

AGREEMENT

between

THE UK REGULATORS OF DRINKING WATER

and

THE UNITED KINGDOM ACCREDITATION SERVICE

on

**THE WORK TO BE UNDERTAKEN BY THE UNITED KINGDOM
ACCREDITATION SERVICE FOR THE ACCREDITATION AND
ASSESSMENT OF ORGANISATIONS UNDERTAKING THE SAMPLING OR
TESTING OF DRINKING WATER ON BEHALF OF THE DRINKING WATER
INSPECTORATE**

Agreement made on the 18th June 2013

between

(1) The Drinking Water Inspectorate (representing all UK regulators as the UK member state)

and

(2) The United Kingdom Accreditation Service

1.0 Background

- 1.1 Drinking Water sampling and testing within the EU is controlled by The Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (European Drinking Water Directive) which sets standards for drinking water quality which apply in all EU member states. Most of these standards are informed by the World Health Organisation's (WHO) guidelines on drinking-water quality. The objective of the Drinking Water Directive (DWD) is to protect the health of all citizens in the European Union by making sure drinking water is safe and clean.
- 1.2 Within the United Kingdom the requirements of this directive are implemented by the Water Supply (Water Quality) Regulations 2000 (as amended) in England and the Water Supply (Water Quality) Regulations 2010 in Wales and the Private Water Supplies regulations 2009. In Scotland by the Water Supply (Water Quality)(Scotland) Regulations 2001 and 2010, and the Private Water Supplies (Scotland) Regulations 2006, which sets out the processes and procedures that organisations involved in the sampling or testing of drinking water must comply with. In Northern Ireland by the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 (as amended in 2009 and 2010); the Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010; and the Private Water Supply Regulations (Northern Ireland) 2009 (as amended in 2010). The Department for Environment, Food and Rural Affairs (DEFRA) – Drinking Water Inspectorate (DWI) is the competent authority in the United Kingdom for ensuring that the EU legislation is properly implemented in the United Kingdom and effective control measures are in place and represents all UK regulators, as the member state.
- 1.3 This document is intended as a reference point for water undertakers, licensed water suppliers, Local Authorities and associated relevant laboratories to clarify the requirements of the Regulations in support of those who take, handle, transport, store and analyse samples taken under the Regulations to ensure appropriate arrangements are in place for drinking water analysis.

- 1.4 The Drinking Water Inspectorate for England and Wales (DWI) acts for and on behalf of the Secretary of State for Environment, Food and Rural Affairs and Welsh Ministers in fulfilling their statutory duties in terms of drinking water quality. DWI staff are appointed under Section 86 of the Water Industry Act 1991 (WIA91) and their principal role is to apply and enforce the Water Supply (Water Quality) Regulations 2000 (as amended) in England and the Water Supply (Water Quality) Regulations 2010 in Wales and oversee the application of the Private Water Supply Regulations 2009. The Drinking Water Quality Regulator for Scotland is empowered by the Water Industry (Scotland) Act 2002 and applies the Water Supply (Water Quality) (Scotland) Regulations 2001 (as amended) and the Private Water Supply (Scotland) Regulations 2006. The Drinking Water Inspectorate in Northern Ireland acts on behalf of the Department for Regional Development in respect of public supplies and on behalf of the Department of the Environment regarding private water supplies. In Northern Ireland, DWI staff are appointed under the Section 125 of the Water and Sewerage Services (Northern Ireland) Order 2006. Their principal role is the regulation of drinking water quality under the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 (as amended); The Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010; and the Private Water Supplies Regulations (Northern Ireland) 2009 (as amended).
- 1.5 In discharging their functions the UK regulators may ask for information as is relevant to assess the compliance with the Regulations. The UK regulators issue guidance to Water Companies and Local Authorities regarding the implementation of their statutory duties. These guidance documents are freely available on the relevant websites. This document is intended to supplement but not replace the guidance documents.
- 1.6 The Drinking Water Inspectorate acts for DEFRA in relation to UK Member States duty to comply with the DWD. It is the duty of the competent authority from the Member State to approve a person or body to assess and confirm the competence and compliance of those laboratories which carry out analysis of drinking water and whose data is submitted to Europe as part of, in this case, the UK.
- 1.7 Reference to requirements and obligations for DWI in this document should be read as being equally applicable to the competent Drinking Water authorities for Scotland, Northern Ireland and other UK dependencies such that have signed up to this agreement. DWI is acting on behalf of and with the support of all UK regulators as the acting member of the UK member state.
- 1.8 The United Kingdom Accreditation Service (UKAS) is the sole national accreditation body recognised by Government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services.

