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The Rt Hon Lord Boswell
Chairman
Select Committee on the European Union
House of Lords
London
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Dear Tim,

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 letter of 9 March in which you asked for an update on our assessment of the recast proposal and our understanding on a number of points.

“Your assessment of the costs of implementing the proposal. We note that you expect there to be an impact on water companies, government agencies and private suppliers. Do you agree with the Commission’s assessment that there could also be an increase for consumers?”

The Government is still considering the proposal and the Commission’s assessment of it. Any increase on the requirements on companies, can lead to an increase in customer bills.

We have begun informal consultation with relevant stakeholders, both inside and outside of Government (including the devolved administrations). We will be seeking agreement on the UK’s position, and a high level strategy to negotiate at the Council Working Parties, to ensure the proposal meets our objectives of ensuring the wholesomeness of drinking water and minimising the impact on customers and tax payers in the UK.

For instance, the proposal imposes a requirement to analyse all water supplies for perfluorinated compounds (a by-product of firefighting foam). Perfluorinated compounds are currently only monitored where they might pose a risk to health. This is because contamination is often localised to some very specific areas. Analysis of these compounds is expensive and specialised and not all laboratories have the capability. The Commission may not be aware of this unintended consequence, and we will therefore be requesting that the current risk based approach to monitoring of this substance is maintained.

“The extent to which implementing this proposal will require change. We note, for example, that risk assessments in England, Wales and Scotland are already undertaken from ‘source to tap’. Would this proposal require any additional risk assessment or monitoring to be undertaken?”

The UK has excellent drinking water quality with 'source to tap' risk assessments already forming a key component of our approach. As currently drafted, the recast would require additional risk assessment and monitoring and we are assessing whether this approach meets our objectives.

The proposed hazard (abstraction point) risk assessments of water supplies are currently carried out, in part, using drinking water safety planning methodology for supply systems. The water safety plans are published online and specify voluntary measures that water companies carry out to reduce the need for treatment and maximise the quality of raw water. The recast will formalise this approach but additional monitoring of parameters would be required due to the inclusion of several new parameters such as chlorate, chlorite, endocrine disrupting compounds etc.

Moving on to domestic distribution system risk assessments, these are already assessed by water companies on a risk basis and usually focus on the distribution arrangements within public buildings, health care facilities, high risk sites such as abattoirs, and at some domestic dwellings. As drafted, the recast sets out domestic distribution risk assessment requirements for all properties (including private supplies), albeit focused on 'priority premises' such as hospitals. Given the increase, we are assessing whether this meets our objectives as it would dramatically increase the number of assessments.

The values and parameters that are proposed for monitoring as part of the recast go beyond those that are recommended by the World Health Organisation (WHO). Our initial views on this approach are that the recast should follow WHO recommendations and that the domestic distribution risk assessments should be carried out in public buildings. Citizens should, however, be given the choice to request such an assessment given the potential costs involved to undertake remedial work, such as replacing lead piping.

“To what extent the UK already meets the proposed obligation to ensure access to drinking water for vulnerable groups. What further action, if any, do you believe would need to be taken?”

The proposal in Article 13 to provide access to water is in answer to the European Citizen's Initiative, 'Right2Water', which urges all EU institutions and Member States to ensure that all-inhabitants enjoy the right to water and sanitation. The UK has an excellent record of providing water to vulnerable people. We are working with water companies and across Government to increase availability for those on the move, part of the strategy for reducing use of plastic bottles. For instance:

- Water companies, through Water UK, are working to create a network of water refill points across England for refillable water bottles;
- Water companies in England have committed to publishing their plans for reducing single use plastic bottles in their regions, to "make refilling your bottle as easy, convenient and cheap as possible by introducing refill points on every street"; and
- The Government is working to encourage transport hubs and retailers to extend their provision of free water and to publicise this to members of the public.

Although the Government supports the general objective the Commission wants to achieve to ensure access to drinking water for vulnerable groups, some of the provisions in the Article are too prescriptive and leave very little room for the UK to exercise its discretion. The means of meeting the general objective would be better left to Member States to decide and, on the

grounds of subsidiarity, we will be writing to the Commission to this effect. The final Directive must be unequivocal in its compliance with the principle of subsidiarity.

Further research and work is required to assess if any further action needs to be taken to meet this objective in the UK. However, for the UK in particular, the costs of providing additional access (within the Commission's impact assessment) are put at zero. This is due to the very high level of connection to a water supply and access to drinking water that we already have, and because of existing or imminent national policies and practices that the Government has developed.

“To what extent the UK already meets the proposed obligations on provision of information. What further action, if any, do you believe would need to be taken?”

The Government supports transparency and the provision of information to consumers in the field of drinking water.

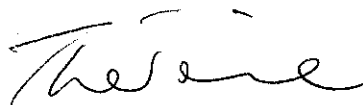
If the proposal is adopted as currently drafted, there may need to be additional information provided by water suppliers and the Government to meet the requirements in the new Directive. For example, additional reporting on billing breakdown for customers will be needed as costs are not currently laid out as the proposal requires. Information on what charges are included for access to water provisions will also be needed. Some of this information is already provided on the Discover Water website. In addition, information on the implementation, monitoring and incidents will also need to be prepared, collated and hosted by UK Government in an accessible format for the Commission and European Environment Agency to access.

We are still considering the implications of the proposal coming into force during a period in which the UK is still implementing EU law, and what the implications would be if it did not come into force during this period.

The Government has made clear that, upon exit, our environmental standards will equal those of the EU and we have committed to being the first generation to leave the environment in a better state than we inherited it. Therefore, if we make an agreement in EU law we can expect it to roll over into UK law on our departure. However, the Government's 25 Year Environment Plan confirms that decisions on managing risks will be proportionate and based on the weight of evidence so that, for example, a high level of certainty will be needed before a decision is made to invest in expensive treatment technology. Some elements of the proposal, as drafted, are unnecessarily constraining especially in relation to water quality parameters. As the UK has some of the highest quality drinking water in the EU, we may want to consider whether we accept all proposed changes.

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 Co-ordinator.

Yours sincerely,



DR THERESE COFFEY MP