

MAROŠ ŠEFČOVIČ

VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 19 March 2014
ARES(2014)

Dear Mr Goudriaan,

On behalf of the European Commission, I am very pleased to inform you that today the Commission has adopted a Communication setting out its legal and political conclusions on the citizens' initiative you submitted on 20 December 2013.

Please find attached the Communication on the European Citizens' Initiative "Water and sanitation are a human right! Water is a public good, not a commodity!".

In areas pertaining to its competences and powers, the Commission provides a positive response, committing to take concrete steps and work on a number of new actions that are of direct relevance to the initiative and its goals.

The Commission also invites Member States, acting within their competences, to take account of the concerns raised by citizens through this initiative and encourages them to step up their own efforts to guarantee the provision of safe, clean and affordable drinking water and sanitation to all.

Water quality, infrastructure, sanitation and transparency will all benefit – for people in Europe and in developing countries - as a direct result of this first ever exercise in pan-European, citizen-driven democracy.

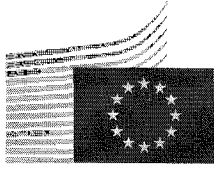
I, therefore, warmly congratulate you on this achievement, which undoubtedly marks a milestone in our joint efforts to enhance participatory democracy at European level.

Yours sincerely,



Enc.

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COMMUNICATION FROM THE COMMISSION

on the European Citizens' Initiative "Water and sanitation are a human right! Water is a public good, not a commodity!"

1. INTRODUCTION

The European Citizens' Initiative, introduced by the Lisbon Treaty to encourage a greater democratic involvement of citizens in European affairs¹, allows one million citizens of the European Union (EU), coming from at least seven Member States, to call on the European Commission to propose legislation on matters of EU competence. It is the first ever participatory democracy instrument at EU level. Since its launch in April 2012 more than 5 million citizens have signed up to over 20 different initiatives.

"Right2Water" is the first European Citizens' Initiative to have met the requirements set out in the Regulation of the European Parliament and the Council on the citizens' initiative. It was officially submitted to the Commission by its organisers on 20 December 2013, after having received the support of more than 1.6 million citizens.

In line with the provisions of the Regulation on the citizens' initiative, the Commission has three months to present its response to this initiative in a Communication setting out "*its legal and political conclusions on the initiative, the action it intends to take, if any, and its reasons for taking or not taking that action*"².

The Commission received the organisers on 17 February 2014 and, on the same day, the organisers were given the opportunity to present their initiative at a public hearing organised at the European Parliament. Annex I provides further information on the procedural aspects of this first citizens' initiative.

The Right2Water initiative invites the Commission "*to propose legislation implementing the human right to water and sanitation, as recognized by the United Nations, and promoting the provision of water and sanitation as essential public services for all*"³.

The initiative *"urge[s] that:*

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

The initiative raises cross-cutting issues, covering a wide range of policies at EU and Member States level. It must be considered in accordance with EU Treaty rules, including notably the principles of conferral, proportionality and subsidiarity.

¹ Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative; O.J. L 65, 11.3.2011, p. 1

² In line with the provisions of article 10 (1) of the Regulation on the citizens' initiative

³ <http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000003>

2. STATE OF PLAY

Access to safe drinking water and sanitation is inextricably linked to the right to life and human dignity and to the need for an adequate standard of living.

Over the last decade, international law has acknowledged a right to safe drinking water and sanitation, most prominently at the United Nations (UN) level⁴. The UN General Assembly Resolution 64/292 recognises "*the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights*". Moreover, in the final outcome document of the 2012 UN Conference on Sustainable Development (Rio+20), heads of State and Government and high level representatives reaffirmed their "*commitments regarding the human right to safe drinking water and sanitation, to be progressively realized for [their] populations with full respect for national sovereignty*"⁵.

At the European level, 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*"⁶. The EU has also reaffirmed that "*all States bear human rights obligations regarding access to safe drinking water, which must be available, physically accessible, affordable and acceptable*"⁷.

