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# REPORT

on the follow-up to the European Citizens' Initiative Right2Water  
(2014/2239(INI))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Lynn Boylan

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the follow-up to the European Citizens' Initiative Right2Water (2014/2239(INI))

*The European Parliament,*

- having regard to Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (hereinafter ‘the Drinking Water Directive’)<sup>1</sup>,
- having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (hereinafter ‘the WFD’)<sup>2</sup>,
- having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens’ initiative<sup>3</sup>,
- having regard to Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts<sup>4</sup>,
- having regard to the Commission communication of 14 November 2012 entitled ‘A Blueprint to Safeguard Europe’s Water Resources’ (COM(2012)0673),
- having regard to the Commission communication of 19 March 2014 on the European Citizens’ Initiative ‘Water and sanitation are a human right! Water is a public good, not a commodity!’ (COM(2014)0177) (hereinafter ‘the communication’),
- having regard to the Commission’s ‘Synthesis Report on the Quality of Drinking Water in the EU examining the Member States’ reports for the period 2008-2010 under Directive 98/83/EC’ (COM(2014)0363),
- having regard to the opinion of the European Economic and Social Committee on the aforementioned Commission communication of 19 March 2014<sup>5</sup>,
- having regard to the report of the European Environment Agency (EEA) entitled ‘The European environment – state and outlook 2015’,
- having regard to the United Nations General Assembly resolution of 28 July 2010 entitled ‘The human right to water and sanitation’<sup>6</sup>, and the United Nations General Assembly resolution of 18 December 2013 entitled ‘The human right to safe drinking water and sanitation’<sup>7</sup>,

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<sup>1</sup> OJ L 330, 5.12.1998, p. 32.

<sup>2</sup> OJ L 327, 22.12.2000, p. 1.

<sup>3</sup> OJ L 65, 11.3.2011, p. 1.

<sup>4</sup> OJ L 94, 28.3.2014, p. 1.

<sup>5</sup> Not yet available in the Official Journal.

<sup>6</sup> A/RES/64/292.

<sup>7</sup> A/RES/68/157.

- having regard to all the resolutions on the human right to safe drinking water and sanitation adopted by the United Nations Human Rights Council,
  - having regard to its resolution of 9 October 2008 on addressing the challenge of water scarcity and droughts in the European Union<sup>1</sup>,
  - having regard to its resolution of 3 July 2012 on the implementation of EU water legislation, ahead of a necessary overall approach to European water challenges<sup>2</sup>,
  - having regard to its resolution of 25 November 2014 on the EU and the global development framework after 2015<sup>3</sup>,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Development and the Committee on Petitions (A8-0228/2015),
- A. whereas ‘Right2Water’ is the first European Citizens’ Initiative (ECI) to have met the requirements set out in Regulation (EU) No 211/2011 on the citizens’ initiative and to have been heard by Parliament after receiving the support of almost 1.9 million citizens;
  - B. whereas the human right to water and sanitation encompasses the dimensions of availability, accessibility, acceptability, affordability and quality;
  - C. whereas the full implementation of the human right to water and sanitation, as recognised by the UN and supported by the EU Member States, is essential for life, and whereas the proper management of water resources plays a crucial role in guaranteeing sustainable water use and safeguarding the world’s natural capital; whereas the combined effects of human activity and climate change mean that the whole of the EU’s Mediterranean region and some Central European regions are now classified as water-scarce, semi-desert regions;
  - D. whereas, as stated in the EEA’s 2015 report on the state of the environment, loss rates owing to leakages from pipes in Europe currently amount to between 10 % and 40 %;
  - E. whereas access to water is among the keys to achieving sustainable development; whereas focusing development assistance on improving the supply of drinking water and sanitation is an efficient way of pursuing fundamental poverty eradication objectives, as well as promoting social equality, public health, food security and economic growth;
  - F. whereas at least 748 million people do not have sustainable access to safe drinking water, and a third of the world population lacks basic sanitation; whereas, as a result, the right to health is threatened and diseases spread, causing suffering and death and posing major impediments to development; whereas about 4 000 children die daily from water-

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<sup>1</sup> OJ C 9 E, 15.1.2010, p. 33.

<sup>2</sup> OJ C 349 E, 29.11.2013, p. 9.

<sup>3</sup> Texts adopted, P8\_TA(2014)0059.

- borne diseases or due to inadequate water, sanitation and hygiene; whereas the lack of access to potable water kills more children than AIDS, malaria and smallpox combined; whereas there is, however, a clear downward trend in these numbers and their decline can and must be accelerated;
- G. whereas access to water also has a security dimension which requires improved regional cooperation;
  - H. whereas lack of access to water and sanitation has consequences for the realisation of other human rights; whereas water challenges disproportionately affect women, given that in many developing countries they are traditionally responsible for domestic water supply; whereas women and girls suffer most from the lack of access to adequate and decent sanitation, which often limits their access to education and makes them more vulnerable to diseases;
  - I. whereas every year, three and a half million people die of water-borne illnesses;
  - J. whereas the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which entered into force in 2013, created a complaint mechanism allowing individuals or groups to file formal complaints on violations of the human right to water and sanitation, among other rights;
  - K. whereas in developing countries and emerging economies, demand for water is increasing from all sectors, in particular for energy and agriculture; whereas climate change, urbanisation and demographic developments may pose a serious threat to water availability in many developing countries, and an estimated two-thirds of the world's population is expected to live in water-stressed countries by 2025;
  - L. whereas the EU is the largest donor in the water, sanitation and hygiene (WASH) sector, with 25 % of its annual global humanitarian funding dedicated solely to supporting development partners in this area; whereas, however, a 2012 European Court of Auditors' Special Report on European Union development assistance for drinking-water supply and basic sanitation in sub-Saharan countries pointed out the need to improve aid effectiveness and the sustainability of the projects supported by the EU;
  - M. whereas the Parliamentary Assembly of the Council of Europe declared that 'access to water must be recognised as a fundamental human right because it is essential to life on earth and is a resource that must be shared by humankind';
  - N. whereas the privatisation of basic utilities in sub-Saharan Africa in the 1990s has, inter alia, hampered the achievement of Millennium Development Goals (MDGs) on both water and sanitation, as the focus of investors on cost recovery has, among other things, intensified inequalities in the provision of such services, at the expense of low-income households; whereas in light of the failure of water privatisation, the transfer of water services from private companies to local authorities is a growing trend in the water sector all around the world;
  - O. whereas water provision is a natural monopoly and revenues from the water management cycle should cover and at all times be earmarked for both the costs and the

protection of water services and improvement of the water management cycle, on condition that the public interest is safeguarded;

- P. whereas the absence of adequate water and sanitation has a serious impact on health and social development, especially for children; whereas the contamination of water resources is a major cause of diarrhoea, the second biggest killer of children in developing countries, and leads to other major diseases such as cholera, schistosomiasis, and trachoma;
- Q. whereas water has social, economic and ecological functions and managing the water cycle correctly for the benefit of all will safeguard its continued and stable availability in the current context of climate change;
- R. whereas Europe is particularly sensitive to climate change and whereas water is one of the first sectors to be affected;
- S. whereas the ECI was set up as a mechanism of participatory democracy with the aim of encouraging debate at EU level and citizens' direct involvement in EU decision-making, and is an excellent opportunity for the EU institutions to re-engage with citizens, as is imperative;
- T. whereas Eurobarometer surveys have consistently shown very low levels of trust in the EU among EU citizens in recent years;

### **The ECI as an instrument of participatory democracy**

1. Takes the view that the ECI is a unique democratic mechanism which has significant potential to help bridge the gap between European and national social and civil society movements, and to promote participatory democracy at the EU level; believes, however, that in order to be able to develop the democratic mechanism even more, an evaluation of past experience and a reform of the citizens' initiative are indispensable, and that the Commission's actions – which can include, where appropriate, the possibility of introducing suitable elements into legislative revisions or new legislative proposals – must better reflect the demands of the ECI when these are within its competence, and especially when they express human rights concerns;
2. Stresses that an admissible and appropriate ECI should in principle result in a new Commission legislative proposal that meets the demands set out in the ECI, at least when the Commission has committed itself to presenting such a proposal, as in the case of the Right2Water ECI; stresses that the Commission should ensure the utmost transparency during the two-month analysis phase, that a successful ECI should receive proper legal support and advice from the Commission and should be properly publicised, and that promoters and supporters should be kept fully informed and updated throughout the ECI process;
3. Insists that the Commission implement the ECI Regulation effectively and proceed with the removal of all administrative burdens encountered by citizens when submitting or supporting an ECI, and urges it to consider implementing a common ECI registration

