**Ireland Response to the call for inputs - Special Rapporteur on the human rights to safe drinking water and sanitation – Questionnaire to inform the thematic report on "Fulfilling the human rights of those living in poverty and restoring the health of aquatic ecosystems: two converging challenges."**

**Word count: 2497**

**The global, regional, national or local legal and/or policy framework:**

**Ireland Water Policy Framework:**

The Water Services Policy Statement and the Water Framework Directive River Basin Management Plan are the overarching policy documents that set the framework for water management including the protection and use of water.

Ireland, in common with the rest of the European Union, follows the requirements of the **Water Framework Directive** and is currently preparing the third River Basin Management Plan (RBMP), to cover the period up to 2027.

The Water Services Strategic Plan (WSSP) sets out strategic objectives for the delivery of water services, by Irish Water, over the next 25 years up to 2040. It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term.

Uisce Éireann has statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local levels. The cost of the provision of domestic water services provided by Uisce Éireann is met by the Exchequer. Uisce Éireann’s overall funding requirement is met through a combination of government revenue subvention and capital contributions in respect of domestic water services; non-domestic revenue including new connection revenue; forthcoming household water conservation excess usage charges, and non-domestic borrowings. The overall split is approximately 80% from the Exchequer for domestic water services and 20% from the non-domestic sector.

The Programme for Government commits to funding Uisce Éireann's capital investment plan for water and wastewater infrastructure on a multi-annual basis. The National Development Plan 2021-2030 commits to almost €6 billion investment to be undertaken by Uisce Éireann in the period from 2021-2025, of which over €4.5 billion will be Voted Exchequer funded in respect of domestic water services.

**Statistics and Data Sources:**

The Environmental Protection Agency is Ireland’s Environmental regulator and produces regular reports on freshwater quality and compliance with EU standards which can be found at [www.epa.ie](http://www.epa.ie)

The Central Statistics Office (CSO) is Ireland's national statistical office [www.cso.ie](http://www.cso.ie)

**Legislative framework:**

**The EU Water Framework Directive (WFD)** establishes a framework for the protection of all waters, including rivers, lakes, estuaries, coastal waters and groundwater, and their dependent wildlife/habitats under one piece of environmental legislation.

The WFD aims to achieve these goals by means of successive river basin management plans, which set out programmes of environmental measures to stabilise and improve water quality within defined catchments.

**The EU Drinking Water Directive**- Directive (EU) 2020/2184 on the quality of water intended for human consumption recast (the Directive) was transposed into Irish national legislation by the European Union (Drinking Water) Regulations 2023.

The new regulations were drafted to closely replicate the aims, goals and instructions of the EU Directive. Ireland has worked closely with a key group of experts in order to provide professional and well-informed advice on the transposition and implementation of the recast Directive.

Ireland has taken an inclusive and methodical approach to transposing the recast Drinking Water Directive and by doing so complies with its EU obligations and updates domestic legislation in the key area of drinking water management.

**The EU Urban Waste Water Treatment Directive-** The EU Urban Wastewater Treatment Directive (91/271/EEC) was adopted in 1991. The objective of this Directive is to “protect the environment from adverse effects of wastewater discharges from urban sources and specific industries”. The directive required Member States to ensure that wastewater from all agglomerations above 2,000 population equivalent is collected and treated according to EU minimum standards. The Directive is currently being revised and Ireland is taking an active part in the negotiations at EU level.

**National Legislation**

The Water Services Act 2007 sets down a comprehensive modern legislative code governing functions, standards, obligations and practice in the delivery of water services. This is supported by an extensive suite of regulations. Since 2010, there has been a series of legislative amendments to give effect to improved standards and governance in respect of water quality and waste water standards, transposing the requirements of the EU Water Framework Directive, Drinking Water Directive and Urban Waste Water Treatment Directive.

**Important updates to water abstraction legislation.**

Article 11(3)(e) of Directive 2000/60 EC, **the EU Water Framework Directive**, requires the control and prior authorisation of abstraction from and impoundment of fresh surface water and groundwater. The Water Environment (Abstractions and Associated Impoundments) Act 2022 was signed into law by the President or Ireland in December 2022.

The Act provides for a modern registration, licensing and control regime, administered by the Environmental Protection Agency (EPA), to control abstractions from and impoundment of surface water and groundwater bodies in a manner consistent with achieving the environmental objectives established for relevant water bodies, in the River Basin Management Plan. It places the existing EPA register of abstractions into primary legislation, and includes an enforcement role for Local Authorities for abstractions that do not meet the licensing threshold.