These principles have also inspired EU action. 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*"⁸. Certain rights and principles set out in the Charter of Fundamental Rights of the EU can be interpreted as also being of direct relevance for access to safe drinking water and improved sanitation. Effective protection of fundamental rights, like the right to dignity (Article 1) or the right to life (Article 2), is clearly affected by the lack of access to safe drinking water and sanitation. Moreover, the EU's commitment to a high level of environmental protection⁹ (Article 37) should also be taken into account in this context. Although the Charter applies to the Member States only when implementing EU law, any provision of EU law itself must be compatible with the Charter. Hence, all EU institutions and bodies must respect the rights enshrined in the Charter and ensure that any measure taken on the basis of the Treaty is compatible with those rights.

This is the context within which the Commission has analysed the citizens' initiative with a view to setting out its conclusions, in line with Article 10 of the Regulation on the citizens' initiative.

⁴ i.a. UN General Assembly Resolution n° 64/292 of 3.8.2010 and the UN Human Rights Council Resolutions 7/22 of 28.3.2008 and 15/9 of 6.10.10

⁵ <http://www.un.org/en/sustainablefuture/>

⁶ Resolution n° 1693/2009 of the Parliamentary Assembly of the Council of Europe

⁷ Declaration by the High Representative, Catherine Ashton, on behalf of the EU to commemorate the World Water Day, 22nd March 2010: <http://register.consilium.europa.eu/> : doc 7810/10

⁸ First recital of the EU Water Framework Directive, 2000/60/EC

⁹ Article 191(2) TFEU also ensures that the Union policy on the environment shall aim at high level of protection taking into account the diversity of situations in the various regions of the Union.

The EU's contribution to better and more accessible water

In order to secure and improve access to water and sanitation, three elements are crucial: quality, physical accessibility and affordability.

The EU has contributed to ensuring access to safe drinking water and sanitation for the population of its Member States through two main types of actions. Firstly, the EU has established ambitious water quality standards, guaranteeing a high level of protection for both public health and the environment. Secondly, the EU has provided financial support to expand and improve water infrastructures in the Member States, thus helping to increase both quality and physical access to water-related services.

The EU introduced minimum **water quality** requirements in the 1970s and has expanded its water legislation gradually over the past four decades. The Water Framework Directive¹⁰, the Drinking Water Directive¹¹ and the Urban Wastewater Treatment Directive¹² are the key pieces of EU law in this field.

Such legislation pursues a holistic approach to water management and ensures that water meets stringent requirements and is thus safe, healthy and clean. Implementation of these EU environmental rules has significantly improved the quality of EU drinking water, especially in Eastern and Central Europe.

EU Cohesion Policy has for many years strongly supported Member States' efforts in the development and upgrading of infrastructures providing **access to drinking water and waste-water services**. For example, since 2007, more than 2.6 million people across nine different Member States have been provided with an improved supply of drinking water thanks to EU financial support; an additional 5.7 million people, living in 14 different Member States, were connected to improved wastewater treatment. Over the past seven years (2007-2013), EU financial support for investments in drinking water supply and wastewater-related works and infrastructure reached almost EUR 22 billion.

Affordability is also a key element because it relates to effective access to water services for all. The EU has no role in the setting of water prices, which are determined at national level. EU water-related environmental legislation does, however, establish some basic principles for water pricing policies in the Member States. The Water Framework Directive requires Member States to ensure that the price charged to water consumers reflects the true costs of water use. This encourages the sustainable use of limited water resources. EU water policy is based on the principle that affordability of water services is critical. National authorities are competent for taking concrete support measures safeguarding disadvantaged people and tackling water-poverty issues (e.g. through support for low-income households or through the establishment of public service obligations).

¹⁰ 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, Official Journal L 327 , 22/12/2000 P. 0001 - 0073

¹¹ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, OJ L 330, 5.12.1998, p. 32–54

¹² Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, OJ L 135, 30.5.1991, p. 40–52

Provision of water services in the internal market

In the EU, the decision on how best to operate water services is firmly in the hands of the public authorities in the Member States. The provision of water services is generally the responsibility of local authorities, which are the closest to the citizens and their concerns.