- 1.9 Accreditation by UKAS demonstrates the competence, impartiality and performance capability of these evaluators. UKAS is a non-profit-distributing private company, limited by guarantee. UKAS is independent of Government but is appointed as the national accreditation body by the Accreditation Regulations 2009 (SI No 3155/2009) and operates under a Memorandum of Understanding with the Government through the Secretary of State for Business, Innovation and Skills (BIS).
- 1.10 UKAS is licensed by the Department for Business, Innovation & Skills (BIS) to use and confer the national accreditation symbols (formerly national accreditation marks) which symbolise Government recognition of the accreditation process.
- 1.11 UKAS accreditation provides an assurance of the competence, impartiality and integrity of conformity assessment bodies. UKAS accredited certification, testing and calibration and inspection reduces the need for suppliers to be assessed by each of their customers. UKAS' involvement in international groups provides for mutual recognition which further reduces the need for multiple assessments of suppliers and as a consequence helps to reduce barriers to trade. It is therefore BIS policy to recommend the use of UKAS accredited conformity assessment services whenever this is an option.
- 1.12 This Agreement covers the accreditation of the organisations conducting drinking water testing or sampling in the United Kingdom to the international standard ISO/IEC 17025. The United Kingdom Accreditation Service (UKAS) is responsible for undertaking this requirement.
- 1.13 This Agreement also covers the assessment that UKAS will undertake on behalf of the UK regulators to ensure that organisations undertaking the testing or sampling of drinking water comply with the requirements of the Drinking Water Testing Specification (DWTS).
- 1.14 The DWD requires that a total of 48 parameters must be monitored and tested regularly. These include bacteria, chemicals such as nitrates and pesticides, metals such as lead and the way water looks and how it tastes. The Directive also specifies additional monitoring (sampling and analysis) requirements and actions that are required when there is a failure to meet a standard, including investigations, improvements and the setting of temporary departures (called authorised departures) from the standards for certain of the chemical parameters.

2.0 Definitions

In this Agreement:

- 2.1 "DWI" means the Drinking Water Inspectorate which is part of the Department for Environment, Food and Rural Affairs
- 2.2 "DWQR" means the Drinking Water Quality Regulator for Scotland
- 2.3 "DWI – NI" means the Drinking Water Inspectorate for Northern Ireland
- 2.2 "DEFRA" means the Department for Environment, Food and Rural Affairs
- 2.3 "ISO/IEC 17025" means International Standard ISO/IEC 17025 on the general requirements for competence of organisations undertaking testing or calibration. This standard is also relevant for organisations undertaking sampling.
- 2.4 "UKAS" means the United Kingdom Accreditation Service
- 2.5 "DWTS" means the UK Regulators Drinking Water Testing Specification

Terms and conditions – Assessment and Accreditation of Organisations conducting sampling or testing of drinking water to ISO/IEC 17025 and DWTS

3.0 UKAS obligations

- 3.1 UKAS shall conduct its operations related to the assessment of applicant or accredited drinking water testing or sampling organisations in accordance with the requirements of ISO/IEC 17011 and any relevant mandatory requirements of the European Cooperation for Accreditation (EA) or International Laboratory Accreditation Cooperation (ILAC)
- 3.2 Following application for accreditation from an organisation to UKAS, UKAS shall undertake an initial assessment to assess the conformity of the organisation to the requirements of ISO/IEC 17025 and DWTS and report back to the relevant UK regulator on the progress of the organisation towards achieving accreditation.
- 3.3 UKAS shall ensure that a representative sample of testing and sampling activities for each organisation is assessed as part of their routine annual surveillance and reassessment programme.
- 3.4 UKAS shall promptly inform the UK regulator where significant non-conformities are identified or when sanctions are imposed on an accredited organisation conducting drinking water testing or sampling.
- 3.5 UKAS shall promptly inform the UK regulators of any voluntary withdrawal or suspension of accredited drinking water testing or sampling activities conducted by an UKAS accredited organisation.

- 3.6 UKAS shall, upon request, provide the UK regulators with any information, related to accredited drinking water testing or sampling activities relevant to assessment of or accreditation of any accredited or applicant organisation, as they may request.
- 3.7 UKAS shall provide the UK regulators with copies of the reports of its assessments on applicant and accredited drinking water testing or sampling organisations.
- 3.8 UKAS shall when requested collaborate, as far as is practicable, with the UK regulators on any matters regarding the assessment and accreditation of drinking water testing or sampling organisations that requires its input
- 3.9 UKAS shall treat any information received from the UK regulators as confidential and shall not release any information so obtained to a third party without the prior permission of the UK regulators.
- 3.10 Where the UK regulators have significant substantiated concerns about the operations or integrity of an accredited drinking water testing or sampling organisations and asks UKAS to assess the organisation, UKAS shall undertake such an assessment within a reasonable timeframe, which is agreed with the UK regulator.
- 3.11 UKAS shall treat all information obtained in the course of this work as confidential and shall only release information to the UK regulators, unless prior permission is obtained from the organisation concerned.

