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Delegations will find attached document SWD(2016) 428 final - Part 2/2.

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PART 2/2

COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE EVALUATION
of the
REFIT of the Drinking Water Directive 98/83/EC

This is the summary of the evaluation of the EU Drinking Water Directive¹ (DWD). The evaluation is part of the Commission's Regulatory Fitness and Performance programme (REFIT).

The Directive regulates the quality of drinking water. It lays down essential quality standards at EU level, for which monitoring programmes have to be performed. For any failure remedial action has to be taken. The Directive is well implemented. The overall compliance rates in all Member States reach 99%.

The purpose of the evaluation is to gain a better understanding as of whether the current instrument was and still is fit for purpose, and whether it delivers the intended benefits for citizens, businesses and society, while identifying red tape and potentials for lowering costs. It also aims to identify the potential to make EU laws simpler and easier to understand.

The DWD was evaluated on five criteria: effectiveness, efficiency, coherence, relevance, and EU added value. For each criterion several evaluation questions were developed, an evaluation method was established, and limitations were assessed (i.e. unavailable data, reliability of indicators, difficulties to relate disease outbreaks to drinking water quality). Despite these limitations, the evaluation method supported by extensive stakeholder consultations provided sufficient and ample evidence ensuring that this evaluation outcome is well-founded.

The **effectiveness** analysis confirmed that the Directive is achieving its objectives and contributing to the protection of human health from the adverse effects of contamination by ensuring a high level compliance with the parametric values, although the significance of compliance rates measured against partly outdated parameters is limited. Better drinking water quality can be accredited mostly to the overall DWD intervention (parameter setting, monitoring, remedial action, information to consumers, reporting) and not to specific provisions.

The **efficiency** analysis estimated the total cost for supplying drinking water in the EU in 2014 to roughly €46.5 billion, of which €8.3 billion can be attributed to the implementation of the DWD. Although health benefits through the DWD could not be quantified, as discussed in the limitations, it was found that total attributable benefits could possibly outweigh total attributable costs quite significantly. The assessment of costs and possible administrative burden did not find any provisions that have caused excessive administrative costs related to monitoring, information provision and reporting.

The **coherence** of the DWD with the Water Framework Directive (WFD) is especially important as the protection of drinking water resources is established as an indispensable part of the plans and measures under the WFD. The DWD does not refer to the protection of

¹ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330 5.12.1998, p. 32).

waters resources to be used for the abstraction of drinking water. This has been identified as an important factor standing in the way of achieving the objectives of the DWD. This missing link also complicates the application of the polluter-pays-principle and the precautionary principle that preventive action should be taken, and that environmental damage should as a priority be rectified at source and that the polluter should pay.

With regard to **relevance**, the analysis found that the quality standards set in the DWD may not be appropriate anymore to protect human health from the adverse effects of any contamination of drinking water. The essential quality standards in Annex I of the DWD on microbiological and chemical parameters have not been revised since 1998 and do not fully reflect any more scientific progress, better risk assessments, changed behaviour and environmental pressures. Special attention should be paid to the relevance of microbiological parameters, where 'new' pathogens not considered in the current DWD present real challenges. The DWD has no replies to such challenges, which can be better met by new concepts like risk based approaches and water safety plans. The evaluation found the DWD requirement to provide up-to-date information on water quality to consumers too imprecise.

Finally, the **EU added value** of the Directive is that it ensures the same level of protection of human health from adverse effects of any contamination equally across the whole EU. Citizens, Member States, and businesses rely on the EU to set and maintain EU-wide common drinking water standards and a regulatory frame up to date. This clear demand justifies continuing to require action at EU level.

The results of this evaluation confirm that the DWD is one of the tools relevant to ensure the quality of the water consumed in the EU. It fulfills its basic purpose to enforce drinking water monitoring and restoration of the required quality level in case of non-compliance. However, the following four areas leave room for improvement: parameters, risk-based approach, information to consumers, and contact materials:

1. The evaluation identified compliance rates with the parametric values as the most suitable available indicator. This compliance with the DWD standards has risen from around 95% in 1998 to over 99% for most parameters in 2013 in all Member States. Increased compliance of uniformly applied parameters provides an increase in water quality ensuring that a high level of health protection is achieved, and that necessary DWD implementation measures to reach these compliance rates were performed. However, as the related quality standards and values have not been revised in the last 18 years, they could be partly not relevant anymore and not fully match emerging pressures, latest scientific knowledge and changing pollution pressure.
2. The evaluation indicates that preventive safety planning and risk based elements are so far only under-proportionately considered. This represents a weakness of the current DWD. The concept of a water safety plan introduced in 2004 by the WHO has become more important in particular in response to microbiological-related challenges. It offers opportunities to concentrate time and resources on risks that matter and to avoid

analyses on non-occurring parameters, in particular in small supplies with risks easy to survey.

3. The general provisions in the DWD to ensure availability of appropriate and up-to-date information to consumers were found too imprecise, and led to significantly differing information practice between Member States and also between water suppliers. Thus the current access to information on water quality and transparency is not good enough. The evaluation found that reporting does not tap the potential of modern information technology and data management for a swift und multiple use of information.
4. One burden that was identified and raised by stakeholders consulted is the non-recognition between Member States of national approval systems for products in contact with drinking water. The multiple testing required for national approval in different Member States can be seen as an obstacle to the internal market. This burden originates from the DWD Article 10 requirements for materials in contact with drinking water, which permit too much legal flexibility. Thus the Article 10 provisions do not work well and represent a long term challenge to the provision of clean and healthy drinking water in the EU.