Public authorities are entirely free to perform the relevant tasks directly, by their own means, or to confer them on legally distinct, completely public, "in-house" entities. They may also decide to outsource water services, partially or entirely, to private or mixed management. When doing so, public authorities are fully entitled to establish clear obligations for private operators to ensure that services provided within their geographic area of competence meet prescribed standards.

The EU, for its part, takes care that key Treaty principles – such as transparency and equal treatment – are observed. At the same time, Treaty rules require it to remain neutral in relation to national decisions governing the ownership regime for water undertakings¹³.

EU internal market rules fully respect the competence of public authorities to ensure the required quality service standards, to decide on the applicable tariffs and to impose any relevant public service obligations (e.g. to protect disadvantaged users). These rules aim at increasing transparency, ensuring non-discrimination and enabling citizens to get the best value for the money they pay through fees or taxation. For instance, EU public procurement rules make sure that, if public authorities decide to use an external company for the provision of water management services, the selection process is transparent and ensures the most beneficial offer to the users. If, instead, public authorities choose to provide these services via public-public cooperation, EU legislation in the field of public procurement is also there to provide a safe and flexible legal framework for cooperation.

Referring to the concerns expressed by the citizens' initiative that water supply and management of water resources should not be subject to 'internal market rules' and that water services be excluded from liberalization, the Commission confirms that public procurement legislation does not apply when local authorities decide to provide the services themselves, through a joint venture or through an affiliated undertaking¹⁴.

The **specificity of water and sanitation services** and their importance in satisfying the basic needs of the population have been consistently acknowledged in EU legislation. Concessions in the water sector are often subject to specific and complex arrangements, which require a particular consideration given "*the importance of water as a public good of fundamental value to all Union citizens*"¹⁵. Drinking water concessions, as well as certain concessions for waste water treatment and disposal are therefore excluded from the scope of the new EU rules on

¹³ Article 345 of the Treaty on the Functioning of the EU clearly establishes a "principle of neutrality" in relation to the rules governing the system of property ownership in the Member States. The EU cannot, therefore, adopt legal acts affecting the rules governing the system of property ownership, including those affecting the ownership of undertakings providing a public service, such as the provision of water.

¹⁴ Subject to certain conditions set out in Article 23 of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 134, 30.4.2004)

¹⁵ Recital 40 of the recently adopted Directive of the European Parliament and of the Council on the award of concession contracts (PE-CONS 73/13, Publication in the OJ forthcoming)

the award of concession contracts. Moreover, water distribution and supply and wastewater services are expressly excluded from the application of the cross-border freedom to provide services, as established in the Services Directive¹⁶.

The EU's longstanding commitment at the global level

Poverty reduction, inclusive growth and sustainable development depend heavily on the availability and quality of water supply. Over 2.6 billion people worldwide have no access to improved sanitation, and almost one billion still drink untreated drinking water. Progress towards the Millennium Development Goal (MDG) for safe drinking water is on track, but the world is far behind meeting the sanitation target, with a shortfall of over one billion people based on current trends.

The commitment of the EU towards ensuring access to safe drinking water and sanitation and promoting integrated water resource management in partner countries is a longstanding one. A specific policy framework has been in place since 2002, with the "*Communication on water management in developing countries*"¹⁷. This led to the **EU Water Initiative**¹⁸, a political instrument aiming to improve cooperation and deliver more effective development assistance through partnership and a multi-stakeholder approach.

The EU's policy objectives have been translated into many concrete actions with significant financial support over the last decade, including through the establishment of the ACP-EU Water Facility¹⁹ in 2004. As a direct result of EU assistance, more than 70 million people gained access to improved water supply and 24 million to sanitation facilities between 2004 and 2013.

The EU and its Member States currently provide close to 1.5 billion EUR every year for Water Supply, Sanitation and Hygiene (WASH) programmes in developing countries. This makes the Union the **largest single donor in the water sector**.

Since 2007, the EU has allocated around **2.5 billion EUR for water and sanitation actions in more than 60 partner countries**²⁰. Much EU action in the field of water and sanitation consists of developing infrastructures such as water and sewerage networks, potable water and waste-water treatment plants, rural water supply in scattered areas and rural sanitation.