- system for all Member States;
4. Welcomes the fact that the support of almost 1.9 million EU citizens from all Member States for this ECI concurs with the Commission's decision to exclude water and sanitation services from the Concessions Directive;
  5. Calls on the Commission to maintain and confirm the exclusion of water and sanitation services from the Concessions Directive in any eventual review of this directive;
  6. Considers it regrettable that the communication lacks any real ambition, does not meet the specific demands made in the ECI and limits itself to reiterating existing commitments; stresses that the response given by the Commission to the Right2Water ECI is insufficient, as it does not make any fresh contribution and does not introduce, as it should, all the measures that might help to achieve the goals; asks the Commission, with regard to this particular ECI, to lead a comprehensive information campaign on the measures that have already been taken in the field of water and how these measures could contribute to the achievements of the objectives of the Right2Water ECI;
  7. Considers that many of the petitions concerning water quality and management come from Member States which are not well-represented in the EU-wide public consultation launched in June 2014, and stresses that there may therefore be some inconsistency between the results of the public consultation and the situation highlighted by petitions;
  8. Hopes that the Commission and the Vice-President responsible for sustainability will make a clear political commitment to ensuring that appropriate action is taken in response to the concerns raised by this ECI;
  9. Reiterates the commitment of its Committee on Petitions to give a voice to petitioners on issues concerning fundamental rights, and recalls that the petitioners presenting the Right2Water ECI have expressed their agreement with declaring water a human right that is guaranteed at EU level;
  10. Calls on the Commission, in line with the primary objective of the Right2Water ECI, to come forward with legislative proposals, and, if appropriate, a revision of the WFD, that would recognise universal access and the human right to water, and considers it regrettable that this has not been done to date; believes that if the Commission fails to do so, the ECI will lose credibility; advocates, moreover, that universal access to safe drinking water and sanitation be recognised in the Charter of Fundamental Rights of the European Union;
  11. Stresses that if the Commission neglects successful and widely supported ECIs in the framework of the democratic mechanism established by the Lisbon Treaty, the EU as such will lose credibility in the eyes of citizens;
  12. Calls on the Commission to introduce information and education measures at EU level to promote the culture of water as a common asset, measures to raise awareness and promote more mindful individual behaviour (to save water), measures relating to the conscious development of policies concerning the management of natural resources, and

- support for public, participatory and transparent management;
13. Considers it necessary to frame water policies that encourage the rational use, recycling and reuse of water resources, which are vital issues for integrated management; believes that this will enable costs to be reduced, help save the natural resource and ensure that the environment is properly managed;
  14. Calls on the Commission to discourage the practices of water grabbing and hydraulic fracturing and make them subject to environmental impact studies;

### **The right to water and sanitation**

15. Recalls that the UN affirms that the human right to water and sanitation entitles everyone to water for personal and domestic uses which is of good quality, safe, physically accessible, affordable, sufficient and acceptable; points out that in accordance with a further UN recommendation, 3 % of household income should be seen as a maximum for water payments where payments apply;
16. Backs the UN Special Rapporteur on the human right to safe drinking water and sanitation and stresses the importance of his work and that of his predecessor on recognition of this right;
17. Deplores the fact that in the EU-28 more than 1 million people still lack access to a safe and clean drinking water supply and nearly 2 % of the population lacks access to sanitation, according to the World Water Assessment Programme (WWAP), and therefore urges the Commission to act immediately;
18. Calls on the Commission to recognise the importance of the human right to water and sanitation and of water as a public good and a fundamental value for all EU citizens and not as a commodity; expresses its concern that since 2008, due to the financial and economic crisis and to the austerity policies which have increased poverty in Europe and the number of low-income households, an increasing number of people have been facing difficulties in paying their water bills and that affordability is becoming a matter of growing concern; rejects water cut-offs and the enforced switching-off of the water supply as a violation of human rights, and asks Member States to put an immediate end to these situations when they are due to socioeconomic factors in low-income households; welcomes the fact that in some Member States 'water banks' or minimum water quotas are being used in an effort to help the most vulnerable with their utility costs, to guarantee water as an inalienable component of fundamental rights;
19. Calls on the Commission, given the effects of the recent economic crisis, to collaborate with the Member States and regional and local authorities to conduct a study on water poverty issues, including issues of access and affordability; urges the Commission to further support and facilitate non-profit cooperation amongst water operators to aid those in less developed and rural areas, in order to support access to good quality water for all citizens in those areas;
20. Calls on the Commission to identify areas in which water shortage is an existing or

- potential issue, and to help the Member States, regions and areas concerned, in particular rural areas and deprived urban areas, to address this issue properly;
21. Stresses that the Commission's alleged neutrality regarding water ownership and management is in contradiction with the privatisation programmes imposed on some Member States by the Troika;
  22. Recognises that, as stated in the WFD, water is not a commodity but a public good that is vital to human life and dignity, and reminds the Commission that Treaty rules require the EU to remain neutral in relation to national decisions governing the ownership regime of water undertakings, therefore it should by no means promote the privatisation of water undertakings in the context of an economic adjustment programme or any other EU procedure of economic policy coordination; given that these are services of general interest and are thus mainly in the public interest, calls on the Commission to permanently exclude water and sanitation and wastewater disposal from internal market rules and from any trade agreement, and to provide them at affordable prices, and calls on both the Commission and the Member States to ensure that they are managed technically, financially and administratively in an efficient, effective and transparent manner;
  23. Calls on the Member States and the Commission to review the governance of water policy and to re-establish it on the basis of active participation, i.e. transparency of the decision-making process and openness towards citizens;
  24. Takes the view that, with regard to regulation and control, the public ownership of water needs to be protected by encouraging public, transparent and participatory management models in which, in certain cases only, the public ownership authority would be able to concede some management tasks to private initiatives, on strictly regulated terms and always guaranteeing the right to the resource and to adequate sanitation;
  25. Calls on the Commission and the Member States to ensure a comprehensive water supply characterised by affordable prices, high quality and fair working conditions and subject to democratic controls;
  26. Calls on the Member States to support the promotion of education and awareness-raising campaigns for citizens in order to preserve and save water resources and to ensure greater civic participation;
  27. Calls on the Member States to ensure non-discrimination in access to water services, ensuring their provision to all, including marginalised user groups;
  28. Calls on the Commission, the European Investment Bank and the Member States to support municipalities in the EU which lack the necessary capital to access technical assistance, available EU funding and long-term loans at a preferential interest rate, particularly for the purpose of maintaining and renewing water infrastructure in order to ensure the provision of high quality water and extend water and sanitation services to the most vulnerable population groups, including the poor and residents of the outermost and remote regions; stresses the importance of open, democratic and participatory governance to ensure that the most cost-effective solutions with regard to