4.0 Regulatory obligations

- 4.1 Subject to conditions 4.2 and 4.3, the UK regulators shall accept that the accreditation of a laboratory in accordance with DWTS demonstrates compliance with the transposed requirements of Annex III of the DWD in respect of those Regulations in the UK in matters within the scope of accreditation. In this condition the reference to the regulations includes any re-enactment or amendment of them.
- 4.2 Condition 4.1 shall not apply in any case where and for so long as a contravention of DWTS remains uncorrected to that specification.
- 4.3 The UK regulators shall be entitled to use any of the information supplied to it in accordance with this agreement as part of its technical audit of sampling and analysis arrangements.
- 4.4 The UK regulators shall retain the right to carry out their own inspections and investigations and to act upon its findings irrespective of whether the activity of interest is accredited to DWTS but in principle would only do so where:
 - 4.4.1 A risk of a breach of the Regulations exists

4.4.2 A matter of public confidence exists

4.4.3 It is necessary as part of an investigation

The UK regulators, where possible, working under the better regulation agenda would collaborate with UKAS where an audit of a laboratory is necessary, if this does not conflict with any investigation or information where formal action is being considered.

- 4.5 The UK regulators shall be entitled to use any of the information supplied by UKAS in accordance with this Agreement as part of their regulatory duties.
- 4.6 The UK regulators shall treat all information obtained from UKAS as confidential and shall not release any information so obtained to a third party without the prior permission of UKAS.
- 4.7 The UK regulators shall when requested collaborate, as far as is practicable, with UKAS on any matters regarding the assessment and accreditation of drinking water testing or sampling organisations that requires its input.

5.0 General Obligations

- 5.1 UKAS and the UK regulators shall meet regularly, at least annually, so that they may report on matters of interest, progress with assessments and the parties may discuss any concerns they may have. UKAS and the regulators will bear the costs of their own attendance at these meetings.
- 5.2 Where applicant or accredited drinking water testing or sampling organisation or the regulator have any concerns about the way that UKAS is conducting its assessments, they may raise their concerns with UKAS. If this does not resolve their concerns, the regulator may contact the Department for Business, Industry & Skills to request an audit of UKAS in respect of these concerns.

6.0 Liabilities

- 6.1 The UK regulators shall not be liable to UKAS for any loss or damage including injury to reputation suffered by UKAS as a result of any regulator activities or reports. Except in the case of proven negligence or the failure of the UK regulators to adhere to the requirements of this agreement.
- 6.2 UKAS shall not be liable to the UK regulators for any loss or damage including injury to reputation suffered by the UK regulator as a result of any UKAS activities or reports. Except in the case of proven negligence or the failure of UKAS to adhere to the requirements of this agreement.

7.0 Costs and expenses

7.1 UKAS are responsible for recovering their costs of work undertaken to assess and accredit drinking water testing or sampling organisations from the organisation themselves. This shall be a private commercial matter between UKAS and each of their customers.

7.2 The cost of:

- (a) any work undertaken in addition to the work on accreditation to ensure that DWTS is complied with;
- (b) reporting to the UK regulator on its assessments for each organisation;

shall be met by UKAS.

7.3 Where the UK regulator specifically asks UKAS to conduct assessments of drinking water testing or sampling organisations on its behalf, payment by the regulator will be agreed on a case-by-case basis.

8.0 Miscellaneous

8.1 The status of UKAS shall be as follows:

- (a) during the term of Agreement UKAS shall be an independent agent and not the servant of the regulator. Decision of the grant, maintenance and renewal of accreditation remains with UKAS at all times;
- (b) in such capacity UKAS shall bear exclusive responsibility for the payment of its staff costs;
- (c) UKAS shall have in place appropriate Health and Safety procedures.
- (d) UKAS shall take all reasonable steps to ensure impartiality of employees and that no assessment is made by an employee who has a pecuniary or any other interest in the outcome.

8.2 UKAS and the relevant UK regulators shall inform each other in writing of any changes in legislation or their procedures that may affect this Agreement, within seven days of the change being known.

8.3 Acceptance of this agreement shall be indicated by exchange of signed and dated copies of this document by the undersigned.

8.4 Any disagreements arising out of the interpretation of this Agreement to be discussed pending resolution by the signatories or their successors in office.

8.5 The terms of this Agreement may be varied by the agreement of both parties in writing.

9.0 Termination

Either party may terminate this Agreement by giving the other three months written notice.

10.0 Signatures

Signed by:


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Date 18/6/13

Jeff Ruddle Operations Director
The United Kingdom Accreditation Service


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Date 21/5/2013

Jeni Colbourne Chief Inspector
Drinking Water Inspectorate for England and Wales
(Including For and Behalf of Other UK Dependencies)


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Date 21/5/2013

Sue Petch
Drinking Water Quality Regulator for Scotland


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Date 28.5.2013

Margaret Herron Chief Inspector
Drinking Water Inspectorate for Northern Ireland

