for the evaluation.

(D.4) Consultation

An open public consultation on drinking water quality performed in 2014. The survey following a Citizens Initiative was prepared according to the stakeholder consultation guideline requirements, and the DWD related questions were elaborated in a way that the consultation feeds well into the evaluation. It received 5900 responses. 670 stakeholders contributed to the consultation, and additional 57 position papers were received through the functional mailbox ENV-DRINKING-WATER@ec.europa.eu The stakeholders who contributed are quite balanced between industry interests and consumers. Results are available on: http://ec.europa.eu/environment/consultations/water_drink_en.htm.

A further stakeholder consultation specifically on the evaluation is carried out beyond the 2014 public

consultation. A stakeholder consultation meeting focussed on the evaluation exercise took take place on 26 May 2015. Further stakeholder opinions will be collected in spring and summer 2015 via interviews and the project website, where further background information can be found, see: <http://www.safe2drink.eu/>. The existing Commission's Drinking Water Expert Group will also play an important role in shaping the initiative

(D.5) Further evidence to be gathered

None

E. Other relevant information/ remarks

None