

THE RIGHT TO WATER WITHIN THE LEGAL FRAMEWORK OF THE EUROPEAN UNION

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Abstract

Water-related topics are treated very seriously within the European Union (EU) law. This is confirmed by the adoption of several directives that address several issues in this area, such as Groundwater Directive, the Surface Water Directive, and the Drinking water quality directive. This shows that within the EU, the relationship between water and other common values such as public health is treated very seriously.

Taking into account the above-mentioned directives, it can be concluded that the EU has been more committed to protecting human health, water quality and the responsibility of the Member States to achieve these goals. However, the question arises whether the right to water at Union level is guaranteed as a human right?

To answer this question in a chronological manner, the paper examines all documents, beginning with primary and secondary sources of EU law, political statements, and all other documents related to the right to water, up to the final step, the European Water Resilience Strategy (2025).

Keywords: Water, human rights, EU law.

Introduction

Water-related topics are treated with extreme seriousness within the European Union (EU) law. Namely, within the EU, the relationship between water and other common values, such as public health, is treated very seriously, hence several directives for water regulation have been adopted, starting with the Directive establishing a framework for Community action in the field of water policy and the Drinking Water Directive.

By means of these directives, the EU has advocated for the protection of human health, the protection of water quality, and the responsibility of member states for achieving these goals. However, a question arises whether the right to water is guaranteed as a separate human right within EU law.

To answer this question, primary and secondary sources of EU law have been analysed chronologically, as legally binding documents, as well as other documents related to the right to water, up to the final step, the European Water Resilience Strategy (2025).

An examination of this legislative corpus indicates that the EU has primarily prioritised the protection of human health, the safeguarding of water quality, and the allocation of responsibility to the Member States to attain these objectives. Nevertheless, this regulatory approach raises a fundamental legal question: whether the right to water is recognised and guaranteed, at the level of the European Union, as an autonomous human right.

In order to address this question in a chronological manner, this paper undertakes a comprehensive analysis of the relevant legal and policy instruments. The analysis begins with the primary and secondary sources of EU law, proceeds to examine pertinent political declarations and soft-law instruments, and culminates in an assessment of the most recent policy development in this field, the European Water Resilience Strategy (2025).

Methodology

This study is the result of a detailed analysis of primary and secondary sources of European Union law, with the aim of determining whether the right to water is explicitly guaranteed as a human right.

The methodological framework is structured in such a way that, through the application of the empirical method, it first analyses the legally binding instruments of the European Union, such as the Treaty on European Union, the Treaty on the Functioning of the European Union, the Charter of Fundamental Rights of the European Union, and Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, and subsequently the non-binding instruments of the European Union, such as the Resolution of the European Parliament and the European Water Resilience Strategy (2025).

The fact that the aforementioned instruments are analysed from the perspective of whether they contain a specific provision relating to the right to water indicates that the method of critique has also been applied indirectly.

More specifically, through the use of these two methods, the objective is to demonstrate the extent to which it is important for citizens of the European Union, particularly in circumstances where the world is facing a significant problem of access to water, for the right to water to be guaranteed as a distinct right.

The recognition of this right within the legally binding instruments of the European Union would establish a basis for legal certainty and enable its direct invocation, while at the same time implying a greater degree of responsibility and obligation on the part of EU institutions to create an appropriate environment for the realisation of that right.

The Treaty on European Union and the Right to Water

The Treaty on European Union (TEU)¹ constitutes one of the fundamental sources of European Union law.

Article 6(1) of the TEU provides that the Union recognises the rights, freedoms, and principles set out in the Charter of Fundamental Rights of the European Union (CFREU), proclaimed on 7 December 2000², which has the same legal value as the Treaties. Furthermore, Article 6(3) of the TEU stipulates that fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of EU law.³

This provision is of particular significance insofar as the CFREU represents the primary instrument governing human rights and fundamental freedoms within the EU legal order. With the entry into force of the Treaty of Lisbon in December 2009⁴, the CFREU acquired binding legal force, thereby assuming a central role in the protection of fundamental rights at the Union level.

Article 11(4) of the TEU provides that not less than one million citizens who are nationals of a significant number of Member States may take the initiative to invite the European Commission, within the framework of its powers, to submit an appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.⁵ The relevance of this provision lies in the fact that, in 2012, EU citizens made use

¹ The Treaty of the European Union, Consolidated Version, OJ C 362/13, 26.10.2012

² Charter of Fundamental Rights of the European Union (CFREU), OJ C 364/1, 18 December 2000, 1

³ The Treaty of the European Union, art.6 (1) and (3).

