Basic information

2017/0332(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Quality of water intended for human consumption. Recast Repealing Directive 98/83/EC 1995/0010(SYN) **Subject** 3.70.04 Water control and management, pollution of waterways, water pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	HANSEN Christophe (EPP)	18/07/2019
	Shadow rapporteur PALMER Rory (S&D) MÜLLER Ulrike (Renew) GIEGOLD Sven (Greens /EFA) ROOKEN Rob (ECR) BALDASSARRE Simona (ID) VILLANUEVA RUIZ Idoia (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	HANSEN Christophe (PPE)	08/03/2018

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

Former committee for opinion on the recast technique	Former rapporteur for opinion	Appointed
JURI Legal Affairs		

Council of the European Union

Council configuration	Meetings	Date
Environment	3627	2018-06-25
Environment	3777	2020-10-23

European Commission

Commission DG	Commissioner
Environment	VELLA Karmenu

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
01/02/2018	Legislative proposal published	COM(2017)0753	Summary
08/02/2018	Committee referral announced in Parliament, 1st reading		
25/06/2018	Debate in Council		
10/09/2018	Vote in committee, 1st reading		
01/10/2018	Committee report tabled for plenary, 1st reading	A8-0288/2018	Summary
22/10/2018	Debate in Parliament		
23/10/2018	Decision by Parliament, 1st reading	T8-0397/2018	Summary
23/10/2018	Results of vote in Parliament		
23/10/2018	Matter referred back to the committee responsible for interinstitutional negotiations		
27/03/2019	Debate in Parliament		
28/03/2019	Decision by Parliament, 1st reading	T8-0320/2019	Summary
28/03/2019	Results of vote in Parliament		
25/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 73)		
	Approval in committee of the text agreed at early 2nd reading interinstitutional	PE647.127	

18/02/2020	negotiations	PE647.128	
06/11/2020	Council position published	06230/3/2020	
13/11/2020	Committee referral announced in Parliament, 2nd reading		
01/12/2020	Vote in committee, 2nd reading		
03/12/2020	Committee recommendation tabled for plenary, 2nd reading	A9-0241/2020	
15/12/2020	Decision by Parliament, 2nd reading	T9-0344/2020	Summary
15/12/2020	Debate in Parliament		
16/12/2020	Final act signed		
16/12/2020	End of procedure in Parliament		
23/12/2020	Final act published in Official Journal		

Technical information

Procedure reference	2017/0332(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 98/83/EC 1995/0010(SYN)
Legal basis	Rules of Procedure EP 61 Treaty on the Functioning of the European Union TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/01277

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE621.116	15/05/2018	
Amendments tabled in committee		PE623.764	19/06/2018	
Amendments tabled in committee		PE623.801	19/06/2018	
Amendments tabled in committee		PE623.802	19/06/2018	
Amendments tabled in committee		PE623.724	02/07/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0288/2018	01/10/2018	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T8-0397/2018	23/10/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0320/2019	28/03/2019	Summary
Text agreed during interinstitutional negotiations		PE647.127	18/02/2020	

Committee letter confirming interinstitutional agreement		PE647.128	18/02/2020	
Committee draft report		PE660.303	13/11/2020	
Committee recommendation tabled for plenary, 2nd reading		A9-0241/2020	03/12/2020	
Text adopted by Parliament, 2nd reading		T9-0344/2020	15/12/2020	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	06230/3/2020	06/11/2020	
Council statement on its position	11563/2020	06/11/2020	
Draft final act	00053/2020/LEX	16/12/2020	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2017)0753	01/02/2018	Summary
Document attached to the procedure	SWD(2017)0448	01/02/2018	
Document attached to the procedure	SWD(2017)0449	01/02/2018	
Document attached to the procedure	SWD(2017)0451	01/02/2018	
Commission response to text adopted in plenary	SP(2019)437	30/07/2019	
Commission communication on Council's position	COM(2020)0669	26/10/2020	
Follow-up document	COM(2026)0235	20/05/2026	

