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**Preparation for the**

**Hearings of the Commissioner-designates after the EU elections in autumn**

Elaboration of questions from the sector of water policy

Vienna, 01.07.2024

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# European Blue Deal - Commitment & Implementation

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| **Question** |
| Water is one of our most valuable resources. The "blue gold" is essential for our agriculture, industry, energy production and our health - for our survival. However, the effects of climate change, increasing urbanisation and industrialisation and intensive agricultural practices are putting increasing pressure on our water resources. Members of the European Parliament and the EESC are therefore calling for the introduction of a "European Blue Deal". Similar to the European Green Deal, this comprehensive water strategy is intended to ensure the sustainable management of water resources. The aim is water-conscious legislation that recognises the importance of water in all policy areas, guarantees the human right to water and enables resilient water management. **As the designated EU Commissioner, to what extent are you committed to the demands of the Blue Deal?** |
| **Further question** |
| * How do you specifically envisage the implementation steps? |

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| **Background** |

Water is a vital resource, essential for ecosystems, human life and the functioning of the economy and society. Despite its central role, global water resources are under increasing pressure. The UN has recognised access to clean drinking water as a human right, but even within the EU there are people without an adequate supply. Although the EU has created a legal framework to protect freshwater and marine resources, many goals have not yet been achieved.

In autumn 2023, the European Economic and Social Committee (EESC) therefore called for a separate strategic policy area: the European Blue Deal. This is intended to complement the Green Deal and fulfil the UN's Sustainable Development Goals. The Blue Deal should include a comprehensive strategy to secure water resources in the short, medium and long term and ensure a water-resilient future.

The EESC calls on the EU institutions and Member States to consider water as a strategic priority in the upcoming programming period. Joint action and a strong, ambitious water strategy at EU level are essential to ensure a sustainable and water-resilient future. The EU must take a human rights-based approach to water and combat water poverty. Services such as water, sanitation and hygiene (WASH) must be sustainable, equitable and affordable. Agriculture and industry must contribute to tackling water scarcity. Water must be seen as a fundamental element of the EU's industrial strategy in order to utilise water resources appropriately. The EU should also strengthen its foreign policy and international co-operation through blue diplomacy to improve and implement international water agreements. A comprehensive EU water policy with a financial framework that ensures fair and transparent water pricing is crucial for a sustainable future for Europe.

# European Blue Deal - Prioritising use for human consumption

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| **Question** |
| The effects of climate change, increasing soil sealing, urbanisation and industrialisation as well as intensive agricultural practices are putting our water resources under severe pressure. As water becomes increasingly scarce, conflicts of use between drinking water supply, industry, agriculture or energy production will become more and more tense. **How do you intend to implement the Blue Deal's call to prioritise the use of water for human consumption** (in accordance with Directive (EU)2020/2184) **over other applications such as industry, agriculture or energy production?** |
| **Further question** |
| * Do you think it is necessary to create a new legal act to achieve this or is the existing legal framework sufficient enough? |

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| **Background** |

Pollution and overuse are negative consequences of the competing demand for water and affect not only our ecosystems and biodiversity, but also our health. These problems are exacerbated in particular by increasing water scarcity. Direct health problems are often linked to pollutants in water, such as bacteria, viruses, metals or pesticides. The scarcer water becomes, the more intense the competition between different types of utilisation becomes, which further increases the risk of pollution and health hazards.

With 39% of all land used, 10 million farmers and a total of 40 million jobs, the agricultural and food sector is one of the most important economic sectors in the EU. This sector alone already accounts for around a quarter of all water abstraction in the EU. Furthermore, according to a report by the European Court of Auditors, the Common Agricultural Policy (CAP) favours greater rather than more efficient and sustainable water use. Conventional agriculture leads to considerable damage to biodiversity and the quality of soil and groundwater due to nitrate inputs and pesticides.

Around 65% of drinking water in the EU comes from groundwater, a quarter of which is chemically contaminated and almost 10% is affected by unsustainable abstraction. In addition, 4% to 11% of groundwater monitoring sites show elevated pesticide levels.[[1]](#footnote-1)

Every day, 250 to 275 hectares of soil are lost to development in Europe, mainly due to intensive agriculture and urbanisation, leading to the erosion of 42 million hectares and negatively impacting a quarter of the land. Climate change is exacerbating the challenges Europe faces in terms of water quantity and quality, e.g. through more frequent droughts and floods. In southern Europe in particular, but also in other regions, water scarcity will increase and have a major impact on all areas of life and the economy.