- water resources management are implemented for the benefit of society as a whole; calls on the Commission and the Member States to ensure full transparency as regards the use and destination of the financial resources generated through the water management cycle;
29. Recognises that water and sanitation services are services of general interest and that water is not a commodity but a common good, and therefore should be provided at affordable prices that respect people's right to a minimum quality of water and provide for the application of a progressive charge; asks the Member States to ensure that a fair, equitable, transparent and adequate system for water and sanitation charges is applied so that all members of the public are guaranteed access to high quality services irrespective of their income;
  30. Notes that water needs to be understood as an eco-social asset instead of as a mere production element;
  31. Recalls that access to water is essential for agriculture in order to realise the right to adequate food;
  32. Calls on the Commission to support strongly efforts by Member States to develop and upgrade infrastructure that provides access to irrigation, sewerage and drinking water supply services;
  33. Considers that the Drinking Water Directive has greatly contributed to the availability of high-quality drinking water across the EU and calls for decisive action by the Commission and the Member States in order to realise the environmental and health benefits available from favouring tap water consumption;
  34. Reminds the Member States of their responsibility in implementing EU law; urges them to fully implement the Drinking Water Directive and all related legislation; reminds them to identify their spending priorities and to make full use of the opportunities for EU financial support in the water sector afforded by the new financial programming period (2014-2020), in particular through an investment priority specifically centred on water management;
  35. Recalls the conclusions of the European Court of Auditors' Special Report on the integration of EU water policy objectives with the Common Agricultural Policy, which state that 'the instruments currently used by the CAP to address water concerns have not so far managed to achieve sufficient progress towards the ambitious policy targets set as regards water'; believes that better integration of water policy with other policies, such as those on agriculture, is essential in order to improve water quality across Europe;
  36. Highlights the importance of full and effective implementation of the WFD, the Groundwater Directive, the Drinking Water Directive and the Urban Wastewater Directive, and considers it vital to better coordinate their implementation with that of the directives on marine environment, biodiversity and flood protection; is concerned that the Union's sectoral policy instruments do not sufficiently contribute to achieving the environmental quality standards for priority substances and the phasing-out objective for discharges, emissions and losses of priority hazardous substances in

accordance with Article 4(1)(a) and Article 16(6) of the WFD; calls on the Commission and the Member States to bear in mind that water management has to be incorporated as a cross-cutting factor in legislation on other fields quintessential to it, such as energy, agriculture, fisheries, tourism, etc., in order to prevent pollution for example from illegal and unregulated hazardous waste sites or oil extraction or exploration; recalls that cross-compliance under the Common Agricultural Policy (CAP) sets out statutory management requirements based on existing EU laws relevant to farmers and rules of good agricultural and environmental conditions, including on water; recalls that farmers must abide by these rules in order to receive full CAP payments;

37. Calls on the Member States to:

- Impose an obligation on water suppliers to indicate the physicochemical characteristics of the water on water bills;
- Draft urban plans according to the availability of water resources;
- Increase controls and monitoring of pollutants, and plan immediate actions aimed at the removal and sanitisation of toxic substances;
- Take action to reduce the considerable leakages from pipes in Europe and to renew the inadequate water supply networks.

38. Considers it necessary to establish a priority order or hierarchy for sustainable water use; calls on the Commission to come forward with an analysis and proposals as appropriate;

39. Emphasises that all Member States have committed themselves to the human right to water through their backing for the UN Declaration and that this right is supported by the majority of citizens and operators in the EU;

40. Stresses that support for the Right2Water ECI and its objectives has been further demonstrated by the large numbers of citizens in countries such as Germany, Austria, Belgium, Slovakia, Slovenia, Greece, Finland, Spain, Luxembourg, Italy and Ireland who have spoken out on the issue of water and its ownership and provision;

41. Notes that since 1988 its Committee on Petitions has received a significant number of petitions from EU citizens in many Member States expressing their concerns about water supply and quality and wastewater management; draws attention to a number of negative factors deplored by petitioners – such as waste landfills, failure by authorities to control water quality effectively, and irregular or unlawful agricultural and industrial practices – which are responsible for poor water quality and thus have an impact on the environment and on human and animal health; considers that these petitions demonstrate a genuine interest on the part of citizens in the thorough enforcement and further development of sustainable water-related EU legislation;

42. Strongly urges the Commission to take the concerns and warnings expressed by citizens in such petitions seriously and to act on them, in particular given the urgent need to address the problem of diminishing water resources as a result of overuse and climate

change, while there is still time to prevent pollution and mismanagement; expresses its concern about the number of infringement procedures concerning water quality and management;

43. Calls on the Member States to complete their River Basin Management Plans as a matter of urgency and as a key element in the enforcement of the Water Framework Directive, and to implement them properly with full respect for the overriding ecological criteria; draws attention to the fact that certain Member States are increasingly confronted with damaging floods which have a severe impact on the local population; points out that the River Basin Management Plans under the Water Framework Directive, and the Flood Risk Management Plans under the Floods Directive, afford a great opportunity to exploit synergies between these instruments, thereby helping to provide clean water in sufficient quantities while reducing flood risks; recalls, furthermore, that each Member State should have a central webpage to provide information on the implementation of the Water Framework Directive, so as to facilitate an overview of water quality and management;

#### **Water services and the internal market**

44. Notes that countries across the EU, including Spain, Portugal, Greece, Ireland, Germany and Italy, have seen the potential or actual loss of public ownership of water services become a major issue of concern to citizens; recalls that the choice of method of water management is based on the subsidiarity principle, as laid down in Article 14 of the Treaty on the Functioning of the European Union and in Protocol (No 26) on services of general interest, which highlights the special importance of public services for social and territorial cohesion in the Union; recalls that water supply and sewerage enterprises are services of general interest and have the general mission of ensuring that the entire population is provided with high quality water at socially acceptable prices and minimising the negative environmental impacts of waste water;
45. Stresses that, in line with the principle of subsidiarity, the Commission should remain neutral regarding Member States' decisions relating to the ownership of water services and should not promote the privatisation of water services either through legislation or in any other way;
46. Notes the growing trend towards the re-municipalisation of water services in several Member States, including France and Germany; recalls that the option of re-municipalising water services should continue to be ensured in the future without any restriction, and may be kept under local management if so chosen by the competent public authorities; recalls that water is a basic human right that should be accessible and affordable to all; highlights that Member States have a duty to ensure that water is guaranteed to all regardless of the operator, while making sure that the operators provide safe drinking water and improved sanitation;
47. Stresses that the special character of water and sanitation services, such as production, distribution and treatment, makes it imperative that they be excluded from any trade agreements the EU is negotiating or considering; urges the Commission to grant a legally binding exclusion for water services, sanitation services and wastewater disposal

- services in the ongoing negotiations for the Transatlantic Trade and Investment Partnership (TTIP) and the Trade in Services Agreement; stresses that all future trade and investment agreements should include clauses on genuine access to drinking water for the people of the third country to which the agreement pertains in line with the Union's long-lasting commitment to sustainable development and human rights, and that genuine access to drinking water for the people of the third country to which the agreement pertains must be a precondition for any future free trade agreements;
48. Recalls the significant number of petitions opposing the inclusion of essential public services such as water and sanitation in the negotiations for the TTIP; calls on the Commission to increase the accountability of water suppliers;
  49. Calls on the Commission to act as a facilitator to promote cooperation amongst water operators via sharing of best regulatory and other practices and initiatives, mutual learning and common experience, and by supporting voluntary benchmarking exercises; welcomes the call in the Commission's communication for increased transparency in the water sector and acknowledges efforts made thus far, whilst noting that any benchmarking exercise should be voluntary given the wide variation amongst water services and regional and local specificities across Europe; further notes that any such exercise which includes only financial indicators should not be considered equivalent to transparency measures and that other criteria crucial for citizens should be included, such as water quality, measures to mitigate affordability problems, information on what proportion of the population has access to adequate water supplies and the levels of public participation in water governance, in a manner comprehensible to both citizens and regulators;
  50. Stresses the importance of national regulatory authorities in ensuring fair and open competition between service providers, facilitating faster implementation of innovative solutions and technical progress, promoting efficiency and quality of water services, and ensuring the protection of consumers' interests; calls on the Commission to support initiatives for regulatory cooperation in the EU in order to accelerate benchmarking, mutual learning and exchange of best regulatory practices;
  51. Believes that there should be an assessment of European water and sanitation projects and programmes from the perspective of human rights, with a view to developing appropriate policies, guidelines and practices; invites the Commission to set up a benchmarking system (for water quality, affordability, sustainability, coverage, etc.) in order to improve the quality of public water supply and sanitation services across the EU, and as a way of empowering citizens;
  52. Recalls that water and sanitation services concessions are subject to the principles laid down in the Treaty and must therefore be awarded in accordance with the principles of transparency, equal treatment and non-discrimination;
  53. Stresses that production, distribution and treatment of water and sanitation services must remain excluded from the Concessions Directive also in any future revision thereof;
  54. Recalls that Directive 2006/123/EC on services in the internal market attracted strong opposition from civil society in many respects, including matters relating to services of