National parliaments

Document type	Parliament/Chamber	Reference	Date	Summary
Contribution	RO_SENATE	COM(2017)0753	05/04/2018	
Contribution	PT_PARLIAMENT	COM(2017)0753	09/04/2018	
Reasoned opinion	CZ_CHAMBER	PE619.366	13/04/2018	
Reasoned opinion	UK_HOUSE-OF-COMMONS	PE620.964	18/04/2018	
Contribution	DE_BUNDESRAT	COM(2017)0753	02/05/2018	
Reasoned opinion	IE_SENATE	PE620.982	30/05/2018	
Reasoned opinion	IE_CHAMBER	PE634.638	30/05/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0924/2018	16/05/2018	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	
European Commission	EUR-Lex	

Final act

Directive 2020/2184
OJ L 435 23.12.2020, p. 0001

Quality of water intended for human consumption. Recast

2017/0332(COD) - 23/10/2018 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted, by 300 votes to 98 with 274 abstentions, **amendments** to the proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast).

The matter was referred back to the committee responsible for interinstitutional negotiations.

The main amendments to the Commission proposal adopted in plenary concern the following points:

Objective: the proposed Directive shall protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean, and to promote **universal access** to water intended for human consumption.

The measures taken to implement the Directive shall be in accordance with the precautionary principle.

Access to water for all: following Parliament's resolution on the citizens' initiative **Right2Water** ('Water: a human right'), which called on the Union to step up its efforts to achieve universal access to water, Member States shall improve access to water for **vulnerable and marginalised groups** without compromising the supply of universally affordable, high-quality water.

In particular, Member States shall take measures to:

- identify people with limited access to drinking water, assess opportunities and take measures to improve access for those people and inform them of the possibilities of connecting to a distribution network or alternative means of access to water intended for human consumption;
- improve water access, such as setting up **free fountains** in cities and public places, where technically feasible and proportionate;
- ensuring the **free provision** of such water in **administrations and public buildings**;
- encourage **tap water** to be provided in restaurants, canteens and catering services for free or for a low service fee;
- **launch campaigns to encourage the general public** to carry reusable water bottles and launching initiatives to raise awareness of the location of refill point.

Risk-based approach: the risk-based approach shall consist of **three components**:

- first, an assessment by the Member State of the hazard associated with the abstraction area , in line with the WHO's Guidelines and Water Safety Plan Manual;
- second, a possibility for the water supplier to adapt monitoring to the main risks;
- third, an assessment by the Member State of the possible risks stemming from domestic distribution systems (e.g. Legionella or lead), with special focus on priority premises such as hospitals, retirement homes, schools or nurseries.

Member States shall ensure a clear and appropriate distribution of responsibilities between stakeholders, as defined by the Member States, for the application of the risk-based approach according to their national institutional and legal framework.

Drinking water quality parameters: legislation shall introduce new chemical parameters or groups of parameters, to tighten the maximum limits for certain pollutants such as **lead** (to be reduced by half), per- and polyfluoroalkyl substances (PFAS), harmful bacteria, and introduce new caps for **endocrine disruptors** Bisphenol A and Beta-estradiol (50-28-2). It also monitors levels of **microplastics**, an emerging concern.

Surveillance: with regard to the regular monitoring, Member States shall ensure access to installations in priority premises for the purposes of sampling and may set up a monitoring strategy, in particular as regards ***Legionella pneumophila***, which are responsible for the majority of cases of legionnaire's disease in the Union.

The Commission may adopt delegated acts to supplement this Directive by establishing maximum levels for microplastics, medicinal products and other newly occurring pollutants in water intended for human consumption.

Quality of water intended for human consumption. Recast

2017/0332(COD) - 01/02/2018 - Legislative proposal

PURPOSE: protect human health from the harmful effects of contamination of water intended for human consumption.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament decides in accordance with the ordinary legislative procedure on an equal footing with Council.

BACKGROUND: the review of Directive 98/83/EC on drinking water is an extension of the **European citizens' initiative 'Right2Water'**, which collected over 1.8 million signatures and to which the Commission responded positively, urging Member States to do everything they can to ensure everyone has access to a minimum water supply.

The Commission also undertook to **review the Directive**, which, as a result, was included in the Commission's Regulatory Fitness and Performance Programme (REFIT).

The evaluation confirmed that the Directive is the relevant tool to ensure the high quality of the water consumed in the EU, because its basic purpose is to enforce drinking water monitoring and ensure that Member States restore required water quality levels in case of issues.

However, the evaluation identified **four areas with room for improvement**:

- the list of parameters;
- the use of the risk-based approach;
- increased transparency on water-related issues and giving consumers access to up-to date information; and
- materials in contact with drinking water.