# European Blue Deal - Water Resilience Initiative

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| **Question** |
| Last year, the EU Parliament and the EESC issued a joint call for a European Blue Deal, a comprehensive EU water strategy to ensure the sustainable management of water resources and lead to water-conscious legislation.  The Water Resilience Initiative announced by the EU Commission with its promised focus on topics such as sustainable water use or dealing with climate change could have been a first step towards such an EU water strategy. However, it was removed from the agenda for the EU Commission's weekly meetings shortly before the planned publication date without any reference to the further timetable. **In view of the ever-increasing pressure on our water resources, will you revisit the issue of water resilience and, if so, what is your timetable?** |
| **Further question** |
| * How do you envisage the concrete implementation steps? |

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| **Background** |

In autumn 2023, the European Economic and Social Committee (EESC) called for a European Blue Deal, supported by MEPs who emphasised the importance of water for a net-zero economy. Among other things, they called for the appointment of a Vice-President of the European Commission for water issues and, in the medium and long term, for water-conscious legislation that recognises the importance of water in all policy areas, guarantees the human right to water and enables a resilient water economy. In her State of the European Union speech, Commission President Ursula von der Leyen announced an initiative on water resilience as part of the Green Deal, but this was not presented as planned on 12 March 2024 and has remained without a new date ever since.

The deferral of the Water Resilience Initiative from the European Commission's agenda raised concerns that Europe's climate ambitions could be weakened. The initiative was supposed to be a comprehensive EU water strategy that promotes sustainability and climate resilience and could have been a signpost towards water-conscious legislation and a Blue Deal.

Water resilience is crucial for municipal companies in order to secure the water supply, guarantee the human right to water, promote sustainable water management and achieve environmental goals. This goes hand in hand with reducing or increasing the efficiency of water use in agriculture and industry. A fair distribution and prioritisation of human use as well as the improvement of infrastructure to reduce water losses are key. It is essential to preserve water as a common good for people and nature and to promote sufficient investment in water infrastructure.

# Polluter Pays Principle - linking EPR systems to investment cycles

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| **Question** |
| Extended producer responsibility has long been used in waste legislation and, with the revision of the Urban Waste Water Directive, is now also being used for the first time in the water sector to implement the polluter-pays principle enshrined in primary law. The removal of pollutants generally requires massive additional investment costs, e.g. through the expansion of a fourth purification stage for the treatment of micropollutants or additional treatment of drinking water. **As EU Commissioner-designate, to what extent will you ensure that the cash flows from manufacturers in future and existing EPR systems are linked to the investment cycles of the operators/utilities and that it can be guaranteed that the financial burden that arises in the planning and early phases is not passed on to citizens?** |
| **Further question** |
| * How do you intend to ensure that EPR systems in the water sector do not lead to the same degree of influence or co-determination of the private industry as can be seen in the waste sector? |

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| **Background** |

The polluter-pays principle, which is enshrined in primary law, is an essential component of EU environmental policy and is intended to incentivise the prevention of pollution at source by making polluters pay for the costs of pollution prevention, control and remediation measures. In a **special report** (12/2021), the European Court of Auditors (ECA) already identified significant deficits in the application in several areas of law in 2021. The EU Commission is currently conducting a **suitability test of the polluter-pays principle**, for which an exploratory study was carried out at the end of 2022 and a public consultation in summer 2023.

Extended producer responsibility is an option already utilised in waste legislation and, with the revision of the municipal wastewater directive, also there for the concrete implementation of the polluter-pays principle, although there are also shortcomings in each case, e.g. with regard to the full assumption of costs. The implementation of new treatment processes in wastewater treatment (4th purification stage), additional treatment measures in the drinking water supply, a higher sorting depth in waste sorting plants for the recovery of raw materials, etc. are all cost-intensive projects with long lead, planning and expansion phases. In the interests of a comprehensive and effective implementation of the polluter-pays principle, it must therefore be ensured that the operators can actually access the corresponding funds from the EPR system at the time of the upcoming investments and do not have to worry about interim financing, which in turn is at the expense of the public sector and/or citizens. In addition, the EPR system should ensure that wastewater treatment plant operators, drinking water suppliers, waste treatment and sorting companies, etc. can decide on their investment requirements independently and uninfluenced by the polluters and can dispose of the funds accordingly.

# Polluter Pays Principle - full and effective implementation

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| **Question** |
| The polluter pays principle is still not sufficiently implemented either in European secondary legislation or at Member State level. In addition to the problem of diffuse water pollution from agriculture, the European Court of Auditors found in 2021 in connection with the Industrial Emissions Directive (2010/75/EU), the Water Framework Directive (2000/60/EC), the Pesticides Directive (2009/128/EC) and the Nitrates Directive (91/676/EEC) that the majority of the follow-up costs are borne by households and not by the polluters. In waste legislation, too, the existing regulations do not ensure that polluters bear the entire cost of pollutants, and in drinking water supply, the cost burden of additional water treatment to remove pollutants is currently also borne by consumers or the public sector. The EU Commission is currently carrying out a suitability test of the principle. **What specific steps are you planning to take to ensure the comprehensive implementation of the polluter-pays principle in future and in existing legislation?** |
| **Further question** |
| * How do you ensure that, if the polluter-pays principle is implemented via a system of extended producer responsibility, the money collected from polluters is used in a targeted and earmarked manner in the interests of the common good and what control mechanisms do you envisage from the public sector? |

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| **Background** |

The polluter-pays principle, which is enshrined in primary law, is an essential component of EU environmental policy and is intended to incentivise the prevention of pollution at source by making polluters pay for the costs of pollution prevention, control and remediation measures. In a **special report** (12/2021), the European Court of Auditors (ECA) already identified significant deficits in the application in several areas of law in 2021. With regard to the drinking water sector, the EU Parliament also expressed concerns in its **resolution of 1 December 2019** that drinking water suppliers incur additional costs for the removal of pollutants in water treatment. These are currently borne by consumers and the public sector, not by the polluters. The EU Parliament called on the EU Commission and the Member States to ensure that the principle is fully and effectively enforced.