- general economic interest such as water distribution and supply services and wastewater management; recalls that the EU institutions were eventually forced to include these sectors among the services which cannot be liberalised;
55. Highlights the importance of public-public partnerships exchanging best practice on the basis of non-profit cooperation among water operators, and welcomes the Commission's recognition for the first time, in the communication, of the importance of public-public partnerships;
  56. Welcomes the successful efforts of some municipalities to enhance public participation in improving water service provision and the protection of water resources, and recalls that local institutions play an important role in the decision-making process regarding water management;
  57. Calls on the Committee of the Regions to be more involved in this ECI with a view to encouraging greater involvement in the issue on the part of regional authorities;
  58. Recalls the obligation to guarantee access to justice and information in environmental matters, and public participation in decision-making, as laid down in the Aarhus Convention; calls, therefore, on the Commission, the Member States and their regional and local authorities to respect the principles and rights enshrined in the Aarhus Convention; recalls that citizens' awareness of their rights is fundamental to achieving the widest possible participation in the decision-making process; urges the Commission, therefore, to proactively set up a campaign to inform EU citizens about the achievements of the Aarhus Convention in the field of transparency and about the effective tools already at their disposal, and to comply with the provisions referring to the EU institutions; calls on the Commission to develop transparency, accountability and participation criteria as a means to improving the performance, sustainability and cost-effectiveness of water services;
  59. Urges the Member States and regional and local authorities to move towards a genuine Social Agreement for Water, with the aim of guaranteeing the availability, stability and safe management of the resource, in particular by enacting policies such as the establishment of water solidarity funds and other mechanisms for social action to support people who are unable to afford access to water and sanitation services so as to meet security of supply requirements and not to endanger the human right to water; encourages all the Member States to introduce social action mechanisms such as those that already exist in some EU countries to safeguard the provision of drinking water for citizens in genuine hardship;
  60. Calls on the Commission to organise sharing of experiences between Member States concerning the social aspect of water policy;
  61. Condemns the fact that denial of the provision of water and sanitation to disadvantaged and vulnerable communities is being used in a coercive manner in some Member States; reiterates that in some Member States the closure of public wells by the authorities has made it difficult for the most vulnerable groups to have access to water;
  62. Notes that Member States should pay special attention to the needs of vulnerable groups

- in society and also to ensuring that those in need have access to affordable quality water;
63. Calls on each Member State to appoint a water services Ombudsman in order to ensure that water-related issues such as complaints and suggestions on water service quality and access can be processed by an independent body;
  64. Encourages water companies to reinvest economic revenues generated from the water management cycle in maintaining and improving water services and protecting water resources; recalls that the principle of cost recovery of water services includes environmental and resource costs whilst respecting both the principles of fairness, transparency and the human right to water and the obligations of the Member States to implement their cost recovery obligations in the best way possible as long as this does not compromise the purposes and the achievement of the objectives of the WFD; recommends putting an end to practices where economic resources are diverted from the water sector to finance other policies, including when water bills contain concession fees that have not been earmarked for water infrastructure; recalls the worrying state of infrastructure in some Member States where water is being wasted owing to leaks from unsuitable and obsolete distribution networks, and urges the Member States to reinforce investment in improving infrastructure as well as other water services as a premise to guarantee the human right to water in the future;
  65. Calls on the Commission to draw up binding legislation to ensure that all information on water quality and water management is made available by the competent authorities to the citizens concerned in an easily accessible and understandable form, and that citizens are fully informed and consulted in good time about all water management projects; notes, moreover, that in the public consultation launched by the Commission, 80 % of the participants considered it essential to improve the transparency of water quality monitoring;
  66. Calls on the Commission to monitor carefully the use of direct and indirect EU funding for water management projects and to ensure that such funding is used only for the projects for which it was intended, bearing in mind that access to water is pivotal in reducing disparities between EU citizens and enhancing economic, social and territorial cohesion in the EU; calls on the Court of Auditors, in this connection, to verify that the criteria relating to efficiency and sustainability are fulfilled satisfactorily;
  67. Calls on the Commission to take into consideration the current lack of investment in balanced water management, bearing in mind that water is one of the shared assets of EU citizens;
  68. Calls, therefore, for increased transparency among water operators, in particular through the development of a private and public governance code for water companies in the EU; takes the view that this code should be based on the principle of efficiency and should always be subject to the environmental, economic, infrastructure and public participation provisions of the WFD; also calls for the creation of a national regulator;
  69. Calls on the Commission to respect the principle of subsidiarity and powers and responsibilities in relation to water, with regard to both the various levels of government

- and to local water associations which manage water services (springs and their upkeep);
70. Regrets that the Urban Wastewater Treatment Directive is still not fully implemented in the Member States; calls for Union financial resources to be deployed as a priority in areas where EU environmental legislation is not respected, including wastewater treatment; notes that compliance rates have proven to be higher where costs were recovered and the ‘polluter pays’ principle has been implemented and calls for the Commission to review the adequacy of current instruments to deliver a high level of protection and improvement of the quality of the environment;
  71. Points out that, in the case of water, the services sector offers a huge potential for creating jobs through environmental integration, and for fostering innovation through technology transfer between sectors and through research, development and innovation applied to the entire water cycle; calls, therefore, for particular attention to be paid to boosting the sustainable use of water as renewable energy;
  72. Urges the Commission, in any revision of the WFD, to ensure that quantitative assessments of water affordability problems become a mandatory requirement of reporting exercises by Member States as regards the implementation of the WFD;
  73. Asks the Commission to explore the possibility for the European Foundation for the Improvement of Living and Working Conditions (Eurofound) to monitor and report on any water affordability issues in the 28 Member States;
  74. Points out that sound water management is shaping up to be a priority, both ecologically and environmentally, for the decades to come, as it fulfils energy and agriculture requirements and responds to economic and social imperatives;

#### **Internalisation of the cost of pollution**

75. Recalls that, through water bills, EU citizens are bearing the cost of purification of water and water treatment, and stresses that enacting policies that effectively combine and reconcile water resource protection objectives with cost savings, such as ‘control at source’ approaches, are more efficient and financially preferable; recalls that according to the EEA’s 2015 report on the state of the environment, more than 40 % of rivers and coastal waters are affected by diffuse pollution caused by agriculture, while between 20 % and 25 % are subjected to pollution deriving from point sources such as industrial structures, sewage systems and wastewater management networks; highlights the importance of effective implementation of the WFD and the Drinking Water Directive, better coordination as regards their implementation, more coherence when drafting legislation and more proactive measures for saving water resources and substantially increasing water use efficiency across all sectors (industries, households, agriculture, distribution networks); recalls that ensuring sustainable protection of natural areas such as freshwater ecosystems is also key to development and crucial for providing drinking water supplies, and reduces costs for citizens and operators;