The revision is part of the plan to transition to a circular economy. It will help Member States manage drinking water in a resource-efficient and sustainable manner, thereby helping to reduce energy use and **unnecessary water loss**. It will also help **reduce the number of plastic bottles** used by improving people's confidence in tap water.

The proposal is fully in line with the Agenda 2030, in particular Sustainable Development Goal 6 and the aims of the Paris Agreement on climate change.

IMPACT ASSESSMENT: a combination of the preferred options will ensure:

- high quality drinking water for everyone in the EU ;
- a more modern approach to monitoring, by using the risk-based approach for both large and small water suppliers;
- the modernisation, and hence simplification, of reporting provisions;
- up-to-date and relevant information for consumers;
- improved access to water, and the provision of access to water for vulnerable and marginalised groups.

The costs and the impacts of the proposal will be between EUR 5.9 billion and EUR 7.3 billion. These costs will mainly be borne by water operators. Consumers would see a very marginal increase in their household costs. However, this does not risk making drinking water unaffordable and could be offset by people drinking tap water rather than bottled water.

CONTENT: the proposal is a **recast of Directive 98/83/EC**, which was amended in 2003, 2009 and 2015. Its objective is to **improve the quality of and access to drinking water** as well as to provide more comprehensive information to citizens. The main elements are:

List of parameters set out in Annex: the proposal incorporates the vast majority of parameters and values recommended by the **World Health Organisation** (WHO), while suggesting a different approach for a small number of parameters.

The Commission proposes, for example to: (i) retain benzene, cyanide, 1,2-dichloroethane, mercury, and polycyclic aromatic hydrocarbons (PAHs) ; (ii) retain the initial values for antimony, boron and selenium ;(iii) set the value for chlorate and chlorite at the stricter level of 0.25 mg/l; (iv) to place three endocrine disrupting compounds (beta-estradiol; nonylphenol; and bisphenol A) into the Directive on the basis of the precautionary principle; (v) reducing the value of chromium by 50 % to 25 µg/l after a transition period of 10 years after the entry into force of the Directive.

Risk-based approach: with the new risk-based approach to safety, compliance checks would **focus more on those cases where risks are higher**. The proposal introduces obligations related to hazard assessment related to bodies of water used for the abstraction of water intended for human consumption, introduces obligations related to carrying out a supply risk assessment by the water supplier, and introduces obligations related to carrying out risk assessments of domestic distribution.

Access to drinking water for all citizens, especially for vulnerable and marginalised groups: concretely, this means: (i) informing people who do not have access to drinking water about the possibilities of connection,(ii) encouraging the use of tap water in public buildings and restaurants, (iii) ensuring the availability of equipment allowing free access to tap water in most cities, (iv) quickly informing vulnerable people about the quality of available water and give them the necessary sanitary advice on it.

Public information: the proposal aims to: (i) ensure the availability of specified online information on the quality and supply of drinking water and (ii) provide additional specific information directly to consumers (for example on invoices), such as the volumes consumed as well as the detail of the tariff (s) and the cost structure.

BUDGETARY IMPLICATIONS: the proposal should be implemented under the existing allocations for the Commission and the European Environmental Agency and no additional resources are needed.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Quality of water intended for human consumption. Recast

2017/0332(COD) - 01/10/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Michel DANTIN (EPP, FR) on the proposal for a directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast).

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Objective: the proposed Directive shall protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean, and to promote universal access to water intended for human consumption.

Access to water for all: the report highlighted the goal of achieving universal and equitable access to safe and affordable drinking water for all and the European Citizens' Initiative 'Right2Water'. Without prejudice to Directive the Water Framework Directive (2000/60/EC) and to the principles of **subsidiarity and proportionality**, Member States shall, whilst taking into account the local and regional perspectives and circumstances for water distribution, take all necessary measures to improve **universal access for all** to water intended for human consumption and promote its use on their territory.

Taking into account the **principle of recovery of costs** set out in Directive 2000/60/EC, Member States shall improve access to water for **vulnerable and marginalised groups** without jeopardising the supply of universally affordable high-quality water.

Member states shall also take measures to:

- improve water access, such as setting up **free fountains** in cities and public places, where technically feasible and proportionate;
- **encourage tap water**to be provided in restaurants, canteens and catering services for free or for a low service fee;
- launch campaigns to encourage the general public to carry **reusable water bottles** and launching initiatives to raise awareness of the location of refill point.