Furthermore, the EU is the biggest donor to humanitarian action in the WASH sector, now allocating around 200 million EUR each year to ensure timely and dignified access to sufficient and safe water services for populations threatened by on-going or imminent humanitarian crises.

The EU supports partnership projects (North-South and South-South) to develop capacity in the water and sanitation sector by transferring expertise and knowledge from water and sanitation utilities, local authorities and other water sector actors. Many of the resources

¹⁶ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market

¹⁷ COM(2002)132 final

¹⁸ www.euwi.net

¹⁹ ACP: African, Caribbean and Pacific Group of States

²⁰ This does not include assistance provided by individual Member States

committed so far have helped water companies that lack capital to extend water coverage to the poorest segments of the population. Moreover, the EU Regional Blending Facilities have financed, since 2007, about 30 water supply and sanitation projects, triggering more than 2 billion EUR of loans and investments.

3. ACTION IN RELATION TO THE ECI

EU past and current actions, as presented above, reflect a clear recognition of the importance of water as a public good that is essential to the full enjoyment of life and all human rights. Within the remit of its powers and in full respect of subsidiarity, the EU has consistently played a positive role to ensure that access to safe drinking water and improved sanitation becomes a reality for all, both within and outside Europe.

In the light of the European Citizens' Initiative, the Commission has sought to identify any remaining gaps and areas where more efforts – at EU or national level – need to be made in order to address the concerns motivating the citizens' call for action.

The Commission is committed to ensuring that the human rights dimension of access to safe drinking water and sanitation, which must be of high quality available, physically accessible, and affordable, will continue to guide its future action.

Ensuring better quality and more accessible water

Full implementation of EU water legislation by the Member States is essential in order to ensure access to safe drinking water for all EU citizens. In spite of the significant progress made over the years, access to quality water and sanitation can still be improved, especially for citizens living in areas served by small scale water supply systems.

The new 7th **Environmental Action Programme**²¹ (EAP), which guides EU action in the environmental field, stresses that better implementation of EU rules will be necessary for all EU citizens to enjoy high standards of safe drinking and bathing water by 2020. More needs to be done to:

- ensure a higher quality of drinking water for small supplies (i.e. serving less 5.000 people), which provide water to around 65 million people in the EU;
- maintain and renew existing infrastructure, paying particular attention to innovation for increased efficiency; and
- build missing wastewater infrastructure (collection systems and treatment), in particular in Eastern European Member States.

All of this requires sufficient availability of financing, appropriate prioritisation and good governance, including national and local administrative capacity for planning, coordination and implementation of investments. Member States' decisions on their spending priorities for

²¹ Decisions No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet'

future EU funding²² will be particularly important in order to address the gaps identified. The Commission will strive to ensure that Member States make full use of the significant opportunities for EU financial support in the water sector provided in the new financial programming period (2014-2020), in particular through an investment priority specifically centred on water management.

The Commission will step up efforts towards **full implementation of EU water legislation** by the Member States, working closely with them and stakeholders to implement the proposals presented in the 2012 Water Blueprint²³, where the main challenges for EU water policy had already been identified.

The Commission will also continue to keep EU water legislation under review. Rules on priority substances in water²⁴ were strengthened in 2013 and the Groundwater Directive²⁵ is in the process of being updated. Likewise the Commission has been working, together with Member States and stakeholders, on adapting monitoring and analysis provisions under the Drinking Water Directive to scientific and technical progress. Furthermore, and particularly noting the concerns raised with respect to small drinking water supplies, the Commission will launch an **EU-wide public consultation** in order to assess the need for improvements and how they could be achieved. The Commission will also prepare a **review of the Water Framework Directive** and propose any necessary amendments to it²⁶.

As regards the key dimension of **water affordability**, action at national level remains essential. Such action is part and parcel of the Member States' policies to reduce poverty and social exclusion, which are also supported and complemented at EU level²⁷. Measures safeguarding disadvantaged people are all the more important given the increase in water-poverty issues during the economic crisis and the inability of some people to pay their water bills. The Commission therefore invites Member States, acting within their competences, to ensure access to a minimum water supply to all citizens, in accordance with the recommendations of the World Health Organisation²⁸, and to correctly implement the Water Framework Directive.

