



Department
for Environment
Food & Rural Affairs

Dr Thérèse Coffey MP
Parliamentary Under Secretary of State
for the Environment

Seacole Block
2 Marsham Street
London SW1P 4DF

T 03459 335577
defra.helpline@defra.gsi.gov.uk
www.gov.uk/defra

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

26 September 2018

Dear Lord Boswell,

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)

Thank you for your letter dated 6 September 2018. I acknowledge your request to be updated on discussions on drinking water quality parameters as they progress.

The UK continues to make clear its negotiation principles during Working Parties but, to make you aware, the pace of negotiations has decreased compared to earlier in the year. The Austrian Presidency does not regard the Drinking Water Directive recast as a priority, so it now seems unlikely that a general approach will be achieved this year.

In response to the specific questions you raise:

What changes have been proposed to address concerns about subsidiarity and are you satisfied that these are adequate?

The changes that have been proposed by the Presidency so far relate to the definition of 'vulnerable and marginalised groups', which is one aspect Member States have raised concerns about. The Presidency proposes changing it to:

"'vulnerable and marginalised groups' shall mean people who are potentially more vulnerable and/or are more exposed to water related health risks, compared to the rest of society due to a continuous lack of access to safe water intended for human consumption."

The UK welcomes this change, however, the wording in Article 13 (Access to Water) remains the same so our concerns have only been partially addressed. The Presidency is currently considering whether to move the access to water provisions into the recitals and/or suggest rewording. We await a revised compromise text.

Have we formed a view on the requirement for additional risk assessments and the requirement to provide additional information to consumers and the public?

As previously noted, the UK has already adopted a water safety plan approach to water quality and as such already conducts the majority of hazard and supply risk assessments. It is the monitoring of new parameters and the length of time they need to be monitored for before qualifying for a monitoring variation that concerns us most. We are still working with relevant stakeholders to understand the financial impacts this would have and our findings will be included in the impact assessment. In the interim, we have written to the Presidency to request that, where there is little or no risk of a parameter being present in a water supply, it can be removed from monitoring without the need to gather three years' worth of monitoring data.

With regard to domestic distribution risk assessments, the Presidency has listened to Member States' concerns and drafted text that focuses these assessments solely on 'priority premises' that supply water to the public. The definition of 'priority premises' has then been amended to mean 'large premises for public use'. This closely aligns with the assessments water companies currently undertake but we will still assess if this would create any additional burden, along with assessing the full numerical and financial impact if the compromise text were not accepted.

Moving on to providing additional information to consumers and the public, we support transparency and the provision of information to consumers where it has an impact on human health. However, some of the information that needed to be provided could harm consumer confidence in water supplies by sharing the standards achieved on parameters that do not pose a risk to human health, for example, odour, taste and colour. This, along with some other aspects Member States raised concerns about (for example the management and governance of the water supplier and the financial investment to sustain the provision of water services), have therefore been addressed in the Presidency's compromise text.

We are still assessing the full extent of the Presidency's changes to Annex IV - Information to the public, with our cross Government Project Board and external stakeholders. This will inform our position in due course.

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 Craig White, Defra Scrutiny Coordinator.

Yours sincerely,



DR THERESE COFFEY MP