



8.10.2024

NOTICE TO MEMBERS

Subject: Petition No 1264/2023 by F.T.P. (Spanish) on the quality of drinking water in La Coruña

1. Summary of petition

The petitioner expresses concern at the pollution of drinking water in the city of A Coruña. He complains that norovirus has been detected in the water supplied by EMALCSA, which has caused health problems among the inhabitants. He calls on Coruña City Council to improve water quality to meet the threshold set by Directive (EU) 2020/2184 and, failing that, to oblige the supplier to pay a fine.

2. Admissibility

Declared admissible on 11 March 2024. Information requested from Commission under Rule 227(5) (New Rule 233(5)).

3. Commission reply, received on 8 October 2024

The Commission's observations

The main EU legislation in relation to the quality of drinking water is the Drinking Water Directive¹. Its objective is to protect human health by ensuring the quality of the drinking water supplied and to ensure access to safe drinking water for all EU citizens.

Member States must take the necessary measures to ensure that water intended for human consumption is wholesome and clean. The Drinking Water Directive sets out minimum quality standards for the quality of drinking water supplied. Member States have to ensure that these quality standards are respected. In case of a non-compliance, Member States must ensure that remedial actions are taken to restore as soon as possible the quality of the water supplied. In

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020L2184>

case of a potential danger to human health, Member States must ensure that all necessary measures are taken to protect human health. They also have the obligation to inform the concerned consumers.

Besides compliance with quality standards for the drinking water supplied, the recast Directive requires Member States to ensure that a risk assessment and risk management of the catchment areas for abstraction points is carried out at the latest by July 2027.

With regard to the presence of viruses, Member States have to monitor the presence of somatic coliphages in the raw water sources if the above risk assessment indicates that it is appropriate to do so. The parameter somatic coliphages is an indicator for the presence of viruses. If somatic coliphages are found above a certain level in the raw water, this parameter must be analysed in the water treatment process to determine its removal efficiency and to assess whether the risk of a breakthrough of pathogenic viruses is sufficiently under control. If necessary, preventive and corrective measure have to be taken by Member States. The overall responsibility to protect human health from the adverse effects of any contamination of drinking water lies with the competent Spanish authorities.

Conclusion

Overall, the responsibility for ensuring the quality of drinking water supplied lies with Member States. In this case, Spain is expected to take all measures necessary to comply with the provisions of the recast Drinking Water Directive. In Spain, the authority responsible for the implementation of the Drinking Water Directive is the Ministry of Health². The petitioner may contact them directly as a first step. Without prejudice to the Commission's powers as Guardian of the Treaties, Spanish authorities have the primary responsibility for the correct implementation of the above provisions of EU law. Moreover, pursuant to the principle of effective judicial protection set out in the Treaty of the Union, they must grant the public access to rapid and effective redress mechanisms in the fields covered by EU law. The Commission considers that the use of the available redress mechanisms before the relevant national bodies would be the most appropriate means for the petitioners to assert their claims in a satisfactory manner.

In line with the policy approach detailed more recently in the Commission Communication "*Enforcing EU law for a Europe that delivers*"³, the Commission prioritises its enforcement efforts as Guardian of the Treaty on those structural cases that reveal a systematic breach of EU law in a Member State. Should therefore subsequent evidence point to a systemic breach of EU law, the Commission will consider further action, as appropriate.

² <https://www.sanidad.gob.es/ciudadanos/saludAmbLaboral/calidadAguas/home.htm>

³ [COM\(2022\)518 final](#)