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Sir William Cash MP  
Chairman  
European Scrutiny Committee  
House of Commons  
London  
SW1H 9NB

2/5/18 March 2018

Dear Bill

**EM 5846/18: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)**

I am writing to you with regards to the Motion that the Government will table for the debate on 26 March initiated by the European Scrutiny Committee's report on the European Union Document No. 5846/18 and Addenda 1 to 5, Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast).

I am sympathetic to the Committee's stance and recognise their concerns. The Government is a clear proponent of the subsidiarity principle and would be extremely concerned at any suggestion of non-compliance. We also consider that some of the provisions in Article 13 are too prescriptive and leave very little room for Member States to exercise their discretion. The means of meeting a general objective may instead be better left to Member States to decide. However, given that we strongly support the policy outcome, that we are proactively engaged on a fountain strategy and given the current negotiations on leaving the EU, I propose that Council discussions on the recast are the most appropriate channel to express and resolve any concerns to ensure unequivocal compliance with the principle of subsidiarity. To that end, the Motion outlines the steps I intend to take. Therefore, I am seeking to table the Government Motion as follows:

"That the Committee takes note of European Union Document No. 5846/18 and Addenda 1 to 5, Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast); recognises that there is some ambiguity in the documents in expressing compliance with the principle of subsidiarity; proposes pursuing conventional avenues for negotiations to ensure that the whole

proposal is unequivocally compliant; and, therefore instruct the Clerk of the House not to forward this reasoned opinion to the Presidents of the European Institutions.”

I hold the views of the Committee in the highest of regard and will do all that I can to ensure that its will is respected. This includes if the decision is taken to instruct the Clerk of the House to forward a reasoned opinion to the Presidents of the European Institutions.

I am copying this letter to Lord Boswell Chairman of the European Union Committee. I am also copying this letter to the Clerks of the Commons and Lords Committees, Lynn Gardner and Chris Johnson respectively; and Steve Baker MP, Parliamentary Under-Secretary for the Department for Exiting the European Union.

Yours sincerely,



**DR THERESE COFFEY MP**