#### **EU external policy and development policy in the water sector**

76. Stresses that EU development policies should fully integrate universal access to water and sanitation via the promotion of public-public partnerships based on not-for-profit principles and solidarity between water operators and workers in different countries, and make use of a range of instruments from public-public partnerships to promote best practices by sharing of knowledge, as well as development and cooperation programmes in this sector; reiterates that the development policies of the Member States should recognise the human rights dimension of access to safe drinking water and sanitation and that a rights-based approach requires support for legislative frameworks, financing and the strengthening of the voice of civil society in order to realise these rights in practice;
77. Reaffirms that access to drinking water in a sufficient quantity and of a sufficient quality is a basic human right and considers that national governments have a duty to carry out this obligation;
78. Highlights, in accordance with current EU legislation and its requirements, the importance of regular evaluation of the quality, purity and safety of water and water resources within the EU, as well as outside its borders;
79. Underlines that assistance in providing safe drinking water and sanitation should be given high priority in the allocation of EU funds and in assistance programming; calls on the Commission to ensure adequate financial support to capacity-development actions in the water domain, relying on and cooperating with existing international platforms and initiatives;
80. Insists that the water, sanitation and hygiene (WASH) sector in developing countries should be given high priority in both official development aid (ODA) and national budgets; recalls that water management is a collective responsibility; favours open-mindedness in relation to different aid modalities, but strict adherence to development effectiveness principles, to policy coherence for development and to an unwavering focus on poverty eradication and the maximisation of the development impact; supports, in this regard, the involvement of local communities in the realisation of projects in developing countries, as well as the principle of community ownership;
81. Stresses that although progress towards the Millennium Development Goal on safe drinking water is on track, 748 million people worldwide lack access to an improved water supply and it is estimated that at least 1.8 billion people drink water that is faecally contaminated, and the sanitation target is far from being met;
82. Recalls that ensuring sustainable management of groundwater is indispensable to poverty reduction and shared prosperity, as groundwater has the potential to provide an improved source of drinking water for millions of urban and rural poor people;
83. Calls on the Commission to include water as part of the Agenda for Change, together with sustainable agriculture;
84. Considers that water should be at the heart of the work in preparation of two major international events in 2015, namely the post-2015 agenda summit and COP21 on climate change; strongly supports, in this context, the inclusion of ambitious and far-

reaching targets for water and sanitation, such as Sustainable Development Goal (SDG) 6 on ensuring availability and sustainable management of water and sanitation for all by 2030, to be adopted in September 2015; reiterates that ending poverty through the post-2015 process is only possible if we ensure that everyone, everywhere has access to clean water, basic sanitation and hygiene; stresses that realisation of all SDGs requires mobilisation of much more financing for development than is currently provided, from both developed and developing countries; calls for the creation of a global monitoring mechanism to track progress in achieving universal access to safe drinking water, the sustainable use and development of water resources and the strengthening of equitable, participatory and accountable water governance in all countries; urges the Commission to ensure that aid is spent effectively and that it is better targeted to the WASH sector in the perspective of the post-2015 development agenda;

85. Underlines the increased risk of water scarcity due to climate change; urges the Commission and the Member States to include among the topics of COP21 the strategic management of water resources and long-term adaptation plans, in order to incorporate a climate-resilient water approach into the future global climate agreement; emphasises that climate-resilient water infrastructure is key for development and poverty reduction; reiterates that without continuous efforts to mitigate climate change consequences, as well as improved water resources management, the progress towards poverty reduction targets, the Millennium Development Goals, and sustainable development in all its economic, social and environmental dimensions, could be jeopardised;
86. Notes with concern that the lack of access to water and sanitation in the developing world can have a disproportionate effect on girls and women, especially those of school-attending age where absenteeism and drop-out rates have been linked to the lack of clean, safe and accessible sanitation;
87. Calls for the allocation of Union and Member State funds to reflect the recommendations of the UN Special Rapporteur on the human right to safe drinking water and sanitation, in particular regarding favouring small-scale infrastructure and allocating more funds to operation and maintenance, capacity building and awareness-raising;
88. Notes with concern that, according to the UN Special Rapporteur on the human right to safe drinking water and sanitation, people living in slums generally have to pay more than those living in formal settlements to receive unregulated, poor quality services; urges developing countries to prioritise budget allocations for services for disadvantaged and isolated people;
89. Recalls that the World Health Organisation has stated that, in the initial situation, without the application of the latest innovative water treatment and saving technologies, between 100 and 200 litres of water per day per person is optimal, while noting that 50 to 100 litres is required to ensure that basic needs are met and few health concerns arise; points out that, according to the recognised fundamental human rights, establishing a minimum quota per person is indispensable to satisfy the basic water needs of populations;
90. Stresses that access to a basic water requirement should be a non-debatable fundamental

- human right implicitly and explicitly supported by international law, declarations and state practice;
91. Calls on governments, international aid agencies, non-governmental organisations and local communities to work to provide all humans with a basic water requirement and to guarantee that water is a human right;
  92. Calls on the Member States to introduce, in accordance with World Health Organisation guidelines, a pricing policy that respects people's right to a minimum quantity of water for living and cracks down on waste, providing for the application of a progressive charge that is proportional to the amount of water used;
  93. Encourages measures to be taken to ensure the rational use of water consumption, in order to avoid squandering;
  94. Commends certain water operators which dedicate a percentage of their annual turnover to water partnerships in developing countries, and encourages the Member States and the EU to create the necessary legal framework for putting such partnerships in place;
  95. Calls for effective monitoring of projects carried out through external aid; stresses the need to monitor financing strategies and budgets to ensure that allocated funds address existing disparities and inequalities in access to water and respect the human rights principles of non-discrimination, access to information and participation;
  96. Calls on the Commission to make renewal of ageing drinking water networks a priority in the Investment Plan for Europe by placing these projects on the list of Union projects, while respecting the general principle that EU-funded projects should not create profit for the beneficiaries but help them strike a financial balance; stresses the leverage effect which these projects would have on non-relocatable employment, thus helping to stimulate the green economy in Europe;
  97. Calls on the Commission to promote the sharing of knowledge in order for the Member States to conduct surveys of the state of networks, which should make it possible to begin renewal work to put an end to waste;
  98. Calls for greater transparency, in order to inform consumers more fully about water and to contribute to more economical management of water resources; to this end, encourages the Commission to continue its work with Member States in order to share national experiences relating to the establishment of water information systems;
  99. Calls on the Commission to study the desirability of extending to European level the financial support instruments in the sector of international cooperation relating to water and sanitation;
  100. Underlines that efficient and equitable management of water resources relies on the capacity of local governments to deliver services; calls, therefore, on the EU to further support the strengthening of water governance and infrastructure in developing countries, while addressing in particular the needs of vulnerable rural populations;

101. Supports the Global Water Solidarity Platform launched by the United Nations Development Programme (UNDP) in order to engage local authorities in finding solutions to water challenges; also welcomes the ‘1 % solidarity for water and sanitation’ and other initiatives taken by citizens and authorities in some Member States in order to support projects in developing countries with funds from consumption fees; notes that such initiatives have been put into practice by several water utilities; reiterates its call on the Commission to encourage solidarity arrangements in this and other areas, for example through dissemination of information, facilitation of partnerships and exchanges of experience, including through a potential partnership between the Commission and Member States, with supplementary EU funding being provided for projects implemented via that initiative; in particular, encourages the promotion of public-public partnerships in water facilities in developing countries, in line with the Global Water Operators’ Partnerships Alliance (GWOPA) coordinated by UN Habitat;
102. Calls on the Commission to relaunch the ‘Water Facility’ instrument, which has proved to be effective in fostering better access to water services in developing countries by promoting capacity-building measures for local communities;
103. Welcomes the fact that there is considerable support across Europe for the UN resolution on recognising access to clean water and sanitation as a human right;

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104. Instructs its President to forward this resolution to the Council and the Commission.

## EXPLANATORY STATEMENT

From the 1st of April 2012, the European Citizens' Initiative has been available as a new mechanism for participatory democracy. The European Commission had stated that they wanted citizens to play a more active role in the European political process and this unique instrument was designed as a means to allow citizens of the EU to directly influence and shape the European political agenda.

The ECI rules state that for an ECI to pass it needs at least one million signatures from at least 7 Member States. The ECI 'Water and Sanitation are a Human Right! Water is a Public good, not a commodity!' otherwise known as Right2Water passed with over 1.6 million verified signatures at the time of submission and has since gained almost 300 000 more. It managed to receive signatures from all Member States (13 of which passed the quota) making it the first successful European Citizen's Initiative.

The ECI Right2water's central objectives called for;

- EU institutions and Member States to be obliged to ensure that all inhabitants enjoy the right to water and sanitation
- Water supply and the management of water resources to not be subject to internal market rules and that water services be excluded from liberalisation
- The EU to increase its efforts to achieve universal access to water and sanitation

As a clear sign of the wide appeal and importance of the human right to water, ahead of the European elections in May 2014, four of the five candidates for Commission President came out in support of the Right2Water ECI, including the eventual successful candidate, Jean-Claude Juncker.

