

24/SB-BR/2018

REASONED OPINION

of the European Affairs Committee of the Federal Council

pursuant to Article 23g (1) of the Austrian Constitution in conjunction with Article 6 of Protocol No.2 on the application of the principles of subsidiarity and proportionality

13 March 2018

COM (2017) 753 final

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

A. Reasoned Opinion

The project under consideration is incompatible with the principle of subsidiarity.

B. Grounds for Reasoned Opinion

Most people living in Europe enjoy safe access to clean drinking water, not least as a result of excellent drinking water management in the individual Member States. However, there are numerous risks of the quality of drinking water being impaired, especially through the use of chemicals. The Federal Council therefore welcomes the European Commission's focus on safeguarding the quality of water for human consumption. In Austria – as well as in other Member States – this is an issue of high priority and any effort to manage drinking water in a resource-efficient and sustainable manner is to be welcomed.

In accordance with Art.4 para.2 points e and k TFEU, environmental policy and health policy are matters of shared competence between the Union and the Member States. The proposal therefore has to be reviewed also from the viewpoint of subsidiarity. As a matter of principle, it should be possible to identify the added value of a legal act, which is not the case in certain parts of the proposed Directive.

Article 8 of the proposal refers to the hazard assessment of bodies of water used for the abstraction of water intended for human consumption. Given that the EU Water Framework Directive contains detailed provisions relating to the monitoring of water quality, the added benefit of introducing a risk-based approach is not obvious.

Moreover, the duties of information to the public introduced in Article 14 will not make procedures more resource-efficient, but rather result in an increased administrative burden.

Finally, the point made in Article 16 implying that water issues are subjective public rights is incompatible with the Austrian system of law, as provisions for the protection of water quality are in the public interest and, as such, do not constitute grounds for subjective rights.

The aforementioned articles are either in conflict with the principle of subsidiarity and/or to be regarded as disproportionate.