



EUROPEAN COMMISSION

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C(2019) 86 final*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse {COM(2018) 337 final}.

In proposing these measures, the Commission is delivering on the Circular Economy Action Plan {COM(2015) 614 final}, with the aim to support innovation, jobs and growth. The proposal setting minimum requirements for water reuse was specifically mentioned in the Action Plan as one of the deliverables expected in 2018.

Water is a limited resource in the European Union, with one third of its territory experiencing water stress. Growing needs and the effects of climate change, including prolonged periods of drought as we have witnessed during the summer this year, will make the availability of water in sufficient quantity and quality even more of a challenge in Europe in the future. Setting minimum requirements for water reuse will contribute to alleviating water scarcity across the European Union, notably by increasing the uptake of water reuse for agricultural irrigation wherever this is relevant and cost-effective, while ensuring a high level of public health and environmental protection.

The Commission welcomes the Bundesrat's broad support for the aims of the proposal, namely the efficient use of natural resources, whilst noting the Bundesrat's doubts in relation to the proportionality of the chosen instrument.

The Commission is pleased to have this opportunity to provide a number of clarifications.

As regards the proportionality of the proposed legislation, the Commission acknowledges the fact that Member States are affected by water scarcity to different degrees. It also acknowledges that some Member States may not wish to engage in water reuse activities. However, the proposed Regulation simply sets minimum requirements if

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water reuse practices take place. It does not set any obligation to take up such practices, if they are not needed.

Some Member States indeed already have national standards for water reuse in place. However, the Commission's impact assessment found that the existence of different parameters could lead to barriers to the internal market for agricultural products. The analysis led the Commission to conclude that the introduction of harmonised minimum requirements would ensure a level playing field for those engaged in water reuse. It would also prevent potential obstacles to the free movement of agricultural products irrigated with reclaimed water, while minimising risks for the health and the environment, thus increasing consumers' confidence in the practice of water reuse.

The internal market dimension justifies the need for action at the European Union level. The existing patchwork of national rules and potential internal market barriers are hindering the uptake of water reuse practices and discouraging potential users from using reclaimed waters.

Finally, the Commission takes note of the concern of the Bundesrat as regards the introduction of a number of empowerments for the Commission to adopt delegated acts. The Commission would like to clarify that such legal acts would enable the Commission to maintain the parameters and requirements of the proposed Regulation up-to-date and in line with the latest technical and scientific innovations. Whenever preparing delegated acts, the Commission works in close cooperation with expert groups which include experts from the Member States. The European Parliament and the Council systematically receive preparatory documents and invitations to attend such expert group meetings.

The Commission hopes that these clarifications address the concerns raised by the Bundesrat. It looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Karmenu Vella
Member of the Commission*