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

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# **DRAFT 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 United Nations General Assembly resolution of 28 July 2010 entitled ‘The human right to water and sanitation’<sup>6</sup>,
- having regard to its resolution of 9 October 2008 on addressing the challenge of water scarcity and droughts in the European Union<sup>7</sup>,
- having regard to its resolution of 3 July 2012 on the implementation of EU water

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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> OJ C 9 E, 15.1.2010, p. 33.

legislation, ahead of a necessary overall approach to European water challenges<sup>1</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 (A8-0000/2015),
- 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 full implementation of the human right to water and sanitation, as recognised by the UN and widely supported across 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;
- C. whereas water provision is a natural monopoly and all revenues from the water management cycle should be reinvested in the protection of water services and its improvement;
- D. whereas the ECI was set up as a mechanism of participatory democracy with the aim of encouraging citizens’ direct involvement in EU decision-making, and is an excellent opportunity for the EU institutions to re-engage with citizens;
- E. 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;
2. Welcomes the fact that the support of almost 1.9 million EU citizens for this ECI has influenced the Commission’s decision to exclude water and sanitation services from the Concessions Directive;
3. Considers it regrettable that the communication lacks any real ambition and limits itself to reiterating existing commitments;
4. Calls on the Commission, in line with the primary objective of the Right2Water ECI, to coming forward with legislative proposals – including a possible revision of the WFD and of the Drinking Water Directive – 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 as a democratic mechanism in the eyes of citizens;

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<sup>1</sup> OJ C 349 E , 29.11.2013, p. 9.

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

5. Recalls that the UN affirms that the human right to water and sanitation entitles everyone to water for personal and domestic uses which is safe, physically accessible, affordable, sufficient and acceptable;
6. 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; expresses its concern that an increasing number of people are facing difficulties in paying their water bills and that affordability is becoming a matter of growing concern;
7. Calls on the Commission and the Member States to address the lack of available data on water poverty issues, including issues of access and affordability;
8. Calls on the Commission and the Member States to support public water companies in the EU which lack the necessary capital to access available EU funding and long-term loans at a preferential interest rate, especially for the purpose of extending water and sanitation services to the poor;
9. 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, Greece, Italy and Ireland who have spoken out on the issue of water and its ownership and provision;

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

10. Notes that countries across the EU, including Spain, Portugal, Greece, Ireland, Germany and Italy, have seen the potential or actual liberalisation of water services become a major issue of concern to citizens;
11. Notes the growing trend towards the re-municipalisation of water services in several Member States, including France and Germany;
12. Stresses that water and sanitation services should be removed from any trade agreements the EU is negotiating and urges the Commission to grant a legally binding exclusion for water services in the ongoing negotiations for the Transatlantic Trade and Investment Partnership and the Trade in Services Agreement;
13. 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 calls on the Commission, therefore, to permanently exclude water and sanitation from internal market rules, given that the provision of water services is a natural monopoly;
14. Highlights the success of public-public partnerships in exchanging best practice in water provision, calls on the Commission, therefore, to promote this form 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;
15. Welcomes the successful efforts of some municipalities, such as that of Paris, to

enhance public participation in improving water service provision and the protection of water resources, and recalls that local institutions are best placed to decide water resource management;

16. Urges the Member States to enact policies such as the establishment of water solidarity funds to support people who are unable to afford access to water and sanitation services;
17. Expresses its concern that denial of the provision of water and sanitation to disadvantaged and vulnerable communities, such as Roma, is being used in a coercive manner in some Member States;
18. Encourages water companies to reinvest all economic revenues generated from the water management cycle into maintaining and improving water services and protecting water resources;
19. Calls, therefore, for increased transparency among water operators, in particular through the development of a public governance code for water companies in the EU;

#### **EU development policy on water**

20. 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;
21. Stresses that although progress towards the Millennium Development Goal on safe drinking water is on track, almost one billion people are still drinking untreated drinking water, while the sanitation target is far from being met;
22. Recalls that the World Health Organisation has stated that between 100 and 200 litres of water per day per person is optimal, while noting that 50 to 100 litres is needed to ensure that basic needs are met and few health concerns arise;
23. 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 conditions for putting such partnerships in place;
24. 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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25. 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.