

IDEXX position paper on position of the European Council on the Directive on the quality of water intended for human consumption (recast))“DWD”(adopted on 5 March 2018

IDEXX is concerned that the Council's position on the DWD does not take a truly risk based approach in all aspects – contrary to what is stated in its press release¹. Crucially, the position fails to regulate the micorbiological parameter *Legionella pneumophila* in Annex III:

- **The Council’s position does not focus on the most dangerous parameter – *Legionella pneumophila***

Multiple independent bodies, including the World Health Organisation (WHO)² and European Centre for Disease Prevention and Control (ECDC)³ confirm that 95% or more of cases of Legionnaires’ disease are caused by one specific species of *Legionella*, namely *Legionella pneumophila*. *Legionella pneumophila* is the most relevant parameter (out 58+ species of the *Legionella* bacteria) when it comes to the protection of human health. A truly risk based approach would focus monitoring requirements on the parameter most likely to cause the potentially deadly form of pneumonia (Legionaire's disease). The ECDC's report “*Legionnaires’ disease in Europe*”⁴ identifies *Legionella pneumophila* as the most significant causative agent of Legionnaires’ disease in the EU. All of non-pneumophila species of *Legionella* together account for less than 5% of the culture-confirmed cases of Legionnaires’ disease. In view of these epidemiological findings some member states, such as France, have already modified their *Legionella* testing regulations to take a risk-based approach.⁵

- **The Council’s position prescribes a measurement unit of CFU/l – instead of Number/l**

By establishing a focus on the number of viable bacterial cells in a sample per unit of volume i.e. 'Colony Forming Units' (“CFU”), instead of the generic term number/l⁶, the position arbitrarily limits the use of (validated) methods⁷, could limit innovation and would prevent the final user from choosing the most appropriate testing method for its situation. The importance of harmonizing

¹ <https://www.consilium.europa.eu/en/press/press-releases/2019/03/05/safe-and-clean-drinking-water-eu-updates-quality-standards/>

² Drinking Water Parameter Cooperation Project Support to the revision of Annex I Council Directive 98/83/EC on the Quality of Water Intended for Human Consumption (Drinking Water Directive) Recommendations Bonn, 11 September 2017.

³ European Centre for Disease Prevention & Control, ECDC SURVEILLANCE REPORT: Legionnaires’ disease in Europe 2014. (Stockholm; 2016) and European Technical Guidelines for the Prevention, Control and Investigation of Infections Caused by *Legionella* species, June 2017.

⁴ European Centre for Disease Prevention & Control, ECDC SURVEILLANCE REPORT: Legionnaires’ disease in Europe 2014. (Stockholm; 2016) and European Technical Guidelines for the Prevention, Control and Investigation of Infections Caused by *Legionella* species, June 2017.

⁵ Arrêté du 1er février 2010 relatif à la surveillance des légionelles dans les installations de production, de stockage et de distribution d'eau chaude sanitaire. JORF n°0033 du 9 février 2010 page 2276

⁶ Using the unit of number / 100 mL (or liter) was already identified as appropriate parametric value in 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. 32–54, as amended.

⁷ ISO standards.

essential requirements and avoiding potentially limiting technical specifications has already been recognized as a guiding principle at the EU-level.⁸

The European Parliament understood the importance of addressing *Legionella pneumophila*, as reflected in its text adopted, partial vote at first reading on the proposal when the matter was referred back for interinstitutional negotiations to the committee responsible⁹, *i.e.* the ENVI Committee. In view of the inconsistency of the approach outlined above, IDEXX calls upon the members of the European Parliament to maintain its previous position, by taking an risk-based approach focused on prevention of harm to human health - and reconfirm its position in the March plenary.

⁸ See by analogy: European Commission, Commission Notice C272/01 *The “Blue Guide“ on the implementation of EU products rules 2016*, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:272:FULL&from=DE>

⁹ On 23 November 2018, T8-0397/2018, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2018-0397+0+DOC+PDF+V0//EN>