Extended producer responsibility is an option already utilised in waste legislation and, with the revision of the Urban Waste Water Directive, also there for the concrete implementation of the polluter-pays principle, although there are also shortcomings in each case, e.g. with regard to the full assumption of costs.

The EU Commission is currently conducting a **suitability test of the polluter-pays principle**, for which an exploratory study was carried out at the end of 2022 and a public consultation in summer 2023.

# Water & biodiversity/ecology nexus - conflicts of use

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| **Question** |
| Surface waters are subject to strong pressure due to human use of water, regulation in favour of human land requirements and measures in terms of flood and disaster protection, etc. **To what extent will you deal with the conflict between these uses and land requirements and the preservation or restoration of biodiversity and a near-natural water structure?** |
| **Further question** |
| * How will you deal with the lines of conflict that have emerged from the debates and reactions to the Renaturation Act? |

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| **Background** |

Drinking water supply, industry, agriculture and energy production - this complex system of problems not only includes competition for land and the use of water as a resource, but also the question of who is responsible. The tensions between climate protection, biodiversity and current social structures are considerable.

A clear example of this problem is the Renaturation Act, for which several member states withdrew their consent after the conclusion of the trialogue negotiations, leaving the law hanging in the balance. It was not until June that a majority was found in the Council after all. The debates and reactions to the renaturalisation law illustrate the complexity and conflicts in environmental policy, which are likely to intensify in the EU Parliament after the EU elections.

The conflicts between the various utilisation claims and the necessary measures for climate protection and the preservation of biodiversity make it clear that comprehensive, fair and sustainable strategies are urgently required. Those responsible for environmental pollution must be held more accountable in order to ensure a fair distribution of resources and a sustainable future. This is the only way we can protect water resources and fulfil the needs of our society at the same time.

# Nexus Water & Energy - Conflicting uses of hydrogen production

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| **Question** |
| Compared to water withdrawals for other uses such as agriculture or industry, the amount of water required for the production of green hydrogen is seemingly negligible. For water-rich member states, the water resources for hydrogen production are (currently) sufficient. However, areas in southern and western Europe in particular are already facing massive water stress and the effects of climate change are putting additional pressure on water resources. **To what extent will you take climatic conditions and their current and future impact on water resources into account when promoting green hydrogen production in Europe?** |
| **Further question** |
| * As the designated EU Commissioner, what is your position on the possibility of using wastewater as an alternative water source for the production of green hydrogen in the future? |

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| **Background** |

Water is an essential resource for the production of green hydrogen via electrolysis. In simple terms, water is split into its elementary components hydrogen (H2) and oxygen under the influence of electricity. When planning a green hydrogen economy, however, it is often assumed that water as a resource is available in unlimited quantities. The Austrian hydrogen strategy, for example, also makes no reference to estimates regarding the sufficient availability of water.

The German Technical and Scientific Association for Gas and Water (DVGW) has investigated the water requirements of electrolysis and calculated that 10 litres of ultrapure water or - depending on the water source (seawater or surface water) and the technology used - between 12 and 30 litres of raw water are required to produce 1 kg of hydrogen.[[2]](#footnote-2) The water resources in Germany are therefore (currently) sufficient for the planned production of green hydrogen. However, there are also regions in Germany that are severely affected by drought. The availability and quality of local water resources must therefore be taken into account in strategic planning for hydrogen production. Within the member states, there is also a serious difference in terms of available water resources. As can be seen from the World Resources Institute's (WRI) Water Risk Atlas, there is already massive water stress, particularly in southern and western Europe, which will be exacerbated by advancing climate change.

The use of wastewater as an alternative water source is possible, but is associated with immensely high costs, as the purified wastewater would have to undergo additional treatment steps in order to achieve the level of purity required for electrolysis. The realisation of this idea would put the sewage treatment plants under massive additional pressure in view of the upcoming expansion requirements due to the specifications of the new UWWTD.

# Concessions Directive - exception of the water sector

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| **Question** |
| The evaluation of the Concessions Directive has shown that a strong role for the public sector in the water sector is important. The report shows that the vast majority of stakeholders are firmly in favour of a public water supply. **As Commissioner-designate, to what extent do you intend to take this into account and support the Member States in maintaining or protecting their public water supply structure?** |
| **Further Question** |
| * Are you planning to amend Article 12 of the Concessions Directive, which regulates the exemption of the water sector? |

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| **Background** |

On 28 July 2023, the European Commission published its **report on the evaluation of the Concessions Directive** (2014/23/EU). The EU Commission emphasises that this is a capital-intensive sector with a number of market failures that necessitate state intervention. These include the vital nature of water on the one hand and the extent of the investments made in water pipes and canals on the other, especially in remote or sparsely populated areas, which take a long time to amortise and entail considerable risks. The recognition of the social importance and the prevention of market failures in the water sector have led to special treatment in the Concessions Directive.