**The global, regional and national court rulings:**

A Court of Justice of the European Union (CJEU) judgment issued against Ireland in March 2019 in relation to compliance with the Urban Wastewater Treatment Directive in 28 urban areas.

**Institutions and governance mechanisms:**

**- Governance mechanisms of aquatic ecosystems by state (including local authorities) or non-state actors (including community-based organizations).**

**Uisce Eireann**

Uisce Éireann (previously known as Irish Water) is the national authority for water services with responsibility for the functions assigned to it by or under the Water Services Acts 2007 to 2022.

Legislative and regulatory controls are in place under the Water Services Acts 2007 to 2022 and other legislation to ensure governance, oversight and accountability in relation to water services.  In particular, the Environmental Protection Agency (EPA) and the Commission for Regulation of Utilities (CRU), as regulators, together with An Fóram Uisce, as an independent Stakeholder body, play important statutory roles.

In its role as economic regulator, the CRU is charged with protecting the interests of water and waste water customers by monitoring the performance of Uisce Éireann in delivering its services sustainably and safely, while approving an appropriate funding requirement sufficient to enable Uisce Éireann to deliver the required services to specified standards in a cost efficient manner.

In its role as environmental regulator, the EPA sets standards and enforces compliance with EU Directives and National Regulations for drinking water supply and waste water discharge to water bodies.  The EPA liaises with the Health Service Executive in matters of public health. Reports on drinking water and waste water compliance, and water quality are prepared and published by the EPA in accordance with Sections 58, 58A and 61 of the Environmental Protection Agency Act 1992.

An Fóram Uisce ("Forum") has specific statutory functions to advise the Minister for Housing, Local Government and Heritage in relation to water policy having regard to the interests of the customers of Uisce Éireann, water conservation and rural water services.  The Forum also makes recommendations to Uisce Éireann; advises and provides observations to the CRU; advises the Water Policy Advisory Committee on matters relating to any river basin management plan and implementation of that plan, as well as on matters pertaining to the objectives of the EU Water Framework Directive, and on such other related matters concerning the management of the inland aquatic environment and water resources.  The Forum includes membership from a diverse range of stakeholders.  The functions of the Forum are set out in Part 5 of the Water Services Act 2017 and in particular section 26.

**Rural Water Sector**

Group Water Schemes are private supplies that are community owned and operated by the community within the area served by the supply. They are not operated by Uisce Éireann. This often involves people from the local community giving their time to the operation and management of the schemes on a voluntary/unpaid basis. In some cases, the schemes are operated by a service provider with expertise in the design and operation of water treatment plants under a long-term operational contract of 15-20 years. Notwithstanding the private nature of these supplies, the Irish government has put in place comprehensive financial support to fund capital investment in these supplies and to fund the operation and maintenance of the supplies.

The Department of the Housing, Local Government and Heritage also works closely with, and financially supports, the National Federation of Group Water Schemes – the representational organisation for the sector.

Each individual local authority is the quality regulator for all regulated water suppliers operating private water supplies, which includes community-based supplies, within its functional area. In the event that appropriate action is not taken by a water supplier, the local authority has effective legal enforcement powers available to it. Under the Drinking Water Regulations, the local authorities, as supervisory authorities, have a wide range of powers for the supervision and enforcement of the Regulations, including through the issuing of legally binding directions and the prosecution of offences, subject to dissuasive penalties, in appropriate cases.

The EPA also has a supervisory role in relation to the establishment and implementation of local authority water quality monitoring programmes for regulated private water supplies. This includes auditing, inspection, measurement and sampling. The EPA has an obligation to supervise the performance of local authorities monitoring duties as a supervisory authority. The EPA carries out audits to assess the performance of local authorities in carrying out effective monitoring of drinking water supplies.

**Water Quality Governance and Institutions**

Ireland’s second River Basin Management Plan 2018-2021 (RBMP) was published in April 2018. The Plan, which was prepared in fulfilment of Ireland’s obligations under the Water Framework Directive, entailed a complete change of approach to the overall river basin management planning process compared to the first cycle. A three-tier structure was adopted across the relevant implementation bodies:

* **Tier 1: National Management and Oversight**

Minister for Housing, Local Government and Heritage: Policy, necessary legislation and resourcing the Plan. Supported by the Water Policy Advisory Committee which has been established to assist the Minister.