²² For European Structural and Investment Funds, spending priorities for each individual EU country are currently being finalised within Partnership Agreements and Operational Programmes, prepared by the Member States and agreed with the Commission.

²³ COM(2012) 673 final

²⁴ Substances presenting a significant risk to or via the aquatic environment; Directive 2013/39/EU OF of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy

²⁵ Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances; *OJL 20, 26.1.1980, p. 43-48*

²⁶ In line with the requirements of Article 19(2) of the Directive

²⁷ See in particular the Social Investment Package published by the Commission in February 2013 (<http://ec.europa.eu/social/main.jsp?catId=1044&langId=en>).

²⁸ According to WHO, between 50 and 100 litres of water per person per day are needed to ensure that most basic needs are met and few health concerns arise. Access to 20-25 litres per person per day represents a minimum, but this amount raises health concerns because it is insufficient to meet basic hygiene and consumption requirements.

See: <http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>.

Ensuring neutrality as regards the provision of water services

The Commission will continue to ensure full respect of Treaty rules requiring the EU to remain neutral in relation to national decisions governing the ownership regime for water undertakings²⁹, while taking care that key Treaty principles – such as transparency and equal treatment – are observed. Referring to the concerns expressed by the citizens' initiative that water supply and management of water resources should not be subject to 'internal market rules' and that water services be excluded from liberalization, the Commission confirms that the new legislation on public procurement will not apply when local authorities decide to provide the services themselves, through a joint venture or through an affiliated undertaking³⁰.

In international trade negotiations, the Commission will also continue to actively engage with trade partners to ensure that national, regional and local choices on how to run water services are respected and properly safeguarded.

As mentioned above, the specificity of water and sanitation services and their importance to satisfy the basic needs of the population has been consistently recognised in EU internal market legislation. New EU rules on the award of concession contracts, adopted by the European Parliament and Council on 26 February 2014, are only the most recent example of this. Following public concerns expressed during the legislative process, the Commission proposed to explicitly exclude drinking water concessions, as well as certain concessions for waste water treatment from the scope of such rules. This responded also to concerns raised by the Right2Water initiative.

Increasing Transparency

Transparency can play a key role in improving citizens' access to water and sanitation services, impacting on its three main dimensions (i.e. accessibility, affordability and quality). The need for transparency has inspired provisions in the Water Framework Directive. Article 14 requires that European citizens be informed and consulted during the process leading to the adoption of river basin management plans, and that authorities explain how their opinions have been taken into account. Moreover, EU legislation guarantees the right of access to environmental information held by or for public authorities and sets out the basic terms, conditions and practical arrangements for its exercise, therefore contributing to more transparent policies³¹.

The Commission agrees that more should be done to improve the quantity and quality of the information available to citizens in the relation to water quality and services. Better

²⁹ Article 345 TFEU clearly establishes a "principle of neutrality" in relation to the rules governing the system of property ownership in the Member States. The EU cannot, therefore, adopt legal acts affecting the rules governing the system of property ownership, including those affecting the ownership of undertakings providing a public service, such as the provision of water. Similarly, there is no legal base in the Treaties that would allow for the adoption of a legal act of the EU imposing obligations on companies regarding the reinvestment of their profits or governing their shareholder structure.

³⁰ Subject to certain conditions set out in Articles 28, 29 and 30 of Directive 2014/XX/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors (adopted by the European Parliament and the Council on 26 February 2014, publication pending).

³¹ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC

information can **empower citizens**, by allowing them to follow and participate more actively in the water management decisions that are – for the most part – taken at national, regional or local level.

The Commission will continue to develop **new initiatives to improve transparency for citizens**. Under the Urban Wastewater Treatment Directive, the Commission is working closely with Member States, in particular with a set of pilot countries, to set up new information systems that make key compliance information easily accessible for citizens on-line (*Structured Implementation and Information Frameworks*).

