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**EUROPEAN UNION DOCUMENT NO. 5846/18 AND ADDENDA 1-5, PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE QUALITY OF WATER INTENDED FOR HUMAN CONSUMPTION (RECAST)**

On 28 March 2018, the House of Commons of the United Kingdom Parliament resolved as follows:

That this House takes note of European Union Document No. 5846/18 and Addenda 1 to 5, Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast); considers that the proposal does not comply with the principle of subsidiarity for the reasons set out in the annex to the Eighteenth Report of Session 2017-19 of the European Scrutiny Committee (HC 301- xviii); and, in accordance with Article 6 of Protocol No. 2 annexed to EU Treaties on the application of the principles of subsidiarity and proportionality, instructs the Clerk of the House to forward this reasoned opinion to the Presidents of the European Institutions.

I enclose the reasoned opinion, and the relevant European Scrutiny Committee Report.

**David Natzler**  
**Clerk of the House**

## **Reasoned Opinion of the House of Commons**

Submitted to the Presidents of the European Parliament, the Council and the Commission, pursuant to Article 6 of Protocol (No. 2) on the Application of the Principles of Subsidiarity and Proportionality.

### **concerning**

#### **a Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast) (“the proposal”)**

The UK House of Commons first notes that Protocol No 2 on the application of the principles of subsidiarity and proportionality (the Protocol) applies to the proposal since it is a proposal from the Commission<sup>8</sup> and a “draft legislative act”. The House of Commons considers that the proposal fails to meet the requirements of Article 5(3) TEU<sup>10</sup> and the Protocol for the following reasons, all of which relate specifically to Article 13 (Access to water intended for human consumption) of the proposal:

- i) We see no compelling reason why the decision of one Member State to improve universal access to drinking water and promote its use would have a deleterious effect on neighbouring Member States or on the EU’s internal market.
- ii) The Commission fails to provide any explanation in its proposal or the accompanying impact assessment<sup>11</sup> as to the necessity of action at EU level to improve access to water or the greater benefit of acting at EU level. Referring to the ‘Right2Water’ European Citizens’ Initiative and the Sustainable Development Goals explains the rationale but does not explain compliance with subsidiarity.
- iii) Noting that both the Commission and the UK Government point in their respective subsidiarity analyses to the margin of discretion afforded to Member States in their implementation of the article, we observe that Article 13(1)(b) in particular—requiring Member States to set up outdoors and indoors water fountains in public spaces—does not allow much room for discretion. We do not agree therefore that Article 13 strikes the right balance between any action which might be deemed necessary at EU level and action best left to Member States.

We are concerned that the Commission has not complied with the requirement in the Subsidiarity Protocol<sup>12</sup> to provide a detailed assessment of subsidiarity substantiated by quantitative and qualitative “indicators”, which would ideally include a full cost/benefit analysis of the access to water provisions, taking into account both the cost of installing water fountains and any savings from reduced plastic waste.”