* **Tier 2: Technical implementation and reporting**

Environmental Protection Agency (EPA): The catchment characterisation process, overseeing the national monitoring programme, chairing the National Technical Implementation Group and assisting and advising the Minister.

* **Tier 3: Regional Implementation**

Local Authorities / LAWPRO: Co-ordinating the implementation of measures on the ground, and the local knowledge required for successful delivery of many potential measures.

While the working arrangements are set out formally to ensure successful implementation of the plan, key to success is the development of an integrated and co-operative working relationship between stakeholders and implementation bodies.

**The implementation bodies:**

**The Water Policy Advisory Committee (WPAC)**, provides high-level policy direction and oversight of implementation.

**An Fóram Uisce (the Water Forum),** as outlined above, is an independent entity with broad functions that include advising the WPAC in relation to river basin management plans, on matters pertaining to the objectives of the WFD, and on related matters concerning the management of Ireland’s water resources.

**A National Co-ordination and Management Committee (NCMC)** has been set up under the WPAC to ensure that the measures necessary to achieve RBMP objectives are implemented in an efficient, effective and co-ordinated way. The NCMC oversees the overall work programmes and reports to the WPAC on progress

**A National Technical Implementation Group (NTIG)** oversees technical implementation of the RBMP at a national level and provides a forum to ensure co-ordinated actions among all relevant State actors.

As the body that is statutorily responsible for reporting on the WFD, **the EPA** co-ordinates the ongoing tracking of the implementation of actions and, in conjunction with others and by means of the monitoring programme, undertakes the assessment of the effectiveness of those actions in terms of water quality outcomes.

**The regional local authority structures, with five local authority regional committees**, are to set priorities and drive delivery of supporting measures at local level. This work is further supported by the **Local Authority Waters Programme (LAWPRO).** The local authority structures are central to tracking the progress and effectiveness of implemented measures and have a vital role in supporting national policy development and implementation through their participation in the WPAC and the NCMC.

**LAWPRO** also has an important role in in these structures by ensuring public and stakeholder engagement with the implementation of measures at local level and in providing further scientific analysis of pressures in the priority catchments.

The Government will shortly launch a new revised and strengthened River Basin Management Plan. This plan will build on the work of the second-cycle, and will again describe the main pressures and activities affecting water status, set out the environmental objectives to be achieved up to 2027 and identify the measures needed to achieve these objectives.

**Financial means and budget allocation to state aquatic ecosystems' governance and accountability frameworks (including environmental safeguards to avoid water contamination and overexploitation of water sources).**

The Government funds initiatives to ensure compliance with the EU Water Framework Directive; supporting programmes provided by local authorities and LAWPRO, the Environmental Protection Agency, and other implementing bodies. This amounts to over €24m in 2023.

As part of Budget 2023, over €1.78 billion has been allocated to support water services. This includes €1.65 billion in respect of domestic water services provision by Uisce Éireann. This overall investment will deliver significant improvements in public water and wastewater services, support improved water supplies right across Ireland, including rural Ireland, and support a range of programmes delivering improved water quality in our rivers, lakes and marine area, making a significant contribution to addressing Ireland’s needs.

**Examples of how aquatic ecosystems are linked to fulfilling the human rights to safe drinking water and sanitation in your personal experience or collective community experience.?**

The recast Drinking Water Directive has been transposed into national law. This Directive and the associated legislation ensure the provision of wholesome and clean drinking water to all consumers and facilitate improved access to water intended for human consumption.

Measures to improve and maintain access to water in particular vulnerable and marginalised groups: this necessitates the identification of people without access or with limited access to water, assessing the possibilities for improving access, informing people about possibilities for connecting to distribution network or alternative means of accessing water and taking measures considered necessary and appropriate to ensure that there is access to water for vulnerable and marginalised groups.

The protection of aquatic ecosystems is enshrined in Drinking Water Legislation through the application of the Risk Based Approach from source to tap with the requirement for Drinking Water Safety Plans in accordance with WHO Guidelines. The Drinking Water Safety Plans necessitate the implementation of Drinking Water Source Protection to protect raw water and its associated ecosystems with a view to minimising treatment requirements to provide wholesome and clean drinking water.

The Urban Waste Water Treatment Directive is implemented through national legislation to protect the quality of receiving waters and their associated aquatic ecology from the adverse impacts of raw sewage discharges. Compliance levels with these legislative requirements will be over 90% by the end of 2023 with the completion of ongoing waste water treatment upgrade works for urban waste water discharges.

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