



## EUROPEAN COMMISSION

*Brussels, 18.7.2018  
C(2018) 4506 final*

*Mr. Radek VONDRÁČEK  
President of the Poslanecká sněmovna  
Sněmovní 4,  
CZ - 118 26, PRAGUE 1*

*Dear President,*

*The Commission would like to thank the Poslanecká Sněmovna for its Reasoned Opinion on the proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast) {COM(2017) 753 final}.*

*In proposing a revision of Directive 98/83/EC on the quality of water intended for human consumption (hereinafter the 'Drinking Water Directive'), the Commission is first of all responding to the first ever successful European citizens' initiative 'Right2Water', and secondly following up the United Nations Agenda 2030, more particularly the Sustainable Development Goal 6 and its associated targets. Finally, the proposal aims to modernise some outdated elements of the current directive such as the list of parameters and information requirements, which are no longer fit for the digital age.*

*The Commission welcomes the Poslanecká Sněmovna's broad support for the general aims of the proposal. It notes however the Poslanecká Sněmovna's subsidiarity concerns in relation to the proposed provisions on access to water for marginalised groups and free access to water in public spaces. The Commission is pleased to provide a number of clarifications on these issues and trusts that these will allay the Poslanecká Sněmovna's concerns.*

*The Commission would also like to recall that, in response to the European citizens' initiative 'Right2Water', the European Parliament has called on the Commission to propose a revision of the Drinking Water Directive<sup>1</sup>. Moreover, the evaluation of the Drinking Water Directive conducted in the framework of the Regulatory Fitness and Performance Programme (REFIT)<sup>2</sup> confirmed the added value of drinking water legislation at European Union level since, over time, it has helped greatly in harmonising water quality across Europe.*

---

<sup>1</sup> European Parliament Resolution of 8 September 2015 on the follow-up of the European Citizens' Initiative 'Right2Water', (2014/2239(INI)).

<sup>2</sup> SWD(2016) 428 final.

*The Commission recalls that its choice of instrument leaves a wide margin of discretion to Member States when transposing and implementing the Directive into national law. For instance, Member States would be free to determine which concrete action (for example, type of remedial measures or monitoring measures) they wish to take.*

*The Commission considers that the proposal's objective of protecting human health by ensuring a high quality of drinking water for citizens across Europe can be better achieved at Union level. The Commission proposes to set minimum requirements throughout Europe for drinking water standards as in the 1998 Drinking Water Directive as well as minimum requirements for monitoring, reporting, access to water, transparency and remedial action when these standards are not met. As stated in the impact assessment accompanying the proposal, water catchment areas, such as the Danube, Rhine, Elbe and Maas, and groundwater reservoirs are cross-boundary, which means that a European Union-wide approach is essential to ensure that all European Union citizens benefit from the same level of health protection<sup>3</sup>.*

*As regards the issue of quality of water and its control, the Commission proposed to update the parameters to be monitored by Member States in drinking water to ensure a high level of protection of human health throughout the Union. This update is based on scientific grounds, and more particularly on a report from the World Health Organisation. The Commission has taken over the vast majority of the World Health Organisation's recommendations in the proposal, but on a few parameters it has chosen a stricter precautionary approach supported by stakeholders, thereby guaranteeing the highest level of protection of human health possible. With the proposal, control of the water quality would be based on regular monitoring of the parameters, but the monitoring frequency may be reduced by water suppliers provided a risk assessment is carried out, demonstrating that the parameter is not present in a given water supply.*

*As regards the question of access to water for vulnerable and marginalised groups and free access to water in public spaces (Article 13 of the proposal), the Commission seeks to respond to the concerns raised by the first ever successful European citizens' initiative 'Right2Water'. This article is two-fold and requires Member States first to ensure access to water for vulnerable and marginalised groups such as refugees, homeless people, nomadic communities, and second, more generally, to improve access to water by a number of measures, such as promotion campaigns, the availability of water fountains, etc.*

*Concerning the promotion of drinking water, the proposal merely requires Member States to encourage the provision of drinking water in administrations and public buildings, as well as the free provision of drinking water in restaurants, canteens, and catering services. The proposal leaves sufficient flexibility to Member States when transposing and implementing this provision into national law.*

*On that basis the Commission finds that the proposal complies with the principle of subsidiarity as well as the principle of proportionality.*

---

<sup>3</sup> SWD(2017) 449 final.

*The legislative process, involving both the European Parliament and the Council, is now underway and the Commission is hopeful that an agreement will be reached before the end of the current parliamentary term in 2019.*

*The Poslanecká Sněmovna's Reasoned Opinion has been made available to the Commission's representatives in the ongoing negotiations and will inform these discussions.*

*The Commission hopes that the above clarifications address the issues raised by the Poslanecká Sněmovna and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Karmenu Vella  
Member of the Commission*