As the directive has only been implemented throughout the EU since 2020, the EU Commission refers to the limited data available, which makes it impossible to draw clear conclusions regarding the effects of the directive on the water sector at this time.

The **report "Much more than a market"** published by **Enrico Letta** in April 2024 should also be mentioned in this context, which addresses the social and economic relevance of the water sector, but also places it in an unmistakable context with the internal market. Letta argues that the strong fragmentation of the sector hinders the 'equal'/balanced development and maintenance of water infrastructure. This fragmentation makes it difficult for smaller utilities to realise financially viable projects and consequently exacerbates the differences in service quality and environmental protection in the Member States. Let-ta also links the fragmentation of the sector directly to the fact that around 20% of the European territory or 30% of the population is affected by water stress each year, which in our opinion is an inadmissible and factually incorrect argument. Letta sees a possible solution in the promotion of mergers between water suppliers. The larger units thus formed would then be able to make extensive infrastructure investments and eliminate the inequalities in access and quality caused by the fragmentation of the sector.

This line of argument is reminiscent of the endeavours of former EU Commissioner Michel Barnier to integrate the water sector into the internal market by including it in the Concessions Directive and we therefore consider it to be problematic in tendency.

# Revision of the Sewage Sludge Directive

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| **Question** |
| The currently valid Sewage Sludge Directive dates back to 1986 and has not been significantly updated since then. However, both the level of knowledge about pollutant loads in sewage sludge and challenges in connection with phosphorus recovery as well as technological possibilities in sewage sludge production and wastewater treatment have changed significantly in recent decades. Sewage sludge is now also used for energy production in particular and stricter limits for pollutants in soils are already in force in some Member States.  **Following last year's assessment, do you see a need to revise the directive, and if so, which areas primarily require revision and which areas require expansion or additional regulation?** |
| **Further question** |
| * How do you envisage the future handling of organic matter and valuable nutrients, in particular phosphorus, nitrogen and potassium in sewage sludge, and are there any considerations regarding the regulation of the agricultural application of sewage sludge? |

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| **Background** |

The Sewage Sludge Directive has been in place for almost 40 years in an essentially unchanged form. Since then, however, knowledge about pollutant loads has increased significantly and insights into the relevance and limitations of nutrients such as phosphorus, nitrogen and potassium have deepened. At the same time, technological possibilities for sewage sludge production and utilisation have also developed further.

Finally, in **2023**, a comprehensive **evaluation** of the "EU Directive on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (86/278/EEC)" was carried out in order to identify any need for action for a revision.

The evaluation essentially found that the Directive still has fundamental added value by establishing a minimum level of harmonisation in the control of pollution and health risks and by promoting cost-effective sludge treatment, although many Member States have already gone beyond the requirements of the Directive by increasing the level of environmental protection and tightening the limits for pollutants in soils and sludge.

At the same time, however, the assessment also points to numerous aspects that could require revision. It is questionable, for example, whether more guidelines or instructions for treatment are required at EU level in order to maximise the benefits for nutrients and possibly energy, or to what extent the application of sewage sludge on non-agricultural land could also be examined as part of the European soil strategy.

# Future of the Water Framework Directive

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| **Question** |
| The European Union's Water Framework Directive provides an important framework for the protection and sustainable management of surface and groundwater in Europe. Since its introduction in 2000, the Member States have made considerable efforts to achieve the objectives of the Directive. These targets include the achievement of good ecological and chemical status of water bodies by 2027 at the latest. Despite much progress, the Member States will not be able to fulfil all the targets on time. Against the backdrop of the EU taxonomy, incomplete target implementation by 2027 also poses the problem that activities previously categorised as taxonomy-compliant will suddenly no longer be considered "green". **How do you intend to proceed with the WFD after 2027 with regard to an extension or possible revision?** |
| **Further question** |
| * Im Hinblick auf das Spannungsfeld zwischen den Zielen der Renaturierung bzw. des Gewässer- und Umweltschutzes und der notwendigen Energiewende: Wie viele Erzeugungseinbußen sind Sie bereit, insgesamt und speziell für die flexible Erzeugung bei Speicherwasserkraft, aufgrund der Umsetzung der Wasserrahmen-Richtlinie zu akzeptieren? |

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| **Background** |

The Water Framework Directive, which came into force in 2000, aims to achieve good ecological and chemical status for surface waters and good ecological potential and good chemical status for modified or artificial waters by 2015 - with exceptions by 2027 at the latest. Good quantitative and chemical status is to be achieved for groundwater. There should be a systematic improvement and no further deterioration in the status of all water bodies in order to protect aquatic ecosystems and water-dependent terrestrial ecosystems and wetlands (prohibition of deterioration). Central elements of the Water Framework Directive include a comprehensive analysis of river basins, the creation of river basin management plans including a programme of measures to achieve the objectives by 2027 at the latest and the cyclical revision of the management plans by the Member States every 6 years (2009, 2015, 2021).

