

## Water Supply (Water Quality) Regulations 2016

Note on the transposition of Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption

These regulations do what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

Provision of Directive	Objectives	Implementation	
		Provision of Regulations	Comment
<p>Article 1 <b>Subject matter</b></p>	<p>Subject matter of the Directive is the protection of the public with regard to radioactive substances in drinking water. It lays down parametric values and frequencies and methods for monitoring radioactive substances.</p>	<p>Regulation 6(7) to (10) Schedule 2 Table 2 and 3 of Schedule 3 Schedule 4</p>	<p>Regulation 6(7) to (10) sets out the monitoring requirements for radioactive substances (ID, radon and tritium).  The parametric values for ID, radon and tritium are set out in Schedule 2 (item 8, 9 and 12).  The frequencies applicable to monitoring of radioactive substances are set out in regulation 6(7) to (10) and in Table 2 and Table 3 of Schedule 3.  The methods for monitoring for radioactive substances are set out in regulation 6(7) to (10) and in Schedule 4.</p>
<p>Article 2</p>	<p>Definitions are provided for the</p>	<p>Article 2(1) "water intended for human</p>	<p>"Regulation 4(1) purposes" is defined</p>

<p><b>Definitions</b></p>	<p>purpose of this Directive.</p>	<p>consumption”– regulation 2(1) and regulation 4(1)</p> <p>Article 2(2) “radioactive substances”– not defined</p> <p>Article 2(3) “indicative dose” or “ID” – regulation 2(1)</p> <p>Article 2(4) – “parametric value” – not defined.</p>	<p>in regulation 2(1) as follows: in relation to a supply of water, means a supply to premises (a) for such domestic purposes as consist in or include, cooking, drinking, food preparation of washing or (b) for food production purposes.</p> <p>We have not defined “radioactive substances” as the obligations are framed in the regulations in terms of the individual substances (radon, tritium and ID).</p> <p>We have not defined “parametric value” but this is given effect through regulation 2 (which defines “parameter”, “prescribed concentration or value”), and regulations 6(7) to (10), 18, 19, 27 and 28 and Schedule 2</p>
<p>Article 3 <b>Scope and exemptions</b></p>	<p>The scope of the Directive is described. Member States may exempt certain water supply from its application.</p>	<p>Article 3(1) – regulation 2(1) and regulation 4(1)</p> <p>Article 3(2) – not applicable Article 3(3) (a) – not applicable Article 3(3)(b) – not applicable Article 3(4) – not applicable</p>	<p>The regulations define scope through regulation 4(1); the definition of “regulation 4(1) purposes” is set out in regulation 2(1).</p> <p>The Regulations apply to water undertakers and licensed water suppliers. Natural mineral waters and waters which are medicinal</p>

			<p>products within the meaning of Directive 2001/83/EC are outside scope. The exemptions in Article 3(3) are not applicable.</p>
<p>Article 4 <b>General obligations</b></p>	<p>Member States are required to establish a monitoring programme for water intended for human consumption.</p>	<p>Article 4 – regulation 6, 19 and 20</p>	<p>Regulation 6(7) to (10) sets out the monitoring requirements for radioactive substances (radon, tritium and ID).</p> <p>The frequencies applicable to monitoring of radioactive substances are set out in Table 2 and Table 3 of Schedule 3, subject to the provisions in regulation 6(7).</p> <p>The methods for monitoring for radioactive substances are set out in regulation 6(7) to (10) and in Schedule 4.</p> <p>Regulation 19 imposes investigation and notification duties on water undertakers and combined licensees where they have reason to believe that water does not meet the specifications for the indicator parameters set out in Schedule 2.</p> <p>Regulation 20 makes provision for action by the Secretary of State where the Secretary of State considers that the inability to meet a specification for an indicator parameter poses a potential danger</p>

			<p>to human health. In these circumstances, the Secretary of State must serve a notice on the relevant supplier requiring it to take specified steps (regulation 20(4)). In practice, this will include remedial action to be taken.</p> <p>Regulation 27 requires water undertakers and combined licensees to carry out a risk assessment of its treatment works and connected supply systems. Risk assessments must be kept under review.</p> <p>Regulation 28 requires a report of that risk assessment or review to be submitted to the Secretary of State.</p>
<p>Article 5 <b>Parametric values and points of compliance</b></p>	<p>Member States are required to set parametric values and points of compliance</p>	<p>Article 5(1) – Schedule 2 Article 5(2) – regulation 4(3) Article 5(3) – regulation 8</p>	<p>The parametric values for radon, tritium and ID are set out in Schedule 2 (item 8, 9 and 12).</p>
<p>Article 6 <b>Monitoring and analysis</b></p>	<p>Member States are required to ensure that monitoring of radioactive substances and the ID is undertaken.</p>	<p>Article 6(1), para 1 – regulation 6 Schedule 3</p>	<p>Regulation 6(3)(c) requires the indicator parameters for radioactive substances (set out in Schedule 2) to be subject to audit monitoring.</p> <p>Regulation 6(7) to (10) sets out the specific monitoring requirements and strategies for those parameters. The relevant frequencies for monitoring of those parameters are set out in</p>

			Article 6(1 ) para 2, first sentence- regulation 7 and 9(1) and (4). Second sentence – not applicable	Tables 2 and 3 of Schedule 3, subject to the provisions in regulation 6(7).
			Article 6(2) – regulation 6(7) and Schedule 4	
			Article 6(3) – regulation 16(2)(e)	
Article 7 <b>Remedial action and notification of the general public</b>	Member States are required to ensure that failures to comply with parametric values are investigated. Where there is a risk to human health that requires action then remedial action should be taken and the public should be informed of the risk.		Article 7(1) – regulation 19(1) Article 7(2) and (3) – regulation 19, 20, 21, 27 and 28(4)	
Article 8 <b>Transposition into national law</b>			Does not need to be transposed	
Article 9 <b>Entry into force</b>			Does not need to be transposed	
Article 10 <b>Addressees</b>			Does not need to be transposed	
Annex 1 <b>Parametric values for radon, tritium and ID of water intended for human consumption</b>	This Annex sets out the parametric values for radon, tritium and ID of water intended for human consumption		Schedule 2	

<p><b>Annex II</b> <b>Monitoring of radioactive substances</b></p>	<p>This Annex sets out the requirements for monitoring radioactive substances</p>	<p>Paragraphs 1 to 4 - Regulation 6(3), 6(7) to (14)</p> <p>Paragraph 5 (water treatment) – table 3, Schedule 2, footnote (ii)</p> <p>Paragraph 6 (minimum sampling and analysis frequencies) – table 2, Schedule 3</p> <p>Paragraph 7 (averaging)- regulation 6(11)</p>	<p>Regulation 6(3)(c) requires the indicator parameters for radioactive substances (set out in Schedule 2) to be subject to audit monitoring. Regulation 6(7) to (10) sets out the specific monitoring requirements for those radioactive substances. Regulation 6(11) to (14) makes provision for waivers of those requirements.</p> <p>In accordance with Note 2 to the table in paragraph 6, the Regulations rely on the number of inhabitants in a supply zone instead of the volume of water to determine the minimum frequency. Table 2 of Schedule 3 sets out the annual sampling frequencies for water supply zones. Table 3 of Schedule 3 sets out the annual sampling frequencies for treatment works or supply points.</p>
<p><b>Annex III</b> <b>Monitoring for indicative dose and analytical performance characteristics</b></p>	<p>This Annex sets out the requirements for monitoring for ID and analytical performance characteristics</p>	<p>Schedule 4</p>	