The Commission will develop a similar approach to increase transparency for consumers in relation to the quality of drinking water. Similar to its role in the urban wastewater field, the Commission could help Member States to identify the types of information needed so as to create comparable information throughout the EU. The existing Water Information System for Europe³² could provide a single entry point for such information.

Moreover, the Commission is ready to explore the idea of **benchmarking water quality** as a way of empowering citizens. The Commission is also prepared to promote a more structured dialogue between stakeholders – bringing together public and private service operators – and to cooperate with existing initiatives³³ to provide a wider set of **indicators and benchmarks for water services**. These will be a first step towards significantly improving the transparency and accountability of water services providers by giving citizens access to comparable data on the key economic, technical and quality performance indicators of water operators.

A more integrated approach for development assistance

The Commission is committed to ensuring that the **human rights dimension of access to safe drinking water and sanitation** remains at the heart of its development policy. The EU intends to continue its efforts towards the achievement of universal access to water and sanitation as a key part of its development policy. In spite of the progress made, over 4,000 children under five worldwide die every day from diseases associated to the lack of access to safe drinking water.

In the programming period 2014-2020, EU financial assistance will focus on a targeted number of sectors in each partner country, prioritising the areas of greatest need to ensure that aid is spent effectively and delivers the best possible results³⁴. **Support for the Water Supply, Sanitation and Hygiene (WASH) sector** will be better targeted at those partner countries having identified water and sanitation as a priority sector when elaborating their National Indicative Programmes. The Commission will coordinate with partner countries, Member States and other development partners to make sure that there is adequate coverage of the WASH sectors in all partner countries.

At the same time, EU action will move towards a more integrated approach and the creation of **synergies between water, energy and food security** will be a guiding principle for future action, especially at regional level. As food security is a priority sector for more than 50

³² <http://water.europa.eu/>

³³ For instance: <http://www.waterbenchmark.org>

³⁴ As set out in the Communication “Agenda for Change” - COM(2011) 637

countries, WASH interventions will be mainstreamed into food security programmes, in order to impact on the under-nutrition problem of developing countries. Under the new financial framework (2014-2020), over 3 billion EUR will be earmarked to carry out nutrition-sensitive interventions of which WASH is one of the most relevant.

Water issues will also be addressed under thematic instruments, through its linkages with agriculture, energy and security. The Global Public Goods and Challenges thematic programme will seek to strengthen the coherence of external actions and their link with other EU policy initiatives, such as EU climate and energy policies, biodiversity, environment, water resources management and water diplomacy, amongst others.

The Commission will continue its strong engagement towards **humanitarian action in the WASH sector** for emergency situations and their prevention. This is in recognition of the increasing risk of conflict fuelled by stress on water resources as well as of the growing water-related humanitarian needs in urban settings. The Commission will pursue its on-going work to increase even further the timeliness, efficiency and effectiveness of humanitarian aid through reinforced coordination mechanisms between humanitarian partners.

Promotion of public-public partnerships

There is growing recognition of the potential of **not-for-profit partnerships in the water sector**. Over the last ten years, the ACP-EU Water facility has played a pioneering role in this respect, through actions of capacity development for public authorities in ACP countries. An evaluation of the Water Facility and its impacts has been commissioned in 2013 and is currently ongoing. The results of this evaluation will be duly taken into account and integrated in the future programming approach and decisions.

Support for public-public partnerships will also be provided in the context of programmes supporting the WASH sector in the partner countries that have chosen water as a focal sector. Based on the lessons learned from past and ongoing projects, the Commission will seek to identify new partnership opportunities (North-South and South-South) to develop capacity in the water and sanitation sector by transferring expertise and knowledge between water and sanitation utilities, local authorities and other water sector actors.

Rio+20 Follow-up

The EU will continue its efforts to achieve universal access to safe drinking water and sanitation also in the context of the follow-up to the UN Rio+20 Conference on Sustainable Development, where water was recognised to be at the core of sustainable development.

In the Ministerial Declaration "The Future We Want"³⁵, world leaders affirmed their commitment to the human right to safe drinking water and sanitation, to the progressive realisation of access to safe and affordable drinking water and sanitation for all (i.e. beyond Johannesburg and the MDGs) and to significantly improve the implementation of integrated water resource management.

³⁵ <http://www.un.org/en/sustainablefuture/>

In the recent Communication “*A decent life for all - ending poverty and giving the world sustainable future*”³⁶, the Commission highlights water as one of the sectors which needs to be addressed in an integrated way to achieve basic human development and inclusive and sustainable growth in the **post-2015 development agenda** to be elaborated at UN level. The Council’s conclusions of 25 June 2013³⁷ state that the post-2015 framework should integrate the economic, social and environmental pillars of sustainable development in a balanced way to promote basic living standards (including water and sanitation), the drivers of the “green economy” and the sustainable use, management and protection of natural resources.

The report³⁸ of the UN’s High-Level Panel on the post-2015 development agenda has proposed a goal on water and sanitation, thus appearing as an emerging priority area for the post-2015 framework.

The Commission is preparing a follow-up Communication on the post-2015 development framework³⁹, prioritising goals and targets, in which water and sanitation issues will be addressed. At the international level, the Open Working Group (OWG) on Sustainable Development Goals⁴⁰ is also working on goals and targets. It will present its proposal to the UN General Assembly in September 2014, and this outcome will then be integrated in the intergovernmental negotiation leading towards a concluding summit to be held in September 2015, where the EU and its Member States will continue to play a key role.

4. CONCLUSIONS

The Commission welcomes the mobilisation of European citizens in support of access to safe drinking water and sanitation, in Europe as well as at the global level. The Commission underlines the importance of the human rights dimension of access to safe drinking water and sanitation and will continue to ensure that these principles remain at the heart of its policies. At EU level, the Commission will build on its past work and continue to increase and improve access to safe drinking water and sanitation for the whole population through environmental policies and infrastructural funding.

The Commission will also continue to ensure EU neutrality as regards national, regional and local choices for the provision of water services, while taking care that key Treaty principles such as transparency and equal treatment are observed. The Commission will also remain attentive to public concerns about the specificity of water services, as it has done in the context of the legislative process on EU concession rules.

Increasing transparency for EU citizens will be at core of future EU efforts in this field. The aim will be to empower people by tackling the information gaps that prevent them from engaging more actively in water management decisions at local, regional and national level.

³⁶ COM (2013) 92

³⁷ http://www.eu-un.europa.eu/articles/en/article_13692_en.htm

³⁸ http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf

³⁹ Commission Work Programme 2014, COM(2013)739

⁴⁰ A 30-member Open Working Group of the UN General Assembly was mandated by the Rio+20 Outcome document to prepare a proposal on SDGs for consideration by the Assembly at its 68th session.

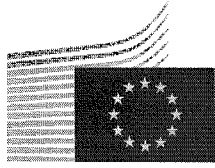
Globally, the Union remains committed to the international process to elaborate the post-2015 development agenda and Sustainable Development Goals of universal application and will continue to actively promote access to safe drinking water and sanitation and integrated water resource management through its development policy, in particular through a financial commitment of more than 3 billion EUR to carry out nutrition-sensitive interventions including for water and sanitation (2014-2020).

In response to the citizens' call for action, the Commission is committed to take concrete steps and work on a number of new actions in areas that are of direct relevance to the initiative and its goals. In particular, the Commission:

- will reinforce implementation of its water quality legislation, building on the commitments presented in the 7th EAP and the Water Blueprint;
- will launch an EU-wide public consultation on the Drinking Water Directive, notably in view of improving access to quality water in the EU;
- will improve transparency for urban wastewater and drinking water data management and explore the idea of benchmarking water quality;
- will bring about a more structured dialogue between stakeholders on transparency in the water sector;
- will cooperate with existing initiatives to provide a wider set of benchmarks for water services;
- will stimulate innovative approaches for development assistance (e.g. support to partnerships between water operators and to public-public partnerships); promote sharing of best practices between Member States (e.g. on solidarity instruments) and identify new opportunities for cooperation.
- will advocate universal access to safe drinking water and sanitation as a priority area for future Sustainable Development Goals.