An evaluation from 2019 showed that the directive fulfils its purpose, but that its implementation needs to be accelerated. The Commission therefore announced in June 2020 that it would focus more on the implementation and enforcement of the directive.

Only around 40% of surface water bodies in Europe have good or very good ecological status, with lakes and coastal waters performing better than rivers and transitional waters. The overall ecological status has not improved since 2009, but some biological quality elements have improved between 2009 and 2015. The results of the 2021 assessments are not yet known. According to the "one out, all out" principle, a water body can only achieve good status if all biological and supporting quality elements are assessed as at least good.

# Carbon capture, utilisation & storage - risks

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| **Question** |
| Given the urgency of mitigating climate change, the discussion on carbon capture, utilisation and storage (CCUS) has gained global prominence. CCUS offers an opportunity to reduce CO2 emissions by capturing and storing carbon from industrial processes and power generation. However, there are also various risks associated with this, particularly with regard to possible leaks and the associated pollutant inputs into groundwater and soil as well as increased CO2 levels.  **Against this background, to what extent can CCUS really be regarded as a future-proof and sustainable process?** |
| **Further question** |
| * In view of these risks, to what extent can the safety and quality of our water resources be guaranteed and do you see the need for additional legislative measures? |

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| **Background** |

The underground storage of carbon dioxide, both on land and under the seabed, is aimed at climate protection. Legal regulations stipulate that the carbon dioxide must remain completely and permanently underground. However, leaks could have harmful effects on groundwater and soil.

The main aim of underground carbon dioxide (CO2) storage is to reduce CO2 emissions into the atmosphere. The CO2 that is stored can come from various sources: fossil fuel plants, industrial plants, the use of biomass for energy production, waste incineration plants or directly from the atmosphere. Possible storage locations include partially or fully depleted oil and gas reservoirs and saline aquifers. This storage can take place both on land and under the seabed.

CO2 leaks in particular harbour risks for groundwater and soil. The leaking CO2 can release pollutants underground and displace saline groundwater from deep aquifers. Under unfavourable conditions, this displaced salty groundwater can reach near-surface freshwater layers and the earth's surface, which can lead to salinisation and damage to groundwater, soil and surface water.

The above-ground facilities required for transport and storage can have a negative impact on flora and fauna, the landscape and biodiversity. A comprehensive assessment of the risks and feasible, effective and comparable monitoring methods - which do not yet exist - are therefore essential before CCUS technologies can be widely implemented.

# Pollutants - source control and precautionary principle instead of end-of-pipe

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| **Question** |
| Pollutants - especially if they are persistent, mobile, toxic and/or bioaccumulative - have a massive negative impact on human health and the entire ecosystem. Once released into circulation, they can hardly be removed from water bodies, soils or organisms, or only at enormous technical and financial expense. Scientific knowledge of which pollutants or decomposition products are actually problematic is currently lagging behind the authorised substances. **To what extent do you intend to accelerate the shift from end-of-pipe solutions to source control and the precautionary principle with regard to pollutant discharges?** |
| **Further question** |
| * Are you considering changes to the submission procedure for new substance compositions and, if so, in which direction are you thinking? |

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| **Background** |

With regard to numerous pollutants, such as PFAS, there is still insufficient scientific research into which substances or decomposition products specifically become problematic. It is mainly short-chain, already oxidised and therefore particularly mobile PFAS that penetrate into groundwater bodies. In many cases, these oxidative decomposition products originate from precursor substances that were taken off the market decades ago and degrade under natural environmental conditions until a persistent perfluorinated substance remains. As these contaminated sites, which are particularly difficult to control, are currently primarily found in groundwater, it can be assumed that the problem will become even more acute in view of the rapid increase in the use of PFAS in recent years.

Scientific knowledge of which pollutants or decomposition products will become problematic is always lagging behind the currently authorised substances. In some cases, minor changes in the substance characteristics are sufficient to obtain a new authorisation. As a result, new potentially harmful substances are constantly being created, but we often only know for sure about their actual harmfulness a long time later.

# Promotion of ecological forms of agriculture

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| **Question** |
| Europe's landscape is characterised by agricultural land. Agriculture is one of the largest economic sectors in the EU and the Common Agricultural Policy accounts for almost a third of the total EU budget. At the same time, the agricultural sector is responsible for around a quarter of total water withdrawals in the EU and the still dominant conventional forms of farming have a massive negative impact on biodiversity, soils and water resources. The eco-schemes introduced for the 2023-2027 budget framework and the requirement to tie 25% of direct funding to them have finally created a stronger incentive for more climate- and environmentally friendly farming methods. **To what extent will you work to ensure that this percentage is increased in the next budget framework and that the transition to organic farming is accelerated?** |
| **Further question** |
| * Are you planning further measures to force a shift towards organic farming or to promote the reduction of negative impacts on the environment and water bodies caused by conventional agriculture? |

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| **Background** |

A total of 39% of land in the EU is used for agriculture. With 10 million farmers and 40 million jobs in the food chain, the agricultural and food sector is one of the strongest economic sectors in the EU. In the current financial framework, 31% of the EU budget is allocated to the Common Agricultural Policy (CAP).