The European Commission released its official response to the first successful ECI in March 2014.

There are some positive statements within this Communication which should be welcomed, including that;

- water is not a commercial product,
- the recognition that the provision of water services is, in general, the responsibility of the local authorities who are closest to the citizens,
- and crucially that water and sanitation services were to be excluded from the Concessions Directive.

Nevertheless, overall, the Commission's vague response was viewed as very disappointing by the Right2Water ECI organisers. It does not address the fundamental demand of the signatories to commit to legislation which would recognise the human right to water which is concerning not just for the human right to water but also for the integrity of the ECI

mechanism itself.

Further disappointments with the Commission's response include:

- no guarantee from the Commission to exclude water and sanitation services from trade agreements such as TTIP
- no guarantee to prevent the further liberalisation of water and sanitation services

### **The Human Right to Water**

The UN, in its general comment No 15, outlined the scope of the right to water and clarified what is meant by sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

One of these key aspects, affordability, means that no individual or group should be denied access to safe drinking water because they cannot afford it. These criteria also underlines that cost recovery should not become a barrier to access safe drinking water and sanitation, notably by the poor. It has been further recommended that 3% of household income should be seen as a maximum for water payments where payments apply.

The World Health Organisation has recommended that between 50 and 100 litres of water per person per day are required to ensure that most basic needs are met and few health concerns arise. Whilst between 20-25 litres per person per day represent a minimum this figure raises health concerns as it is deemed insufficient to meet basic hygiene and water consumption requirements. Furthermore, the recommended 50-100 litre figure may also be insufficient for different groups of people such as; pregnant women, people living with HIV/AIDS or breastfeeding mothers.

### **Water Services and the Internal Market**

Whilst the European Commission has stated that it must remain neutral on national decisions regarding the ownership of water it is, on the other hand, part of the Troika, which has sought privatisation of water services in programme countries.

Given the highly unique nature of water and the natural monopoly created by water provision and its necessity for human life and health, the European Commission must recognise the mass concern from European citizens on how it treats water and water services. Until now, the European Commission has largely favoured an approach based on competition and a market-based approach with a tendency towards the liberalisation of water and sanitation services instead of a rights-based approach which recognises the role of public services.

The mass mobilisation of EU citizens around the Right2Water campaign mirrors the movements in individual Member States. Countries such as Ireland, Greece, Italy, Germany and Spain have all seen water ownership and management become central issues of concern for citizens in recent years. At the same as this increasing awareness and mobilisation, Europe has experienced a growing trend towards remunicipalisation of water services usually after dissatisfaction and bad experience with private and liberalised models of water management. Although rare, the private model of water provision does not see lower prices, greater

investment or adequate accountability. Increasing public opposition to this model has seen cities such as Berlin remunicipalise following the example of Paris and its public company Eau de Paris.

Given the natural monopoly created by water provision, the overwhelming majority of water operators both in Europe and globally are public water operators which means that there is a vast pool of expertise and experience from which to draw upon. A growing number of public sector water companies have been engaged in ‘public-public partnerships’ (PUPs) - collaborative and inexpensive engagements between two or more public authorities which aim to improve capacity through sharing knowledge of best practice in the fields of; technical assistance, training and development of human resources, financing of water services, efficiency and improving public participation. It is encouraging that in its official response to the Right2Water ECI, the European Commission acknowledges PUPs for the first time.



12.5.2015

## **OPINION OF THE COMMITTEE ON DEVELOPMENT**

for the Committee on the Environment, Public Health and Food Safety

on follow up to the European Citizens' Initiative Right2Water  
(2014/2239(INI))

Rapporteur: Cristian Dan Preda

### **SUGGESTIONS**

The Committee on Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas UN General Assembly resolution 64/292 of 28 July 2010 explicitly recognises the human right to safe and clean drinking water and sanitation, and this right is also clearly referred to in various other international instruments and agreements; whereas access to safe drinking water and sanitation is inextricably linked to the right to life, health and human dignity and to the need for an adequate standard of living;
- B. whereas at least 748 million people do not have sustainable access to safe drinking water, and a third of the world population lacks basic sanitation; whereas, as a result, the right to health is threatened and diseases spread, causing suffering and death and posing major impediments to development; whereas about 4 000 children die daily from water-borne diseases or due to inadequate water, sanitation and hygiene; whereas the lack of access to potable water kills more children than AIDS, malaria and smallpox combined; whereas there is, however, a clear downward trend in these numbers and their decline can and must be accelerated;
- C. whereas access to water also has a security dimension which requires improved regional cooperation;
- D. whereas lack of access to water and sanitation has consequences for the realisation of other human rights; whereas water challenges disproportionately affect women, given that in many developing countries they are traditionally responsible for domestic water supply; whereas women and girls suffer most from the lack of access to adequate and decent sanitation, which often limits their access to education and makes them more vulnerable to

diseases;

- E. whereas every year, three and a half million people die of water-borne illnesses;
- F. whereas access to water is among the keys to achieving sustainable development; whereas focusing development assistance on improving the supply of drinking water and sanitation is an efficient way of pursuing fundamental poverty eradication objectives, as well as promoting social equality, public health, food security and economic growth;
- G. whereas the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which entered into force in 2013, created a complaint mechanism allowing individuals or groups to file formal complaints on violations of the human right to water and sanitation, among other rights;
- H. whereas in developing countries and emerging economies, demand for water is increasing from all sectors, in particular for energy and agriculture; whereas climate change, urbanisation and demographic developments may pose a serious threat to water availability in many developing countries, and an estimated two-thirds of the world's population is expected to live in water-stressed countries by 2025;
- I. whereas the EU is the largest donor in the water, sanitation and hygiene (WASH) sector, with 25 % of its annual global humanitarian funding dedicated solely to supporting development partners in this area; whereas, however, a 2012 European Court of Auditors' Special Report on European Union development assistance for drinking-water supply and basic sanitation in sub-Saharan countries pointed out the need to improve aid effectiveness and the sustainability of the projects supported by the EU;
- J. whereas the Parliamentary Assembly of the Council of Europe declared that 'access to water must be recognised as a fundamental human right because it is essential to life on earth and is a resource that must be shared by humankind';
- K. whereas the EU Water Framework Directive recognises that 'water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such';
- L. whereas the privatisation of basic utilities in sub-Saharan Africa in the 1990s has, inter alia, hampered the achievement of Millennium Development Goals (MDGs) on both water and sanitation, as the focus of investors on cost recovery has, among other things, intensified inequalities in the provision of such services, at the expense of low-income households; whereas in light of the failure of water privatisation, the transfer of water services from private companies to local authorities is a growing trend in the water sector all around the world;
- M. whereas the EU and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations;
- N. whereas access to water is essential for life, health, food, well-being and development, and water can therefore not be considered simply as a commodity;

1. Welcomes the commitment of the Commission to ensure that the human rights dimension of access to safe drinking water and sanitation remains at the heart of its development policy<sup>1</sup>; acclaims the importance of the European Citizens' Initiative instrument and hopes that it will become increasingly effective and, above all, lead to legislation;
2. Highlights that the human right to water and sanitation is closely linked to a number of key global challenges, such as health, energy, food, employment, gender equality and environmental sustainability; strongly supports the inclusion of the proposed Sustainable Development Goal (SDG) 6 on ensuring availability and sustainable management of water and sanitation for all by 2030 within the post-2015 global development framework, including the objective of achieving universal and equitable access to safe and affordable drinking water for all; stresses that realisation of all SDGs requires mobilisation of much more financing for development than is currently provided, from both developed and developing countries, including from new sources and innovative financing instruments; calls on the EU and its Member States to ensure that access to drinking water and sanitation are priority topics at the forthcoming UN Conference on Climate Change (COP21);
3. Recalls that access to water is essential for agriculture in order to realise the right to adequate food;
4. Stresses that access to a basic water requirement should be a non-debatable fundamental human right implicitly and explicitly supported by international law, declarations and state practice;
5. Calls on governments, international aid agencies, non-governmental organisations and local communities to work to provide all humans with a basic water requirement and to guarantee that water is a human right;
6. Urges that the 'human right to water' be included in the list of universal fundamental human rights, including the right to sufficient water of an appropriate quality, to satisfy the explicit right to life and the broader rights to health and well-being;
7. Insists that the WASH sector in developing countries should be given high priority both in official development aid (ODA) and in national budgets; recalls that water management is a collective responsibility; favours open-mindedness in relation to different aid modalities, but strict adherence to development effectiveness principles, to policy coherence for development and to an unwavering focus on poverty eradication and the maximisation of the development impact; supports, in this regard, the involvement of local communities in the realisation of projects in developing countries, as well as the principle of community ownership;
8. Recalls that ensuring sustainable management of groundwater is indispensable to poverty reduction and shared prosperity, as groundwater has the potential to provide an improved source of drinking water for millions of urban and rural poor people;

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<sup>1</sup> Communication from the Commission on the European Citizens' Initiative 'Water and sanitation are a human right! Water is a public good, not a commodity!' (COM(2014)0177), p. 10.