⁴ The Treaty of Lisbon, [http://www.sep.gov.mk/data/file/Publikaciji/Dogovor%20od%20Lisabon\(1\).pdf](http://www.sep.gov.mk/data/file/Publikaciji/Dogovor%20od%20Lisabon(1).pdf)

⁵ The Treaty of the European Union, art.11 (4).

of this mechanism by calling upon the European Commission to propose legislative measures explicitly recognising the right to water as a human right within the framework of EU law.

This European Citizens' Initiative was entitled "*Water and sanitation are a human right! Water is a public good, not a commodity!*" and is examined in a detailed and systematic manner in the present chapter.

It is unsurprising that the TEU does not contain a provision explicitly addressing the right to water, as the Treaty primarily regulates matters relating to the principles of EU law, the institutional framework of the Union, and the EU's common foreign and security policy. Nevertheless, from the perspective of the subject matter of this paper, the significance of the TEU derives precisely from the aforementioned provisions, namely Articles 6(1) and 6(3), as well as Article 11(4) of the TEU.

The Treaty on the Functioning of the European Union and the Right to Water

Article 2(1) of the Treaty on the Functioning of the European Union (TFEU) provides that, where the Treaties confer exclusive competence on the Union, only the Union may legislate and adopt legally binding acts, while the Member States may do so only if empowered by the Union or for the purpose of implementing Union acts.

In addition to this provision, Article 192(2)(b) TFEU is of particular relevance. Pursuant to this provision, the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament, the Economic and Social Committee, and the Committee of the Regions, shall adopt measures concerning quantitative management of water resources or measures affecting, directly or indirectly, the availability of those resources.⁶

On the basis of the above, it may be concluded that water represents a matter of considerable importance within the European Union. Based on this, it can be concluded that the issue of water is of immense importance for the EU. Therefore, the TFEU stipulates that measures related to water should be adopted unanimously, and thus it is established that the role of the member states in this area is very significant and that they are the responsible parties.

However, it can also be concluded that this treaty does not provide for a single provision that directly relates to the right to water. The reason for this is that the subject of regulation of this treaty is not human rights.

The Charter of Fundamental Rights of the European Union and the Right to Water

The Charter⁷ is the basic document regarding human rights and freedoms within EU law and with the entry into force of the Treaty of Lisbon in December 2009, the Charter became legally binding pursuant to Article 6(1) of the TEU. The Charter is a major step on the path to the creation of the Union as an area where law and fundamental values are a reality.

The Charter goes beyond other human rights documents, since it also includes economic and social rights. In addition, the Charter protects the so-called "fundamental rights" of the third generation, such as the explicit right to data protection, guarantees in the field of bioethics, or the right to good administration.

⁶ Ibid. art.192 (2) (b).

⁷ CFREU, 18 December 2000, OJ C 364/1 (2000), 1

These rights include the right to human dignity⁸, the right to life⁹, the right to physical integrity¹⁰, the right to social security¹¹, and the right to health¹², which encompass the most essential requirements regarding water (essential for survival).

According to several authors, the right to water can be derived from the abovementioned rights, that is, it is a fragmented right. However, it is important to note that the previously indicated rights only cover certain components of the right to water, in terms of quality, quantity, and availability of water. This prevents fulfilling the goal that could be achieved when the right to water is guaranteed as a separate human right with all its elements.

Directive 2000/60/EC of the European Parliament and of the Council Establishing a Framework for Community Action in the Field of Water Policy

This directive replaces the Directive on the protection of groundwater against pollution caused by certain dangerous substances, 80/68/EEC of the Council of the European Communities, adopted on 17 December 1979.

The Directive is a complex piece of legislation, as it includes numerous lists and cross-references from one provision to another, and numerous definitions starting from the concept of surface water, groundwater, protected areas, as well as geographical terms, such as those for rivers or lakes, and many other terms related to water, up to the last concept of emission controls.

In point 1 of this Directive, it is indicated that water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such.

According to Article 1 of this Directive, the purpose of the Directive is to establish the overarching framework for protecting inland surface waters, transitional (estuarine) waters, coastal waters, and groundwater. This Article, *inter alia*, emphasizes that the purpose is to ensure a sufficient supply of good quality surface water and to reduce water pollution. Among other aims, the provision emphasises the objective of ensuring a sufficient supply of surface water of good quality while reducing water pollution.