In a special report (20/2021), the European Court of Auditors found in 2021 that CAP funds promote greater rather than more efficient, sustainable water use. The agricultural sector accounts for around a quarter of total water abstraction in the EU. Conventional agriculture in particular also has a massive impact on biodiversity and the quality of soils and groundwater bodies, for example through nitrate inputs or the use of pesticides.

Finally, in the current budget period 2023-2027, "eco-schemes" were introduced as a new element of the CAP to promote farming methods with the least possible negative impact on the environment and climate as well as the development of more sustainable farming models. In the period 2023-2027, 25% of direct payments from the CAP budget must be adapted to the organic regulations. However, there is considerable resistance from the agricultural sector to these requirements.

# Pipeline loss reduction - quality management & benchmarks

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| **Question** |
| Against the backdrop of increasing water scarcity due to climate change, it is more important than ever to endeavour to use water in a way that conserves resources and is as cost and energy efficient as possible. This goal is countered by the still considerable pipe losses in many regions. The Drinking Water Directive (EU 2020/2184) stipulates that all member states must assess and reduce the level of water losses in their territory if they exceed a certain limit to be set by the EU Commission by means of a delegated act.  **As the designated EU Commissioner, to what extent do you intend to provide concrete support to water supply companies in the affected member states and beyond in reducing water losses?** |
| **Further question** |
| * How do you envisage meaningful quality management for the continuous reduction of line losses in the EU member states and what are the planned benchmarks? |

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| **Background** |

In accordance with the requirements of Art. 4 (3) of the Drinking Water Directive (2020/2184), EU Member States must carry out an assessment of the level of water losses in their territory and possible improvements to reduce them by January 2026 and submit it to the EU Commission. These assessments concern water suppliers that deliver at least 10,000 m³ per day or supply 50,000 people. Based on the national assessments, the EU Commission will define a threshold value in a delegated act by January 2028, above which member states must submit action plans for leakage reduction. These plans must be drawn up by January 2030.

In order to calculate a meaningful EU average and compare the situation in the Member States, it is essential that the EU Commission receives comparable data from all Member States. As things stand, leakage reporting methods vary from Member State to Member State and in some cases from region to region of the same Member State: some report volumetric figures (e.g. m3/km/year or m3/connection/year), others report percentage figures (expressed as % of water discharged into the distribution system), while others use the ILI (Infrastructure Leakage Index). As there is no robust correlation between these different indices, it is absolutely necessary to agree on a harmonised leakage index that can also be implemented by all Member States.

Apart from the need for a harmonised measurement and assessment methodology, Member States - and water utilities in particular - will need support to implement the national action plans and effectively reduce pipe losses.

Finally, it should also be borne in mind that leakage reduction is only one of several instruments available to tackle the problem of water scarcity.

# Reduction of pipeline losses - sustainable investments

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| **Question** |
| In the face of advancing climate change, water resilience is an issue of utmost relevance. The persistently high level of drinking water losses via the pipe networks not only runs counter to the goal of sustainable and resource-conserving use, but also jeopardises the security of supply of this increasingly scarce and valuable commodity. A sustainable reduction in pipe losses requires enormous investments. At the same time, examples of privatisation in the water sector show that profit-oriented water supply companies are reluctant or unwilling to make long-term investments in pipe networks and pass on the costs to citizens in favour of corporate profits. This is not in line with the principles of high-quality, generally accessible and affordable services in the general interest.  **To what extent will you advocate for sustainable financing of the necessary investments and ensure that the added value actually reaches the citizens?** |
| **Further question** |
| * To what extent do you intend to push for financing via earmarked EIB funds and the establishment of the "EU Fund for a Blue Deal" called for in the EESC's final document on the Blue Deal, which would serve as a one-stop shop for water investments? |

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| **Background** |

In accordance with the requirements of Art. 4 (3) of the Drinking Water Directive (2020/2184), EU Member States must carry out an assessment of the level of water losses in their territory and possible improvements to reduce them by January 2026 and submit it to the EU Commission. Based on this, the Commission will in turn set a threshold value by January 2028, above which member states must submit action plans to reduce leakage. These plans must be drawn up by January 2030.

Water suppliers will need to make massive investments to implement these action plans and effectively reduce water losses via pipe networks. In particular, if the pipe network is very old, poorly designed or inadequate in terms of flow rate, large parts of the network will have to be completely replaced.

Similarly, examples of privatisation in the water supply sector often show a massive increase in the financial burden on citizens for the supply of drinking water, accompanied by stagnation or the absence of important investments in infrastructure. In Sofia, for example, the French company Veolia took over the concession for the city's water supply in 2010. While no improvement was evident in terms of water losses via the pipe networks due to a lack of investment and these remained relatively unchanged at 47% until 2017, water prices rose by 440% between 2000 and 2018 (from 0.435 BGN/m³ to 2.35 BGN /m³).

It is therefore important to ensure that the added value of investments in our water supply systems actually reaches the citizens and that they do not have to bear excessive costs without actual improvements in the infrastructure.

