

### **Revision ('recast') of the Drinking Water Directive Political debate commenced**

**In February 2018 the Commission has proposed a revision ('recast') of the Drinking Water Directive.**

**The European Parliament has commenced the political debate. The article provides you an overview of the evolving opinion of the European Parliament, as currently outlined in the draft report by the rapporteur Mr Michel Dantin MEP.**

As reported in the last edition of EWA News, on 1 February 2018 the Commission proposed the recast of Council Directive 98/83/EC on the quality of water intended for human consumption (the 'Drinking water directive'). The DWD showed to be a relevant tool in ensuring the high quality of the water consumed in the EU but still uses parameters set over 20 years ago. The proposal aims to update those parameters, correct shortcomings and introduce the access to water in response to the first ever European citizens' initiative 'Right2Water'.

To recall, the 1998 Drinking Water Directive as amended 2015 underwent an evaluation that identified 4 problematic areas:

1. the list of parameters;
2. the use of the risk-based approach;
3. Transparency on water-related issues and access to up-to-date information for consumers;
4. Materials in contact with drinking water.

The European Parliament, one of the two European legislators together with the Council, has commenced the political debate; in March 2018 Mr Michel Dantin MEP has been appointed as rapporteur for this legislative proposal.

Mr Dantin is a French member of the Group of the European People's Party (Christian Democrats) – EPP in the European Parliament since 2009. He is in parallel mayor of the city of Chambéry (Savoie region, France, cca 60,000 inhabitants). His CV is available at [http://www.europarl.europa.eu/meps/en/97296/MICHEL\\_DANTIN\\_cv.html](http://www.europarl.europa.eu/meps/en/97296/MICHEL_DANTIN_cv.html).

Shadow rapporteurs (i.e. political coordinators for this revision within the other political groups of the European Parliament are

- R. Palmer (Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, S&D, UK),
- J. Dohrmann (European Conservatives and Reformists Group, ECR, DK),
  - U. Müller (Group of the Alliance of Liberals and Democrats for Europe, ALDE, DE),
  - L. Boylan (Confederal Group of the European United Left - Nordic Green Left, GUE/NGL, IE),
  - B. Jávör (Group of the Greens/European Free Alliance, Greens/EFA, HU),
  - P. Pedicini (Europe of Freedom and Direct Democracy Group, EFDD, IT), and
  - S. Goddyn (Europe of Nations and Freedom Group, ENF, FR).

The draft report by M. Dantin MEP of 15 May 2018, in summary fully supports the four areas for improvement as identified by the Commission (namely the list of parameters, the use of a risk-based approach, the need for greater transparency and consumer access to information on the water they consume and lastly, the materials which come into contact with drinking water); draft report p.89;

However, the amendments proposed by the rapporteur highlight some interesting divergence, both on principles such as deviation from the precautionary principle or implementation of greater transparency.

- Opposition against stricter and additional parametric values based on the precautionary principle; to be replaced by a (non-binding) watch list; however, established values e.g. for pesticides (which are clearly established under the precautionary principle) are not touched; further, the amendments propose that Member States may excuse themselves from taking action in the case of exceedance of parametric values.
- Maintenance of further derogations from chemical parameters (comment: not clear how to be implemented: the 1998 Directive allowed for 3 consecutive derogations of 3 years each, i.e. after 9 years the problem had to be addressed; should now for all water supplies re-commence yet another 9 year-cycle, pushing the compliance deadline through the back door to 2028 ...);
- Partly serious cuts in the risk-based approach, based on 'reducing burden for smaller and medium-sized suppliers' (comment: according to monitoring data from all Member States, it is in particular those suppliers not providing drinking water quality compliant with quality standards: according to Member States' reports, more than one third of the small supplies EU-wide are not properly monitored or delivering drinking water not complying with all quality standards: [http://ec.europa.eu/environment/water/water-drink/reporting\\_en.html](http://ec.europa.eu/environment/water/water-drink/reporting_en.html)).
- Change of approach on materials in contact with drinking water: opposition to the approach in the Commission Proposal, referring to the failure of the approach in the 1998 Directive, and requesting full harmonisation and minimum quality standards for materials to be established at EU level. Comment: it appears that exactly such harmonisation is an integral part of the Commission Proposal<sup>i</sup>;

By June 2018, the Parliamentary time schedule has been established as follows:

- Draft report by M. Dantin MEP: submitted 15 May 2018;
- Vote on report and its amendments in the Environment Committee: 10 September 2018;
- Vote on report and its amendments in the EP Plenary: session 1-4 October 2018.

All Parliamentary documents including the original Commission Proposal, the draft report by the rapporteur, amendments submitted by MEP and voting results are / will be available at <http://www.europarl.europa.eu/committees/en/envi/subject-files.html?id=20180514CDT02281>

The Council, as the other legislator, has in its Working Group on the Environment on 24 May 2018 considered a text by the Bulgarian Council Presidency on the Proposal for a revision / recast of the Drinking Water Directive.

It remains to be seen whether there is scope, and political will on both sides - Parliament and Council, to come to an early agreement ("first reading agreement") – which would mean that a decision on the revision / recast of the Drinking Water Directive could be achieved within this Parliament, and before the European Parliament elections of 2019.

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<sup>i</sup> See Proposal of 01.02.2018, recital 12 "National product approvals are still in place, with different requirements from one Member State to another. This renders it difficult and costly for manufacturers to market their products all over the Union. The removal of technical barriers may only be effectively achieved by establishing harmonised technical specifications for construction products in contact with water intended for human consumption under Regulation (EU) No 305/2011. That Regulation allows for the development of European standards harmonising the assessment methods for construction products in contact with water intended for human consumption and for threshold levels and classes to be set in relation to the performance

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level of an essential characteristic. To that end, a standardisation request specifically requiring standardisation work on hygiene and safety for products and materials in contact with water intended for human consumption under Regulation (EU) No 305/2011 has been included in the 2017 standardisation Work Programme [], and a standard is to be issued by 2018. The publication of this harmonised standard in the Official Journal of the European Union will ensure a rational decision-making for placing or making available on the market safe construction products in contact with water intended for human consumption. As a consequence, the provisions on equipment and material in contact with water intended for human consumption should be deleted, partly replaced by provisions related to the domestic distribution risk assessment and complemented by relevant harmonised standards under Regulation (EU) No 305/2011.”