A particularly relevant provision of the Directive is Article 4(1)(a)(i), pursuant to which Member States are required to implement all necessary measures to prevent the deterioration of the status of all bodies of surface water. The subsequent points provide that, in accordance with Article 4(1)(a)(ii) and (iii), Member States shall protect, enhance, and restore all bodies of surface water with the aim of achieving good water status no later than the end of 2015. From this, it may be concluded that the primary responsibility for the protection of water quality rests with the Member States. The Court of Justice of the European Union has also addressed the responsibility of Member States to adopt appropriate measures for the protection of water resources.¹³

However, the majority of the Directive's provisions grant Member States a wide margin of discretion regarding the nature of the measures to be adopted, as there is no intention of achieving full harmonisation of national legislation in the areas concerning water.¹⁴

According to the Directive, Member States will not be in breach of their obligations to achieve good groundwater status, good ecological status, or, where appropriate, good ecological

⁸ Ibid. art.1

⁹ Ibid. art 2 (1)

¹⁰ Ibid. art 3 (1)

¹¹ Ibid. art 34

¹² Ibid. art 35

¹³ Case, C-461/13, Bund für Umwelt und Naturschutz Deutschland eV v Bundesrepublik Deutschland, <http://curia.europa.eu/juris/document/document.jsf?jsessionid=84E95FD5485620C6F25725ABF66424E3?text=&docid=165446&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=7687025>

¹⁴ Case, C-346/14, European Commission v Republic of Austria, para. 70, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=177722&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=7688506>

potential, nor to prevent the deterioration of the status of surface or groundwater, when such failure results from new modifications to the physical characteristics of surface water bodies or alterations to the characteristics of groundwater bodies.

The Directive further provides that the assessment of river basin conditions must be carried out in order to enable the effective implementation of essential activities, such as analysing river basin characteristics and the impact of human activity, as well as the reducing or eliminating polluting substances, the control of which constitutes a priority and is subject to environmental quality standards.

On the other hand, the economic analysis of water services is conducted from the perspective of environmental damage and adverse environmental impacts. Changes in water status must be monitored systematically, at six-year intervals, and in a comparable manner.

Member States are required to identify all bodies of water used for the abstraction of water intended for human consumption that provide more than 10 cubic metres per day on average or serve more than 50 persons. They are also obliged to establish programmes for monitoring the status of water within each river basin district.

Article 9 of the Water Framework Directive enshrines the principle of cost recovery for water services. Water pricing is conceived as an economic instrument for environmental protection, functioning in a manner comparable to an eco-tax imposed on consumers for water supply services. The determination of the level of such an “eco-tax” falls within the discretionary competence of the Member States, which, in making such determinations, must take into account the principle of cost recovery for water services. This implies the application of the “user pays” principle as an economic instrument, obliging Member States to establish an appropriate level of pricing. To this end, the Directive requires an economic analysis of water use in each river basin, in order to obtain the necessary information and identify the full economic costs of water use.

After the adoption of the Directive, Member States were required, by 2010, to ensure water pricing policies that moved towards the internalisation of external environmental costs in two respects. First, such policies must provide adequate incentives for users to utilise water resources efficiently, which corresponds to the core objective of the economic instruments. Second, the financial component requires that several economic sectors, namely industry, households, and agriculture, contribute appropriately to the costs of water services. This contribution must be “appropriate” and allow Member States a degree of flexibility, thereby distinguishing water pricing policies from other economic instruments that are often applied more rigidly.

Measures relating to the recovery of costs for water services may, to a certain extent, be considered analogous to obligations deriving from “soft law”, as the Court of Justice of the European Union has held that they constitute one of the instruments available to Member States for ensuring sound water management and achieving the rational use of water resources.¹⁵

Since the determination of water pricing falls within the discretionary powers of Member States, they may derogate from a fixed pricing principle by taking into account social, environmental, and economic factors, as well as the geographical and climatic conditions of the regions concerned. However, Member States are required to provide justification for such deviations.

With regard to the protection of water against pollution, the European Union has adopted several directives addressing this issue. The objective is the gradual reduction of emissions of certain polluting substances, limited to forty “priority substances” listed in Annex X to the Water Framework Directive, twenty of which are classified as “priority hazardous substances”, the discharge of which must be completely phased out.

¹⁵ Case, C-525/12, *European Commission v Federal Republic of Germany*, para, 55, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=157518&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&c id=7758494>

The Directive does not merely establish general obligations but also applies to specific projects. The obligation to prevent deterioration of water quality varies depending on the type and status of the water body concerned, for which a management plan must be adopted. A Member State is required to refuse authorisation for, or to refrain from approving a project that may lead to the deterioration of the status of a given body of water or jeopardise the achievement of good water status.

Member States must adopt all necessary measures to protect, enhance, and restore water bodies in order to achieve a status classified as “good”. With regard to public participation, Member States are required to encourage the active involvement of all interested parties in the implementation of the Directive, particularly in the preparation, review, and updating of river basin management plans. They must also ensure the publication and availability for public comment on the work programme for the preparation of such plans, draft river basin management plans, and access to the background documents relevant to river basin management.