# Massive investment needed for climate change

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| **Question** |
| If Europe really wants to achieve the climate turnaround, enormous investments in a green-blue infrastructure, the expansion of the electricity grid, the water supply infrastructure, etc. are needed in a short space of time, the financing of which must be borne primarily by the public sector.  Not least due to the creation of numerous new EU laws and the revision of existing ones to adapt to the requirements of climate change, increased or new pollution levels or the objectives of energy neutrality, the drinking water supply and wastewater treatment sectors alone are facing immense investments. **To what extent will you campaign for ecological investment measures in the area of services of general interest to be excluded from the future Stability Pact?** |
| **Further question** |
| * What financing options - e.g. via the European Investment Bank - will you be pushing in future to support the water sector in particular with regard to the energy transition and energy neutrality? |

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| **Background** |

By setting debt ceilings, the Stability and Growth Pact is intended to ensure the budgetary discipline of EU member states, which in turn is considered an important element for economic stability in the EU and the eurozone. After the Stability and Growth Pact was de facto suspended in recent years due to the effects of the Covid-19 pandemic and the Russian war of aggression against Ukraine by means of the general escape clause, the EU Parliament and the Council agreed on a reform of the rules on public debt and budget deficits in spring 2024.

The previous set of rules already significantly restricted the EU member states' room for manoeuvre with regard to investment in public infrastructure, which makes a significant contribution to a socially fair and climate-friendly society, with only a few possibilities for exemptions. The resulting barriers to investment have not been lifted by the reform of the rules and regulations, for example, critical voices point out that the debt rules make it impossible to make necessary investments in climate protection or in the social sector. An analysis by the European Trade Union Confederation (ETUC) and the New Economics Foundation (NEF) came to the conclusion at the beginning of April that only Denmark, Sweden and Ireland would be able to afford necessary expenditure from 2027 if the planned rules were adhered to.[[3]](#footnote-3)

With regard to the EIB, it should be mentioned that securing drinking water supplies and energy generation from hydropower are in line with the objectives of the Investment Bank and that these sectors should therefore be taken into account in its financing instruments.

# Transparency vs. protection of critical infrastructure - water sector

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| **Question** |
| In both the revision of the Drinking Water Directive and the current revision of the Waste Water Directive, the EU Commission's proposal already provided for extensive information obligations for operators vis-à-vis citizens, which in both cases were only slightly amended in the finalised texts of the directives. At the same time, the wastewater and drinking water sectors are among the critical infrastructures where the use or provision of data is subject to strict requirements regarding cybersecurity as well as general infrastructure protection issues. **How does the EC intend to support operators in clarifying this conflict in the future?** |
| **Further question** |
| * Do you see a need for action with regard to the distinction between sensible transparency and the protection of data and information about the systems of e.g. drinking water suppliers? |

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| **Background** |

Empowering consumers and protecting their interests are key political objectives of the EU. To achieve this, the Union must protect the health, safety and economic interests of consumers and promote their right to information and education. Consumer protection should be integrated into all relevant policy areas.

With regard to water policy legislation, measures for more comprehensive consumer information have been laid down in particular in the revisions of the Drinking Water Directive (2020/2184) and the revision of the Urban Waste Water Directive, which is expected to be completed in autumn 2024. Drinking water suppliers and operators of wastewater treatment plants must now publish detailed data on infrastructure and water quality.

As drinking water supply and wastewater treatment are part of the critical infrastructure, operators are also subject to strict regulations to protect their data and infrastructure. The cybersecurity regulations introduced in 2016 were modernised in 2023 by the NIS2 Directive. This extends the scope of application to all economically and socially important sectors that rely heavily on ICT, such as energy, transport, water, banking, financial markets, healthcare and digital infrastructure, in order to improve the resilience and responsiveness of public and private bodies.

While the question arises with regard to consumer information as to what information and to what extent it is actually useful for consumers, the problem arises with regard to security issues for critical infrastructures as to where a sensible limit to transparency can be set in order to prevent critical infrastructures from becoming vulnerable to attack.

# Transparency vs. protection of critical infrastructure - general orientation

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| **Question** |
| In recent years, the EU Commission has strongly promoted open data policy and the pursuit of comprehensive transparency in municipal administration and services of public interest through various initiatives. At the same time, requirements for critical infrastructures to protect against cyberattacks or physical attacks on (parts of) systems are constantly being expanded and tightened. Critical infrastructures are often public companies that provide services of public interest, such as energy supply or distribution, water supply or waste disposal, and in this sense are also subject to the requirements for open data and transparency.  **To what extent do you see a conflict between the requirements for open data and transparency and the protection of critical infrastructure from external (cyber) attacks?** |
| **Further question** |
| * Has the open data policy led to the goals that the EU Commission set out at the time? |

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| **Background** |

The EU's open data policy defines freely accessible and open data as a valuable resource to promote economic and social values. In particular, the Open Data Directive, which came into force in 2019 and replaced the previous PSI Directive of 2003, aims to ensure the transparency of public sector bodies and companies as well as fair competition for stakeholders interested in the reuse of public sector data. The PSI Directive focusses on the economic aspects of the re-use of information, not on consumer information. It calls for as much information as possible to be made available for re-use at national, regional and local level and therefore also affects public and municipal companies that provide services of general interest.