Risk-based approach to water safety: Member States shall ensure a **clear and appropriate distribution of responsibilities** between stakeholders, as defined by the Member States, for the application of the risk-based approach with regard to the bodies of water used for the abstraction of water intended for human consumption and domestic distribution systems. Such distribution of responsibilities shall be tailored to their institutional and legal framework.

Updating drinking water quality parameters: the World Health Organisation (WHO) Regional Office for Europe conducted a detailed review of the list of parameters and parametric values laid down in Directive 98/83/EC in order to establish whether there is a need to adapt it in light of technical and scientific progress. In view of the results of that review, enteric pathogens and **Legionella** should be controlled and six chemical parameters or parameter groups should be added. The WHO recommendations, which are based on the most up-to-date scientific data and evidence at international level, should be followed and the parametric values adjusted accordingly.

More specifically, the proposal seeks to **tighten the maximum limits for certain pollutants** such as lead (to be reduced by half), per- and polyfluoroalkyl substances (PFAS), harmful bacteria, and introduce new caps for endocrine disruptors Bisphenol A and Beta-estradiol (50-28-2). It also monitors levels of **microplastics**, an emerging concern.

The report stated that it is important to monitor newly occurring substances in drinking water and to be able to introduce parameter values where a health risk is identified. An **EU-wide standard approach** to setting or deriving maximum levels is necessary to ensure the same level of protection throughout the EU.

Quality standards: a new Article was proposed stipulating that Member States shall take all necessary measures to ensure that the treatment agents, the materials, and the disinfection procedures used for disinfection purposes in water supply systems **do not adversely affect** the quality of water intended for human consumption. Any contamination of water intended for human consumption from the use of such agents, materials and procedures shall be minimised without, however, compromising the effectiveness of the disinfection.

Leakages: Member States shall take measures to ensure that competent authorities carry out an assessment of the water leakage levels on their territory and of the potential for improvements in water leakage reduction in the drinking water sector. That assessment shall take into account relevant public health, environmental, technical and economic aspects.

Member States shall adopt, by 31 December 2022, **national targets to reduce the leakage levels** of water suppliers in their territory by 31 December 2030. Member States may provide meaningful incentives to ensure that water suppliers in their territory meet the national targets.

Transparency and information for consumers: transparency concerning water quality information and how it is provided to consumers is likely to encourage water operators to make every effort to meet their obligations in this area. Members considered that such information is necessary, provided that it is comprehensible, relevant and easily accessible to consumers. The aim is to increase citizens' confidence in the water supply and **increase the use of tap water** for drinking, which could contribute to **reducing plastic usage** and litter.

Monitoring: by one year after the date of entry into force of this Directive, the Commission shall adopt delegated acts in order to supplement this Directive by adopting a methodology to measure the microplastics which are of particular concern due to the negative effects on marine and freshwater environments, aquatic life, biodiversity, and possibly to human health.

Quality of water intended for human consumption. Recast

2017/0332(COD) - 28/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast), closing its first reading.

Parliament's position in first reading following the ordinary legislative procedure amended the Commission's proposal as follows:

Ensure universal access to drinking water

The proposed directive aims to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean and providing universal access to such water for all in the Union. Measures taken to implement the Directive should be in accordance with the precautionary principle.

Parliament introduced the principle of access to water for all in the EU in Parliament's resolution on the follow-up the European Citizens' Initiative Right2Water, which asked the Union to strengthen its efforts the ensure universal access to water.

In particular, Member States shall take measures to:

- identify people with limited access to drinking water, assess opportunities and take measures to improve access for those people and inform them of the possibilities of connecting to a distribution network or alternative means of access to water intended for human consumption;

- ensure the public supply of water for human consumption;

- improve water access, such as setting up free fountains in cities and public places, where technically feasible and proportionate;

- ensure the free provision of such water in administrations and public buildings;

- encourage tap water to be provided in restaurants, canteens and catering services for free or for a low service fee;

- launch campaigns to encourage the general public to carry reusable water bottles and launching initiatives to raise awareness of the location of refill point.

