



EUROPEAN COMMISSION

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*Dear Presidents,*

*The Commission would like to thank the Dáil Éireann and the Seanad Éireann for their 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 on the United Nations Agenda 2030, more particularly 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 Finally, the proposal aims to modernise some outdated elements of the current Directive such as the list of parameters and the information requirements to make them fit to the digital age.*

*The Commission welcomes the Dáil Éireann's and Seanad Éireann's broad support for the general aims of the proposal. It notes however the Dáil Éireann's and Seanad Éireann's subsidiarity and proportionality concerns in relation to the alleged limited scope for national decision-making, the divergence from the World Health Organisation recommendations, and the taking into account of local and regional considerations. The Commission is pleased to provide a number of clarifications on these questions and trusts that these will allay the Dáil Éireann's and Seanad Éireann's concerns.*

*The Commission would 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 EU level since, over time, it can help greatly in harmonising water quality across Europe.*

*The Commission also recalls that the proposal builds on the objective of the Drinking Water Directive from 1998, namely to protect human health by ensuring a high quality of drinking water for citizens across Europe. This objective can be better achieved by setting minimum requirements for drinking water standards at Union level, 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 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 question of the scope for national decision-making, the Commission finds that the proposal leaves a wide margin of discretion to Member States to implement the suggested provisions. For instance, on the risk-based approach, the proposal sets the general framework but leaves the practical aspects of implementation to Member States (e.g. authorities in charge, frequency of monitoring, definition of priority premises, etc.), as situations may differ nationally. Similarly, when it comes to the transparency provisions, the proposal specifies the information that must be made available to consumers, but leaves the practical implementation to the Member States (i.e. it could be done via the water suppliers or via a national authority).*

*This also means, regarding the concerns raised about potential implications for local and regional issues, that there is sufficient flexibility for Member States, when transposing the Directive, to take account of local and regional considerations (e.g. stricter values in some cases, tailoring the risk assessments to local conditions) whenever necessary.*

*Concerning proportionality, the Commission considers that the proposal is proportionate to the objectives to be achieved. For instance, when it comes to the proposed provisions on access to water, to respect proportionality, the Commission decided to require Member States to focus on vulnerable and marginalised groups, such as refugees, homeless people, nomadic communities, etc. More details about proportionality aspects may be found in the Impact Assessment accompanying the Commission proposal.*

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<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.

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

Similarly, the parameters included in the Drinking Water Directive constitute minimum requirements to ensure a high level of protection of human health throughout the Union. This approach allows Member States to go further than the Directive prescribes by setting stricter values for some parameters.

Regarding the divergence from the recommendations of the World Health Organisation (WHO), the Commission notes that the existing parametric values set in the current Drinking Water Directive are generally based on the WHO Guidelines. However, the current Directive is going further on some points (e.g. the WHO Guidelines do not include standards for the group of pesticides, whereas the current Directive includes all pesticides and their degradation products).

The Commission also notes that almost all parametric values proposed follow the recommendations from the WHO<sup>4</sup>. The divergences are justified as follows:

Some parameters were retained in the proposal despite the fact that the WHO recommended to remove them. These are parameters which already exist in the current Drinking Water Directive, and it was therefore considered that it would not be too much of a burden for water suppliers to keep meeting those parameters. In addition, stakeholders, and in particular Member States' authorities, had strongly advocated not to remove them for health reasons and because of the necessity to set a binding value at European Union level. Finally, the risk-based approach set out in the Directive allows water suppliers to remove a parameter from the list of substances to be monitored; water suppliers therefore have the possibility not to monitor those parameters if they are irrelevant in a supply zone. Similarly, the WHO recommended raising the values of two parameters. For the same reason as explained above, the Commission decided to maintain existing values.

For a few other new parameters, the Commission proposed a slightly stricter value than recommended by the WHO, pursuant to the precautionary principle. Stricter values were only proposed when it was considered feasible to reach them with existing technologies.

On that basis, the Commission finds that the proposal complies with the principles of subsidiarity and proportionality.

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.

The Dáil Éireann's and Seanad Éireann's Reasoned Opinion has been made available to the Commission's representatives in the ongoing negotiations and will inform these discussions.

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<sup>4</sup> 'Drinking Water Parameter Cooperation Project', World Health Organisation Regional Office for Europe, 2018 [http://ec.europa.eu/environment/water/water-drink/review\\_en.html](http://ec.europa.eu/environment/water/water-drink/review_en.html)

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

*Yours faithfully,*



*Frans Timmermans  
First Vice-President*



*Karmenu Vella  
Member of the Commission*