

22<sup>nd</sup> January 2004

Circular Letter: WSP1/04 and L1/04 (WSP)

*To each local authority*

## **Implementation of National Drinking Water Regulations - European Court of Justice Judgement -**

This circular is to advise local authorities of requirements following the November 2002 ECJ Judgement which found against Ireland and to signal that particular drinking water data and comment is required from local authorities, on an ongoing basis, for the 863 public water supply schemes cited in the Judgement.

### ECJ Decision

The European Commission initiated proceedings in the European Court of Justice (ECJ) in August 2000 in relation to Ireland's implementation of the drinking water Directive 80/778/EEC. The subsequent ECJ decision found that Ireland is in breach of its obligations under this directive by failing to ensure compliance with quality standards in respect of certain group and public water supplies i.e. standards for total and faecal coliforms. The Court also found that Ireland had failed in its legislation to reflect the binding character of the Directive in relation to group water schemes.

### Implications of Judgement

It is absolutely critical that the actions necessary to comply with the Judgement are implemented at the earliest possible date. Failure to do so will result in the imposition of very heavy fines on Ireland. In this regard, the European Court of Justice in November 2003 fined Spain over 9 million Euro (annually) for breaching the Bathing Water Directive. This fine relates to failure rates at 181 sites. Given the public health implications and the 1500 public and group schemes cited in the Judgement we could potentially be subject to an annual fine of the order of 80 million Euro.

### National Response and Strategy

The Department has met with the European Commission on the matter and submitted a detailed statement regarding the measures taken and being taken to comply with the Judgement. The statement confirms that Ireland has put in place a national three pronged strategy with a range of legislative, operational and investment initiatives to remedy deficiencies in drinking water supplies and that it would report to the Commission at regular intervals on the implementation of the strategy. The Commission also requires the submission of regular and ongoing monitoring reports for all of the water supply schemes outlined in the Judgement.

### Data Required on Public Water Supply Schemes

The monitoring information in relation to the relevant rural water schemes has been reported to the Commission (for 2002). Similar information has to be gathered for the public supply schemes cited in the Judgement. We will in this regard be in contact with all relevant authorities shortly in relation to the retrieval of certain supply specific 2002 drinking water data. Your co-operation is necessary if we are to make a timely return to the Commission and fully satisfy the EU of our *bona fides* in this regard. I would add that data in respect of 2003 will [and possibly 2004 data will also] be required by the Commission in 2004. It is imperative therefore that the mechanisms for collecting and collating this information be maintained as the regular updating and resubmission of data will be required by the Department for onward transmission to the Commission.

### Next Steps

A copy of the Commission's information requirements in respect of cited supplies is attached for your information. A further circular, questionnaire and guidance note will issue to Directors of Services on this matter in the coming weeks.

Yours Sincerely,

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Liam Gleeson  
Water Services Policy Unit

*To - Each County and City Manager and Director of Services (Water Services)  
Copy to - CCMA, GCCC, AMAI,, Ombudsman's Office and Regional Authorities.*

