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INFORMATION NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: **ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)

- Outcome of the European Parliament's second reading
(Brussels, 14-18 December 2020)

I. VOTE

On 15 December 2020, the President of the European Parliament declared the Council's position¹ at first reading approved without amendments.

The text of the European Parliament's legislative resolution is annexed to this note.

¹ Doc. 6230/3/20 REV 3.

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading without amendments, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294(7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act will be published in the *Official Journal* of the European Union.

P9_TA-PROV(2020)0344

Quality of water intended for human consumption ***II

European Parliament legislative resolution of 15 December 2020 on the Council 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) (06230/3/2020 – C9-0354/2020 – 2017/0332(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (06230/3/2020 – C9-0354/2020),
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Chamber of Deputies, the Irish Houses of the Oireachtas, the Austrian Federal Council and the United Kingdom House of Commons, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 12 July 2018¹,
 - having regard to the opinion of the Committee of the Regions of 16 May 2018²,
 - having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2017)0753),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A9-0241/2020),
1. Approves the Council position at first reading;
 2. Takes note of the Commission statements annexed to this resolution;

¹ OJ C 367, 10.10.2018, p. 107.

² OJ C 361, 5.10.2018, p. 46.

³ Texts adopted, P8_TA(2019)0320.

3. Notes that the act is adopted in accordance with the Council position;
4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

DECLARATION BY THE COMMISSION ON DELEGATED ACTS IN THE DRINKING WATER DIRECTIVE

The Commission regrets the decision of the co-legislators to limit its empowerment to modify the annexes of the revised Drinking Water Directive to Annex III, whereas the Commission had sought an empowerment to modify Annexes I to IV in its original proposal⁵.

The Commission specifically 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.

DECLARATION BY THE COMMISSION ON THE PROCEDURE OF ADOPTION OF IMPLEMENTING ACTS

The Commission underlines that it is contrary to the letter and to the spirit of Regulation (EU) No 182/2011⁶ to invoke point (b) of the second subparagraph of Article 5(4), without proper justification. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission *may* adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5(4), it cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

⁵ COM(2017)0753.

⁶ OJ L 55, 28.2.2011, p. 13.