9. Calls for effective monitoring of projects carried out through external aid; stresses the need to monitor financing strategies and budgets to ensure that allocated funds address existing disparities and inequalities in access to water and respect the human rights principles of non-discrimination, access to information and participation;
10. Calls on the EU to target its development assistance to the construction, operation and maintenance of small-scale infrastructure, capacity-building and awareness-raising;
11. Notes with concern that, according to the UN Special Rapporteur on the human right to safe drinking water and sanitation, people living in slums generally have to pay more than those living in formal settlements to receive unregulated, poor quality services; urges developing countries to prioritise budget allocations for services for disadvantaged and isolated people;
12. Underlines that efficient and equitable management of water resources relies on the capacity of local governments to deliver services; calls, therefore, on the EU to further support the strengthening of water governance and infrastructure in developing countries, while addressing in particular the needs of vulnerable rural populations;
13. Calls on the Commission and the Member States to adopt a policy implementing the human right to water and sanitation as recognised by the United Nations, and promoting the provision of water and sanitation as essential public services for all;
14. Supports the Global Water Solidarity Platform launched by the United Nations Development Programme (UNDP) in order to engage local authorities in finding solutions to water challenges; also welcomes the ‘1 % solidarity for water and sanitation’ and other initiatives taken by citizens and authorities in some Member States in order to support projects in developing countries with funds from consumption fees; notes that such initiatives have been put into practice by several water utilities; reiterates its call on the Commission to encourage solidarity arrangements in this and other areas, for example through dissemination of information, facilitation of partnerships and exchanges of experience, including through a potential partnership between the Commission and Member States, with supplementary EU funding being provided for projects implemented via that initiative; in particular, encourages the promotion of public-public partnerships in water facilities in developing countries, in line with the Global Water Operators’ Partnerships Alliance (GWOPA) coordinated by UN Habitat;
15. Urges the Commission to ensure that aid is spent effectively and that it is better targeted to the WASH sector in the perspective of the post-2015 development agenda; calls for the creation of a global monitoring mechanism to track progress in achieving universal access to safe drinking water, the sustainable use and development of water resources and the strengthening of equitable, participatory and accountable water governance in all countries;
16. Encourages public sector and partly state-owned water supply companies operating in developing countries to reinvest all the profits generated by the water management cycle in maintaining and improving water services and in protecting water resources; invites the EU and the Member States, to that end, to promote an exchange of best practices, in fields such as water management, water treatment and water conservation, between European

companies and companies operating in developing countries;

17. Calls on the Commission to relaunch the ‘Water Facility’ instrument, which has proved to be effective in fostering better access to water services in developing countries by promoting capacity-building measures for local communities;
18. Reaffirms that access to drinking water in a sufficient quantity and of a sufficient quality is a basic human right and considers that national governments have a duty to carry out this obligation;
19. Insists on the need for local public authorities to be given support in their efforts towards establishing an innovative, participatory, democratic system of public water management that is efficient, transparent and regulated and that respects the objectives of sustainable development;
20. Emphasises that distribution of water should be essentially looked upon as a public service and hence organised as such to guarantee affordable access for all.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	6.5.2015
<b>Result of final vote</b>	+: 25 -: 0 0: 0
<b>Members present for the final vote</b>	Louis Aliot, Beatriz Becerra Basterrechea, Nirj Deva, Charles Goerens, Enrique Guerrero Salom, Heidi Hautala, Maria Heubuch, Teresa Jiménez-Becerril Barrio, Stelios Kouloglou, Arne Lietz, Norbert Neuser, Maurice Ponga, Cristian Dan Preda, Lola Sánchez Caldentey, György Schöpflin, Pedro Silva Pereira, Davor Ivo Stier, Paavo Väyrynen, Bogdan Brunon Wenta, Anna Záborská
<b>Substitutes present for the final vote</b>	Patrizia Toia, Joachim Zeller
<b>Substitutes under Rule 200(2) present for the final vote</b>	Daniela Aiuto, Tiziana Beghin, Julie Ward

13.5.2015

## OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on the Environment, Public Health and Food Safety

on the follow-up to the European Citizens' Initiative Right2Water  
(2014/2239(INI))

Rapporteur: Margrete Auken

### SUGGESTIONS

The Committee on Petitions calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Considers that the Commission's follow-up to the European Citizens' Initiative (ECI) Right2Water (R2W), as proposed in its communication, does not meet citizens' expectations of concrete action and legislative proposals, as the Commission had already announced that it would step up efforts towards ensuring full implementation of EU water legislation by the Member States, reviewing the Drinking Water Directive and proposing amendments; hopes that the Commission and the Vice-President responsible for sustainability will make a clear political commitment to ensuring that appropriate action is taken in response to the concerns raised by this ECI;
2. Recognises the international human right to water and sanitation as a basic human right, as reaffirmed in UN General Assembly resolution 64/292; believes that the right to water should guarantee everyone sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, in a fair and equal manner; urges the Commission to engage in the Sustainable Development Goals and Post-2015 Development Agenda process with a view to ensuring that future goals and targets are rights-sensitive, including in respect of the right to water;
3. Reiterates the commitment of its Committee on Petitions to give a voice to petitioners on issues concerning fundamental rights, and recalls that the petitioners presenting the R2W ECI have expressed their agreement with declaring water a human right that is guaranteed at EU level;
4. Stresses that the Commission's alleged neutrality regarding water ownership and management to be in contradiction with the privatisation programmes imposed on some

Member States by the Troika;

5. Calls on the Commission to include water as part of the Agenda for Change, together with sustainable agriculture;
6. Stresses that an ECI is an important tool of participatory democracy, enabling citizens to make their voices heard in the legislative procedure, and that an admissible and appropriate ECI should in principle result in a new Commission legislative proposal that meets the demands set out in the ECI, at least when the Commission has committed itself to presenting such a proposal, as in the case of the R2W ECI; stresses that the Commission should ensure the utmost transparency during the two-month analysis phase, that a successful ECI should receive proper legal support and advice from the Commission and should be properly publicised, and that promoters and supporters should be kept fully informed and updated throughout the ECI process;
7. Stresses that an insufficient response to the first successful ECI could be detrimental to the reliability of the ECI as a tool of democracy among EU citizens;
8. Insists that the Commission implement the ECI Regulation effectively and proceed with the removal of all administrative burdens encountered by citizens when submitting or supporting an ECI, and urges it to consider implementing a common ECI registration system for all Member States;
9. Calls on the Commission to support strongly efforts by Member States to develop and upgrade infrastructure that provides access to irrigation, sewerage and drinking water supply services;
10. Considers that more should be done to improve the quality and quantity of the information available to citizens in relation to water quality and services; insists that the Commission's response to the R2W ECI is insufficient; asks the Commission, in connection with this particular ECI, to conduct a serious information campaign on the measures already taken in the field of water and how they can help to achieve the objectives of the R2W ECI;
11. Reminds the Member States of their responsibility in implementing EU law; urges them to fully implement the Drinking Water Directive and all related legislation; reminds them to identify their spending priorities and to make full use of the opportunities for EU financial support in the water sector afforded by the new financial programming period (2014-2020), in particular through an investment priority specifically centred on water management;
12. Recalls the Member States' obligation to guarantee that the right to water and sanitation can be exercised in a fair manner without discrimination; points out that the Member States have a duty to ensure that the accessibility of quality water to those in need is guaranteed and affordable for all, and to make sure that operators provide safe drinking water and improved sanitation; calls on the Member States to adopt appropriate legislation and to develop and implement concrete programmes which are adequately resourced and monitored; notes that the Member States should give particular attention to vulnerable groups in society, such as those in low-income areas and geographical regions which have extensive poverty accumulation; calls on the Commission to identify areas in

which water shortage is an existing or potential issue, and to help the Member States, regions and areas concerned, in particular rural areas and deprived urban areas, to address this issue properly;

