



HOUSE OF LORDS
European Union Committee

House of Lords
London
SW1A 0PW

Tel: 020 7219 4579
Fax: 020 7219 6715
euclords@parliament.uk
www.parliament.uk/lords

27 February 2019

Dr Thérèse Coffey MP
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs
Seacole Block, 2 Marsham Street
London, SW1P 4DF

Dear Thérèse,

EM 5846/18: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

Thank you for your letters on the above Proposal, dated 19 and 26 February, which were considered by our Energy and Environment Sub-Committee at its meeting on 27 February.

Thank you for providing an update on the negotiations, which we note have been progressing at speed.

Thank you for agreeing to provide us with your assessment of the potential impact of the Directive once it has been finalised; we note that a detailed assessment is not possible at this stage given that significant changes are still being made to the Proposal.

We note that the latest version of the text allays some of your concerns about the parameters being set for water quality, including allowing a risk-based approach to determine whether the monitoring of per- and polyfluoroalkyl substances is required. We note that you have been arguing more broadly for the ability to exclude parameters from monitoring where a risk assessment shows they do not pose a threat. Have you been successful in agreeing this change? We note that you now support the majority of parametric limits set, but that there are some substances for which more stringent limits have been set than those recommended by the World Health Organization. Are you willing to accept these tighter limits?

Your letter of 19 February made specific reference to the proposed limit for lead, which could cost the water industry and consumers in the UK billions of pounds as a result of having to replace lead piping. We note from your update letter of 26 February that the wording of this aspect of the Proposal has now been amended, raising the proposed value from 5µg/l to 10µg/l (while requiring Member States to use their best endeavours to meet a

5µg/l limit within 15 years) and that this is in line with World Health Organization recommendations (with the additional rigour of a timeframe). We note that you prefer this wording to the previous wording (which would have required Member States to meet the 5µg/l limit within 15 years) and that you are “assessing the full impacts of this text to ensure that it meets...[your] negotiating principles before voting.” Please provide the conclusions of that assessment. While we understand that there would be significant financial costs to the UK if it had been required to meet the 5µg/l limit, “best endeavours” within 15 years does not sound very aspirational. Please provide a summary of the extent to which levels of lead in drinking water in the UK exceeds 5µg/l and what plans the UK has to reduce lead levels.

We note from your 26 February letter that you continue to have concerns that the provisions on access to water in this Proposal do not respect subsidiarity but that you do not believe further compromise on this aspect of the Proposal is likely and that you believe the UK is already meeting the requirements it would create.

Thank you for telling us that you have proposed that the Directive includes harmonising standards for materials and substances in contact with drinking water. Please provide more details of your proposal and the impact you hope it will have, as well as an update on whether you secure agreement from other Member States on including this in the final Directive.

Thank you for explaining that you welcome the changes that have been made to requirements to provide information to the public, including allowing for information to be provided online and removing the need to provide the price of water per litre. We note that you are still seeking changes to this aspect of the text, including the removal of the requirement to provide the energy consumption of large suppliers. Why are you objecting to this being included? Again, please keep us updated on these negotiations.

We note your request for the Proposal to be cleared from scrutiny, or for a waiver to be granted. Given that your letter of 26 February states that you are content that the majority of the Directive is in line with your negotiating position and that the changes to the lead parameters mean that you are considering whether you could support that aspect of the Proposal, we are content to grant a waiver to allow you to vote in favour of the Proposal if your final assessment judges the Proposal to be acceptable. We have retained the Proposal under scrutiny, however, and look forward to an update (and a response to the questions posed in this letter) following the Environment Council meeting on 5 March.

I am copying this letter to Sir William Cash MP, the Chair of the European Scrutiny Committee, Jessica Mulley, Clerk of the European Scrutiny Committee; Arnold Ridout, Legal Adviser to the European Scrutiny Committee; Les Saunders, DExEU, and John Leach and Craig White, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee