

# AquaFed

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### Human right to safe drinking water and sanitation

### Proposals and Comments on the European Citizens' Initiative ECI(2012)000003

Brussels, February 21, 2014

Dear Commissioner,

One of the world's most important and urgent challenges is to make the human right to safe drinking water and sanitation effective for the billions of people who need better access to these fundamental services. This will only happen if all responsible authorities, public and private water operators, NGOs and other stakeholders cooperate to meet this objective.

AquaFed, the International Federation of Private Water Operators, aims to contribute to solving water challenges by making private sector know-how and experience available to the international community. Approximately one-third of the European population benefits from water or wastewater services that are at least partially operated by private or public-private companies.

We note that the European Commission is preparing its answer to the European Citizens' Initiative ECI(2012)000003, which presents two requests on the implementation of the human right to safe drinking water and sanitation, and a third request on internal market rules and the organisation of public water services. These are two distinct topics. The UN Special Rapporteur on the human right to safe drinking water and sanitation confirmed in writing to the ECI organisers that human rights are neutral on the ways in which public services are organised.

Since its creation, our Federation has publicly supported the right to safe drinking water and sanitation. AquaFed's member companies contribute daily to the implementation of this right as instructed by the public authorities that engage them. It is their core business to do so. This is why our members and our Federation are uniquely knowledgeable on the two distinct topics included in this ECI.

We believe that far more attention should be paid by EU governments to the implementation of the human right to water, in particular because all Member States are parties to the International Covenant on Economic, Social and Cultural Rights, though the EU has yet to formally recognise the human right to safe drinking water and sanitation in EU law. Many challenges related to the full realisation of this right still remain in Europe.

Given our direct experience with and understanding of the issues to be considered, we had proposed to the President of the Parliament that we be invited to the hearing of the ECI organisers on 17 February 2014. We deeply regret that this request was declined. Members of the Parliament and representatives of the European Commission in attendance would undoubtedly have benefited from hearing not only the views of the ECI organisers, but also the perspectives of field practitioners working daily to make the right to water and sanitation a reality.

We respectfully submit for consideration the attached memo (Appendix 1) detailing our views on the two ECI topics and presenting three proposals to improve the delivery of the human right to water in the EU.

These are:

- to include this human right in the European Charter of Fundamental Rights (as already proposed to Vice-President Reding in March 2013);
- to organise a regular reporting mechanism by public authorities on the progress achieved on the different components of the human right;
- to significantly improve the transparency and accountability of all public water services to EU citizens by making their respective economic and performance results easily available and comparable for all water consumers.

Appendix 1 also includes:

- comments on the ECI requests and on the proposals that have been articulated by the ECI organisers, including the observation that some of these proposals significantly exceed the requests signed by 1.7 million EU citizens, and that certain justifications presented are blatant propaganda contrary to serious evidence.
- comments on the ECI procedure, including our view that this procedure should be improved by providing room for evidence and comments by third parties and by clearly differentiating the requests signed by EU citizens from their interpretation by the ECI organisers.

We also include a legal assessment (Appendix 2) of the ambiguous request "2" of the ECI which, in particular, mentions a "liberalisation" that does not exist anywhere in the EU.

We believe the Commission should give serious impulse to a better implementation of the human right to safe drinking water and sanitation in Europe and that its answer to the ECI should pay utmost attention to the potential legal consequences of the ECI request "2" on internal market rules and liberalisation.

We hope the Commission will give these proposals and comments careful consideration, and we remain at your disposal to provide any further information.

Yours faithfully,



Gerard Payen  
President

Appendix 1: *Advancing the human right to safe drinking water and sanitation in the European Union, note by AquaFed*

Appendix 2: *Legal Analysis of the European Citizens' Initiative related to Water: Second request on internal market rules and liberalization, legal memorandum by Gide Loyrette Nouel AARPI*

Cc: Vice-President Viviane Reding, Fundamental Rights  
Commissioner Janez Potočnik, Environment  
Commissioner Michel Barnier, Internal market and services