

COMMUNICATION

**from the European Affairs Committee of the Federal Council
to the European Parliament, the Council and the European Commission
pursuant to Article 23f para. 4 of the Austrian Constitution**

20 September 2018

COM (2018) 337 final

**Proposal for a Regulation of the European Parliament and of the Council on
minimum requirements for water reuse**

On 28 May 2018, the European Commission tabled a proposal on minimum requirements for water reuse. The general objective of the proposal is to contribute to alleviating water scarcity across the European Union. Numerous reports from many parts of the world clearly show that to a growing extent water is becoming a limited resource. The Federal Council welcomes the fact that the European Commission is drawing attention to this issue and supports the effort to promote a prudent and rational utilisation of natural resources, especially water.

The primary goal of the regulation is to introduce new rules on water reuse in the Member States. Minimum requirements are to be laid down for the Member States in order to ensure the quality and monitoring of treated water. Referring to the Joint Opinion of the Liaison Office of the Austrian Provinces of 11 July 2018 as well as the opinion adopted by the Provincial Parliament of Vorarlberg on 27 June 2018 and the opinion adopted by the Provincial Parliament of Vienna on 5 September 2018, the Federal Council notes that those Member States of the European Union in which water reuse is necessary have already adopted national standards and rules on water reuse. In the Federal Council's opinion, adopting a European regulation on this issue would be overshooting. The extent to which Member States experience water stress varies

greatly in terms of quantity and quality. Although agriculture is exposed to water stress in some Member States only, the Commission's proposal would require all Member States to observe the minimum standards and adjust their national rules accordingly. For countries not concerned by "water stress", i.e. the majority of the EU Member States, including Austria, the provisions currently in force are more than sufficient. From the Federal Council's point of view, a regulation is not the appropriate instrument to be applied in this case.

The general concern is sufficiently covered by the Water Framework Directive and the Urban Waste Water Treatment Directive. Should there be a further need for a European solution, the regulation would have to provide for the possibility of national exemptions and/or contain a far-reaching opening clause allowing the Member States to forbid reuse. From the Federal Council's point of view, the proposed regulation is not compatible with the principle of proportionality, as the objective of the regulation can also be met through measures at national and/or regional level. The Federal Council objects to the proposed broadening of the competence of the European Commission through the adoption of delegated legal acts.