Finally, the Commission invites the Member States, acting within their competences, to take account of the concerns raised by citizens through this initiative and encourages them to step up their own efforts to guarantee the provision of safe, clean and affordable drinking water and sanitation to all.

In accordance with article 10(2) of the ECI regulation, the present Communication will be notified to the organisers of the initiative as well as to the European Parliament and the Council and it will be made public.



EUROPEAN
COMMISSION

Brussels, 19.3.2014
COM(2014) 177 final

ANNEX 1

ANNEX

to the

COMMUNICATION FROM THE COMMISSION

on the European Citizens' Initiative "Water and sanitation are a human right! Water is a public good, not a commodity!"

ANNEX

PROCEDURAL ASPECTS OF THE RIGHT2WATER CITIZENS' INITIATIVE

In accordance with Article 4(2) of Regulation (EU) No 211/2011 the present initiative was registered on 10/05/2012 and published in the Commission's online register at: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000003>

The members of the citizens' committee registered with the Commission are residents of the following Member States: France, Belgium, Germany, Sweden, Bulgaria, Italy and the United Kingdom.

The initiative was registered in English. Then the organisers provided translations of the title, subject-matter and objectives of the initiative in all official EU languages.

In accordance with the Regulation on the citizens' initiative, the forms used by citizens to give their support to the initiative contained the title, subject-matter and objectives of the initiative. The link to the Commission's online register (see above) was also available on the forms, allowing citizens who wished so to find more detailed information on the initiative, as provided by the organisers in an Annex as part of their registration request. This Annex was available in English only (the organisers did not provide translations of this Annex). This Annex was not necessarily consulted by all citizens who supported the initiative.

The formal 12-month collection period for the initiative ended on 10 May 2013. However, the Commission has accepted statements in support of the initiative up until 1 November 2013, due to the difficulties that most organisers experienced as regards the setting-up of their online collection systems during the start-up phase of the European Citizens' Initiative¹. After the verification of the collected statements of support by the relevant competent Member States' authorities, the organisers submitted their initiative to the Commission on 20 December 2013, together with certificates issued by 25 Member States' authorities and information on their sources of funding and support, in accordance with Article 9 of the Regulation.

The number of valid statements of support indicated in the certificates and information provided by the Member States' competent authorities are reflected in the table below. These figures take into account the additional collection period until 1 November 2013.

Member State	Number of signatories	Threshold to be counted among the minimum number of seven Member States
Austria	57 643	14 250
Belgium	40 549	16 500

¹ See press release of 18 July 2012: http://ec.europa.eu/commission_2010-2014/sefcovic/headlines/press-releases/2012/07/2012_07_18_eci_en.htm

Bulgaria	1 406	13 500
Cyprus	2 924	4 500
Czech Republic	7 575	16 500
Estonia	516	4 500
Finland	14 589	9 750
Germany	1 236 455	74 250
Greece	33 220	16 500
Hungary	18 245	16 500
Ireland	2 513	9 000
Italy	65 223	54 750
Latvia	393	6 750
Lithuania	13 252	9 000
Luxembourg	5 566	4 500
Malta	1 635	4 500
Netherlands	21 469	19 500
Poland	3 962	38 250
Portugal	13 964	16 500
Romania	3 176	24 750
Slovakia	20 988	9 750
Slovenia	17 546	6 000
Spain	58 051	40 500
Sweden	11 579	15 000
United Kingdom	7 104	54 750
Total	1 659 543	Threshold reached in 13 Member States

In the weeks following the submission of the initiative, the organisers sent to the Commission certificates from two additional Member States' authorities:

- France: 17 247 valid statements of support
- Denmark: 3 495 valid statements of support

In accordance with Article 10 of the Regulation, the Commission:

- published on 20 December 2013 the relevant information in the register at:

<http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000003>;

- received the organisers on 17 February 2014 (morning).

On the same day during the afternoon, in accordance with Article 11 of the Regulation, organisers have been given the opportunity to present their initiative in a public hearing organised at the European Parliament. During the meeting at the Commission and the public hearing, the Commission was represented by Vice-President Šefčovič as well as officials from the various services concerned.