



EUROPEAN COMMISSION

*Brussels, 17.7.2018
C(2018)4503 final*

*Sir William CASH, MP
Chair of the European Scrutiny
Committee
House of Commons
Palace of Westminster
UK – LONDON SW1A 0AA*

Dear Chair,

The Commission would like to thank the House of Commons 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 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 Finally, the proposal aims to modernise some outdated elements of the current directive such as the list of parameters and information requirements.

The Commission welcomes the House of Commons' broad support for the general aims of the proposal. It notes however the House of Commons' concerns as regards the proposal's compliance with the subsidiarity principle. The Commission is pleased to have this opportunity to provide clarifications on these questions and trusts that these will allay the House of Commons' 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 Directive¹. Moreover, the evaluation of the Drinking Water Directive conducted in the framework of the Regulatory Fitness and Performance Programme (REFIT)² confirmed the added value of drinking water legislation at EU level since, over time, it can help greatly in harmonising water quality across Europe. Member States, particularly smaller ones that do not always have the necessary resources and specific expertise, expect the European Union to continue to establish parameters and related values for drinking water.

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

² SWD(2016) 428 final.

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 and groundwater reservoirs are cross-boundary, which means that a European Union-wide approach is utterly important to ensure that all European Union citizens benefit from the same level of health protection³.

The Commission recalls that the proposal leaves a wide margin of discretion to Member States when transposing and implementing the Directive. For instance, Member States would be free to set stricter requirements at national level for drinking water or they would be free to determine which concrete action (for example, type of remedial measures or monitoring measures) they wish to take.

The Commission notes the House of Commons' specific concerns as regards the proposed new Article 13 on access to water. This article is two-fold and requires Member States first to ensure access to water for vulnerable and marginalised groups and second, more generally, to improve access to water by a number of measures, such as promotion campaigns and availability of water fountains.

To respect proportionality, the Commission proposed that Member States should focus on vulnerable and marginalised groups, such as refugees, homeless people, nomadic communities, etc. This special focus originates from the result of the stakeholder consultation carried out during the preparation of the proposal, and was also requested by the European Parliament in its Resolution on the follow-up of the European Citizens' Initiative 'Right2Water'⁴.

Moreover, the proposed measures leave Member States sufficient flexibility and a wide margin of discretion when transposing and implementing these measures into national law. Hence, Member States would merely be required 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.

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 in 2019.

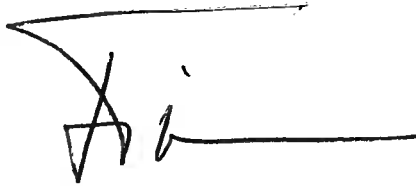
³ SWD(2017) 449 final.

⁴ European Parliament resolution of 8 September 2015 on the follow-up to the European Citizens' Initiative Right2Water (2014/2239(INI)).

The House of Commons' 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 House of Commons and looks forward to continuing the political dialogue in the future.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Fi', with a long horizontal line extending to the right.

*Frans Timmermans
First Vice-President*

A handwritten signature in blue ink, appearing to read 'Karmenu Vella', with a long horizontal line extending to the right.

*Karmenu Vella
Member of the Commission*