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The Rt Hon Lord Boswell
Chairman
Select Committee on the European Union
House of Lords
London
SW1A 0PW

26th February 2019

Dear Tim,

EM 5846/18, COM(2017) 753 FINAL: PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE QUALITY OF WATER INTENDED FOR HUMAN CONSUMPTION (RECAST) (AND ADD 1-5)

I am writing with an update to my recent letter, dated 19 February 2019. As mentioned in that letter, discussions on the recast of this Directive have been moving swiftly and there are a few points discussed at COREPER on 22 February that I would like to update the Committee on.

The Presidency has now confirmed that the Drinking Water Directive recast will be on the agenda for General Approach at the 5 March Environment Council.

Parametric Value for Lead

While recognising the evidence showing health implications of lead in drinking water, the UK had concerns with the previous Presidency text that required Member States to meet a lower parametric value of 5µg/l in the 15 year timeframe, due to the costs. At COREPER, Hungary tabled an alternative proposal which set the limit at 10µg/l but requires Member States to "use their best endeavours to meet the aspirational lower value of 5µg/l by 15 years of the Directive coming into force". The proposal has been accepted by the Presidency and will go to the 5 March Environment Council to agree General Approach. This proposal is similar to the recommendation from the World Health Organisation but additionally sets a timeframe for Member States to aim for. This proposal is softer and was supported by a number of Member States who has previously raised concerns and the UK agreed that it was preferable to the Presidency text. We are assessing the full impacts of this text to ensure that it meets our negotiating principles before voting.

Article 13: Access to Drinking Water

On Article 13 'access to water', opinion has been divided amongst Member States. The current text is a compromise which loosens the obligations on Member States from the original Commission proposal. At COREPER most Member States indicated that the text was a good compromise given the division and that reopening this would be problematic.

The UK raised our concerns on this as did other Member States, such as Germany, Netherlands and Austria. Conversely other Member States, such as France, Spain and Greece would still prefer it to be strengthened. Because of this balance, it is unlikely that further compromise will be agreed. We believe that there are a number of initiatives in the UK which already meet the requirements of this Article and are undertaking final analysis of the impacts of the compromise text. We are content that this Article does not create a free-standing right to water.

Other Articles

We continue to have support on our proposals for Articles 10a and 10b and are content that the rest of the Directive is in line with our negotiating principles.

I am copying this letter to Sir William Cash MP, Chairman of the European Scrutiny Committee. I am also copying this letter to the Clerks of the Commons and Lords Committees, Lynn Gardner and Chris Johnson respectively; Les Saunders, Department for Exiting the European Union; and Tess Hanneman, Defra Scrutiny Co-ordinator.

Yours sincerely,



DR THERESE COFFEY MP