13. Recognises that the Member States, in accordance with the principle of subsidiarity, have the right to choose different schemes for water delivery; declares that water should not be a source of illegitimate profit for either public or private operators; calls for increased transparency and greater provision of information in respect of water management and water pricing schemes within the Member States;
14. Recalls the obligation to guarantee access to justice and information in environmental matters, and public participation in decision-making, as laid down in the Aarhus Convention; calls, therefore, on the Commission, the Member States and their regional and local authorities to respect the principles and rights enshrined in the Aarhus Convention; recalls that citizens' awareness of their rights is fundamental to achieving the widest possible participation in the decision-making process; urges the Commission, therefore, to proactively set up a campaign to inform EU citizens about the achievements of the Aarhus Convention in the field of transparency and about the effective tools already at their disposal, and to comply with the provisions referring to the EU institutions; calls on the Commission to develop transparency, accountability and participation criteria as a means to improving the performance, sustainability and cost-effectiveness of water services;
15. Recalls that Directive 2006/123/EC on services in the internal market attracted strong opposition from civil society in many respects, including matters relating to services of general economic interest such as water distribution and supply services and wastewater management; recalls that the EU institutions were eventually forced to include these sectors among the services which cannot be liberalised;
16. Notes that since 1988 its Committee on Petitions has received a significant number of petitions from EU citizens in many Member States expressing their concerns about water supply and quality and wastewater management; draws attention to a number of negative factors deplored by petitioners – such as waste landfills, failure by authorities to control water quality effectively, and irregular or unlawful agricultural and industrial practices – which are responsible for poor water quality and thus have an impact on the environment and on human and animal health; considers that these petitions demonstrate a genuine interest on the part of citizens in the thorough enforcement and further development of sustainable water-related EU legislation;
17. Considers that many of the petitions concerning water quality and management come from Member States which are not well-represented in the EU-wide public consultation launched in June 2014, and stresses that there may therefore be some inconsistency between the results of the public consultation and the situation highlighted by petitions;
18. Deplores the fact that in the EU-28 more than 1 million people still lack access to a safe and clean drinking water supply and nearly 2 % of the population lacks access to sanitation, according to the World Water Assessment Programme (WWAP), and therefore urges the Commission to act immediately;

19. Believes that there should be an assessment of European water and sanitation projects and programmes from the perspective of human rights, with a view to developing appropriate policies, guidelines and practices; invites the Commission to set up a benchmarking system (for water quality, affordability, sustainability, coverage, etc.) in order to improve the quality of public water supply and sanitation services across the European Union, and as a way of empowering citizens;
20. Strongly urges the Commission to take the concerns and warnings expressed by citizens in such petitions seriously and to act on them, in particular given the urgent need to address the problem of diminishing water resources as a result of overuse and climate change, while there is still time to prevent pollution and mismanagement; expresses its concern about the number of infringement procedures concerning water quality and management; recalls the significant number of petitions opposing the inclusion of essential public services such as water and sanitation in the negotiations for the Transatlantic Trade and Investment Partnership (TTIP); calls on the Commission to increase the accountability of water suppliers;
21. Calls on the Commission to draw up binding legislation to ensure that all information on water quality and water management is made available by the competent authorities to the citizens concerned in an easily accessible and understandable form, and that citizens are fully informed and consulted in good time about all water management projects; notes, moreover, that in the public consultation launched by the Commission, 80 % of the participants considered it essential to improve the transparency of water quality monitoring;
22. Calls on the Member States to complete their River Basin Management Plans as a matter of urgency and as a key element in the enforcement of the Water Framework Directive, and to implement them properly with full respect for the overriding ecological criteria; draws attention to the fact that certain Member States are increasingly confronted with damaging floods which have a severe impact on the local population; points out that the River Basin Management Plans under the Water Framework Directive, and the Flood Risk Management Plans under the Floods Directive, afford a great opportunity to exploit synergies between these instruments, thereby helping to provide clean water in sufficient quantities while reducing flood risks; recalls, furthermore, that each Member State should have a central webpage to provide information on the implementation of the Water Framework Directive, so as to facilitate an overview of water quality and management;
23. Calls on the Committee of the Regions to be more involved in this ECI with a view to encouraging greater involvement in the issue on the part of regional authorities;
24. Calls on the Commission to monitor carefully the use of direct and indirect EU funding for water management projects and to ensure that such funding is used only for the projects for which it was intended, bearing in mind that access to water is pivotal in reducing disparities between EU citizens and enhancing economic, social and territorial cohesion in the EU; calls on the Court of Auditors, in this connection, to verify that the criteria relating to efficiency and sustainability are fulfilled satisfactorily;
25. Calls on the Commission to take into consideration the current lack of investment in balanced water management, bearing in mind that water is one of the shared assets of EU

citizens;

26. Points out that sound water management is shaping up to be a priority, both ecologically and environmentally, for the decades to come, as it fulfils energy and agriculture requirements and responds to economic and social imperatives.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	5.5.2015
<b>Result of final vote</b>	+ :            26 - :            0 0 :            2
<b>Members present for the final vote</b>	Margrete Auken, Beatriz Becerra Basterrechea, Andrea Cozzolino, Pál Csáky, Miriam Dalli, Rosa Estaràs Ferragut, Eleonora Evi, Lidia Joanna Geringer de Oedenberg, Peter Jahr, Rikke Karlsson, Notis Marias, Edouard Martin, Marlene Mizzi, Julia Pitera, Laurențiu Rebegea, Sofia Sakorafa, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka
<b>Substitutes present for the final vote</b>	Anja Hazekamp, György Hölvényi, Demetris Papadakis, Josep-Maria Terricabras, Ángela Vallina
<b>Substitutes under Rule 200(2) present for the final vote</b>	Paul Brannen, Norbert Lins, Dario Tamburrano, Martina Werner

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	25.6.2015
<b>Result of final vote</b>	+: 38 -: 22 0: 6
<b>Members present for the final vote</b>	Marco Affronte, Margrete Auken, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Biljana Borzan, Lynn Boylan, Nessa Childers, Birgit Collin-Langen, Mireille D'Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Jørn Dohrmann, Ian Duncan, Stefan Eck, Bas Eickhout, Eleonora Evi, José Inácio Faria, Karl-Heinz Florenz, Iratxe García Pérez, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Sylvie Goddyn, Matthias Groote, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, György Hölvényi, Josu Juaristi Abaunz, Karin Kadenbach, Kateřina Konečná, Peter Liese, Norbert Lins, Valentinas Mazuronis, Susanne Melior, Gilles Pargneaux, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Michèle Rivasi, Annie Schreijer-Pierik, Renate Sommer, Tibor Szanyi, Claudiu Ciprian Tănăsescu, Jadwiga Wiśniewska, Damiano Zoffoli
<b>Substitutes present for the final vote</b>	Inés Ayala Sender, Guillaume Balas, Paul Brannen, Albert Deß, Herbert Dorfmann, Christofer Fjellner, Luke Ming Flanagan, Martin Häusling, Jan Huitema, Karol Karski, Marit Paulsen, Gabriele Preuß, Kay Swinburne, Claude Turmes, Elżbieta Katarzyna Łukacijewska
<b>Substitutes under Rule 200(2) present for the final vote</b>	Ashley Fox