As services of general interest in particular are part of the critical infrastructure, operators are also subject to strict regulations to protect their data and infrastructure. The cybersecurity regulations introduced in 2016 were modernised in 2023 by the NIS2 Directive. This extends the scope of application to all economically and socially important sectors that rely heavily on ICT, such as energy, transport, water, banking, financial markets, healthcare and digital infrastructure, in order to improve the resilience and responsiveness of public and private bodies.

This area of tension raises the question of where and how a sensible boundary can be drawn between an open data policy and measures to protect critical infrastructures in order to prevent critical infrastructures from becoming vulnerable.

# AI technologies in the water sector

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| **Question** |
| The use of AI technologies is becoming increasingly relevant. There are also numerous practical fields of application in the water industry, such as cost-efficient maintenance of pipe and sewer networks or precise forecasts of heavy rainfall events and water consumption volumes. However, as part of the critical infrastructure, the water sector is subject to particularly strict requirements in terms of cybersecurity and data management, which often prevents the use of AI technologies that are available on the open market. From the perspective of the security requirements of a critical infrastructure, there is therefore a need for new possibilities for the use of AI. **To what extent do you see an AI system initiated by the EU Commission and certified in accordance with EU legal requirements for the protection of critical infrastructure as part of a sustainable European security architecture in the sense of improved European resilience?** |
| **Further question** |
| * none |

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| **Background** |

Artificial intelligence (AI) makes it possible to make more reliable algorithm-based decisions based on large amounts of data. AI therefore offers opportunities to initiate positive developments in terms of environmental protection, climate change adaptation or inclusion and is also finding more and more practical applications in water management. However, it also harbours considerable risks. Misuse, for example in the form of cyberattacks or disinformation campaigns, can cause considerable damage, especially in critical infrastructures. In spring 2024, for example, OpenAI blocked the ChatGPT accounts of five government-affiliated hacker groups from China, Iran, North Korea and Russia who were using the technology to automate software development and write phishing emails.

In June 2024, the first binding horizontal regulation worldwide was finalised at EU level with the AI Act. The AI Act provides a common framework for the use and provision of AI systems in the EU. It provides a categorisation for AI systems with different requirements and obligations based on a "risk-based approach". Some AI systems that pose "unacceptable" risks are banned. A wide range of "high-risk" AI systems that may adversely affect people's health, safety or fundamental rights are authorised, but are subject to a number of requirements and obligations in order to gain access to the EU market. Information and transparency requirements apply to AI systems that pose only limited risks due to their lack of transparency, while no further obligations apply to AI systems that pose only a minimal risk to people.

# Expertise on urban policy

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| **Question** |
| Europe is united in its diversity and its future will be shaped in the cities. Around three quarters of all people in Europe live in urban areas. Municipal water and energy suppliers, waste disposal companies, wastewater treatment companies, urban housing and often municipal social services make a significant contribution to a Europe worth living in. Nevertheless, cities rarely receive the attention they deserve from the EU Commission - partly due to a lack of direct competence.  **To what extent do you intend to support urban policy and integrate the experience of cities into EU environmental and energy policy?** |
| **Further question** |
| * Are you thinking of visiting more utilities or public companies in the public sector in Europe to see practical examples? |

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| **Background** |

Three quarters of Europeans live in urban areas, yet the European Union has no competence for urban policy and there is no European legislation on urban issues. Cities have no official say in the EU. Vienna and other European cities have been working for years to involve cities in European policies. The 2016 Amsterdam Pact was a first success in this direction.

Cities and municipalities have huge untapped investment potential in the fight against the climate crisis. Local measures can make the socio-ecological transformation tangible and co-designable, with the public sector taking on a pioneering role.

In January 2024, city representatives signed the "Brussels Declaration of European Mayors"[[4]](#footnote-4) in Brussels. This declaration emphasises the importance of cities as partners of European institutions and calls for their views to be better taken into account in Parliament and the Commission. Four priority areas of work have been identified: sustainable, affordable and quality housing; social and gender equality; climate action and environmental protection; and sustainable, inclusive and safe mobility.

The aim is to involve cities more closely in European policy areas in order to make a significant contribution to achieving EU goals such as climate neutrality by 2050, preserving biodiversity and reducing social, economic and territorial inequalities.

1. <https://www.eea.europa.eu/de/signale/signale-2023/artikel/wasserqualitaet-und-wassermenge-sind-der> (17.06.2024) [↑](#footnote-ref-1)
2. <https://www.dvgw.de/medien/dvgw/leistungen/publikationen/h2o-fuer-elektrolyse-dvgw-factsheet.pdf>, S. 6 [↑](#footnote-ref-2)
3. <https://www.etuc.org/sites/default/files/publication/file/2024-04/Publication%20-%20Fiscal%20Rules%20Report.pdf> (19.06.2024) [↑](#footnote-ref-3)
4. <https://www.staedtetag.de/files/dst/docs/Dezernat-1/Europa-und-Internationales/2024/240124-bruesseler-erklaerung-europaeischer-buergermeister_innen.pdf> (19.06.2024) [↑](#footnote-ref-4)