Risk-based approach

The risk-based approach shall consist of three components:

- firstly, an assessment by the Member State of the hazard associated with the abstraction area , in line with the WHO's Guidelines and Water Safety Plan Manual;

- secondly, a possibility for the water supplier to adapt monitoring to the main risks;

- thirdly, an assessment by the Member State of the possible risks stemming from domestic distribution systems (e.g. Legionella or lead), with special focus on priority premises such as hospitals, retirement homes, schools or nurseries.

Member States shall ensure a clear and appropriate distribution of responsibilities between stakeholders, as defined by the Member States, for the application of the risk-based approach according to their national institutional and legal framework.

Member States should also inform consumers and owners of public and private premises about measures to eliminate or reduce the risk of non-compliance with the quality standards for water intended for human consumption due to the domestic distribution system.

Drinking water quality parameters

New legislation shall introduce new chemical parameters or groups of parameters, to tighten the maximum limits for certain pollutants such as lead (to be reduced by half), per- and polyfluoroalkyl substances (PFAS), harmful bacteria, and introduce new caps for endocrine disruptors Bisphenol A and Beta-estradiol (50-28-2). It also monitors levels of microplastics, an emerging concern.

Surveillance

With regard to the regular monitoring, Member States shall ensure access to installations in priority premises for the purposes of sampling and may set up a monitoring strategy, in particular as regards Legionella pneumophila, which are responsible for the majority of cases of legionnaire's disease in the Union.

Parliament stated that it is important to monitor newly occurring substances in drinking water and to be able to introduce parameter values where a health risk is identified.

The Commission may adopt delegated acts to supplement the Directive by establishing maximum values for the presence in water intended for human consumption of microplastics, pharmaceuticals and other newly identified pollutants.

Quality standards: a new Article was proposed stipulating that Member States shall take all necessary measures to ensure that the treatment agents, the materials, and the disinfection procedures used for disinfection purposes in water supply systems do not adversely affect the quality of water intended for human consumption. Any contamination of water intended for human consumption from the use of such agents, materials and procedures shall be minimised without, however, compromising the effectiveness of the disinfection.

Parliament also introduced minimum hygiene requirements for products, substances and materials in contact with water intended for human consumption.

Leakages

Member States shall take measures to ensure that competent authorities carry out an assessment of the water leakage levels on their territory and of the potential for improvements in water leakage reduction in the drinking water sector. That assessment shall take into account relevant public health, environmental, technical and economic aspects.

Member States shall adopt, by 31 December 2022, national targets to reduce the leakage levels of water suppliers in their territory by 31 December 2030. Member States may provide meaningful incentives to ensure that water suppliers in their territory meet the national targets.

Transparency and information for consumers

Transparency concerning water quality information and how it is provided to consumers is likely to encourage water operators to make every effort to meet their obligations in this area. Members stressed the need to guarantee easy access to up-to-date information that is understandable and relevant to consumers, for example in a booklet, on a website or on a smart application with the aim of boosting citizens' confidence in the water supply and the use of tap water.

Quality of water intended for human consumption. Recast

2017/0332(COD) - 15/12/2020 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution approving the Council's position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast).

The Council's position at first reading reflects the agreement reached between the Parliament and the Council in the framework of the interinstitutional negotiations at the early second reading stage.

The overarching objective of the recast proposal is to ensure a high level of protection of the environment and of human health from the adverse effects of contaminated drinking water. The current revision also aims to address the first-ever successful European citizens' initiative, entitled 'Right2Water'.

The recast proposal :

- updates water quality standards,

- introduces a risk-based approach to water monitoring,

- improves water quality information that is provided to consumers and improves access to water;

- sets out minimum hygiene requirements for materials in contact with drinking water.

In a declaration on delegated acts annexed to the legislative resolution, the Commission regrets the decision of the co-legislators to limit its empowerment to amend the Annexes of the revised Drinking Water Directive to Annex III, whereas the Commission had requested an empowerment to amend Annexes I to IV in its original proposal.

In particular, the Commission regrets that the co-legislators did not agree on an empowerment to amend Annex II, which is particularly necessary in light of the need to update the monitoring requirements set out in Annex II to scientific and technical progress.

In a declaration on the procedure for the adoption of implementing acts, the Commission underlines that it is contrary to the letter and spirit of Regulation (EU) No 182/2011 on ‘comitology’ to invoke point (b) of the second subparagraph of Article 5(4) without appropriate justification.