



Drinking Water Quality in England and Wales as the UK exits from the European Union

Position Paper by Drinking Water Inspectorate (DWI) for England and Wales, part of the Department for Environment, Food and Rural Affairs

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Purpose

This paper sets out how the Drinking Water Inspectorate will continue to uphold drinking water standards as the UK leaves the EU. It outlines the DWI's (England and Wales) position and principles of ensuring that consumers of public water supplies in England and Wales continue to have access to safe and clean drinking water after Exit Day.

Introduction

1. The Drinking Water Inspectorate (DWI) was established by Parliament in 1990 to provide independent assurance that the privatised water industry in England and Wales delivers safe, clean drinking water to consumers.
2. The regulatory framework for water supplies in England and Wales, including the powers and duties under which it operates and the duties of water suppliers, is established in legislation. The Chief Inspector of Drinking Water is appointed by the Secretary of State for Environment, Food and Rural Affairs, and Welsh Ministers, and acts on their behalf. Certain powers are also vested directly in the Chief Inspector which ensure clear independence in our work. In addition to the Inspectorate's regulatory role, the Chief Inspector and his Inspectors are the appointed technical advisers to the Secretary of State and Welsh Ministers on all drinking water matters.
3. The primary legislation setting out the Inspectorate's functions and duties is contained in the Water Industry Act 1991 (WIA) (as amended by the Water Act 2003 and the Water Act 2014). Water supply matters are also devolved to the Welsh Government by means of the Government of Wales Act 1998.
4. The Water Supply (Water Quality) Regulations 2016 (England) (as amended) and the Water Supply (Water Quality) Regulations 2018 (Wales) made under the WIA – referred to collectively as the Regulations – set out the regulatory requirements for the quality of public drinking water supplies. Standards for drinking water in the UK were originally transposed from a European Directive, the European Council Directive 98/83/EC (the 'Drinking Water Directive'). Equivalent legislation and regulators exist in Scotland and Northern Ireland.
5. None of the above has been altered as a result of the UK leaving the EU.

Principles of future arrangements

1. Consumers of drinking water in England and Wales enjoy some of the highest quality water in the world. The DWI do not expect the departure from the European Union to compromise this in any way.
2. The provision of safe, clean drinking water is a national statutory requirement. Quality standards originally set out in European legislation have been transposed into national legislation together with some additional national requirements. The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019, which come into force on Exit Day, ensure that all relevant drinking water legislation continues to operate effectively in the UK. The Drinking Water Inspectorate is committed to maintaining drinking water standards after we leave the EU, and will continue to uphold its obligations through monitoring compliance with the current national requirements and any future national iterations.
3. The current domestic legislation specifies the requirements to be met for standards and the parameters (for example methods of analysis, the risk assessment approach, monitoring frequencies and disinfection requirements, including the minimisation of disinfection by-products). These requirements have been developed based on sound scientific evidence. The legal framework for enforcing this legislation is unaffected.
4. As the drinking water quality Regulator, we have been working very closely with the water industry to understand their work on assessing any key vulnerabilities related to the UK ceasing to be an EU Member State. Water companies continue to be obliged to meet their statutory responsibility of maintaining a clean water supply. As the water quality Regulator, this remains our minimum expectation and we are following their progress closely.
5. The continued provision of clean water, around the clock, is a public health priority and our primary objective. Water companies have well-established communication channels with the DWI, and any incidents of non-compliance with statutory requirements are reported. Were a situation of non-compliance to occur, the DWI would be prepared to use its investigatory powers to scrutinise the actions taken by a company in order to decide what enforcement measures would be required.