As noted above, Member States are bound by directives only in terms of the results to be achieved. Consequently, they were obliged to align their legislative and administrative frameworks with this Directive no later than 22 December 2003.

Resolution of the European Parliament

The Resolution on access to water as a human right was adopted by the European Parliament with 550 votes in favour, 22 against, and 66 abstentions.¹⁶

In this Resolution, the European Parliament reaffirmed the right to drinking water and sanitation as a human right, emphasising that these two rights are complementary.

The right to water should be guided by a logic based on public interest. Access to drinking water and the right to health and life are interdependent and are a fundamental prerequisite for public health and human development.

The Resolution underlines that the establishment of the right to safe drinking water and sanitation as a human right can contribute to further progress in this field through: (i) assigning greater political priority to water-related issues; (ii) improving the implementation and monitoring of relevant measures; (iii) ensuring more effective and sustainable financing; and (iv) promoting broader public participation, in particular the involvement of the most marginalised groups of society, especially in developing countries. The Resolution further stresses that the recognition of the human right to water and sanitation by the international community must be accompanied by effective protection and enforceability mechanisms.

Member States called on the European Union to promote protection mechanisms at international, regional, and national levels in order to ensure that respect for the right to water is not optional for the States, but constitutes a binding obligation. At the same time, Member States were urged to set an example by ratifying the relevant international instruments, such as the Protocol on Water and Health and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes adopted in 1992. Developing countries were also encouraged to accede to the two global United Nations water conventions.

The European Parliament noted that certain development models that favour large-scale projects have a negative impact on the availability and quality of water in all countries, increase the competition for access to water, and contribute to other water-related conflicts. In this context, the Parliament emphasized the importance of investing in sustainable water solutions, such as the rehabilitation of aquatic ecosystems, wastewater recycling, seawater desalination, and the improvement of sewage systems, irrigation, and agricultural practices.

¹⁶ European Parliament resolution of 5 October 2022 on access to water as a human right – the external dimension ([2021/2187\(INI\)](#))

The resolution also refers to the Council's conclusion in 2018, in which the Council condemned the use of water as a weapon of war. It is also indicated that the deliberate deprivation of water that results in the extermination of civilians is a crime against humanity under the Statute of the International Criminal Court and may also be considered a war crime. To this end, the occupying powers were called upon to take urgent measures to guarantee access to water for people living in the occupied territories and to ensure that they have control over their water resources.

In conclusion, the Parliament recalled that water supply is of general interest and highlighted the possibility of water shortages due to constant depletion, and called on the Commission and the member states to act preventively against global water shortages and to help countries outside the EU take measures to protect water as a major resource. Member states are called upon to adopt laws to prevent the phenomenon of water abuse and to promote an appropriate framework for its management. Member States were also called upon to adopt legislation to prevent water from becoming subject to financial speculation and malpractice in futures markets, and to promote an appropriate governance framework for water and sanitation services grounded in a rights-based approach as a primary principle.

The European Citizens' Initiative

A large number of European citizens, aiming to encourage the European Commission to take a more proactive role in the field of water policy, launched a public campaign in 2012 entitled Right2Water, with the intention of initiating a European Citizens' Initiative (ECI). This possibility was introduced by the Treaty of Lisbon as an instrument of participatory democracy. The European Citizens' Initiative allows one million citizens from at least seven Member States to invite the Commission to submit a legislative proposal in areas that fall within the competences of the European Union.¹⁷ This right is enshrined in Article 11(4) of the TEU and was operationalised through Regulation (EU) No 211/2011.¹⁸

The Right2Water initiative, entitled "Water and sanitation are a human right", made use of this new instrument to call upon the Commission to implement the United Nations human right to water and sanitation within the EU. It proposed three specific actions: (1) granting a mandate to EU institutions and Member States to guarantee the right to water and sanitation for all citizens; (2) excluding water supply and water resource management from the scope of internal market rules and exempting water services from liberalisation; and (3) encouraging the EU to intensify its efforts to achieve universal access to water and sanitation.¹⁹

In this manner, the Right2Water initiative challenged the prevailing "neoliberal economic model" of the EU and sought to shift the approach to water governance from a market-oriented model to a rights-based approach.²⁰ The call for new and necessary measures was justified by the fact that a significant number of EU citizens still lacked adequate access to water or sanitation, thereby highlighting inequalities between regions and social groups.²¹ The *Right2Water* initiative was part of a broader movement that emerged across European countries and at the global level, opposing privatisation programmes through various legal strategies. These movements included citizens' referendums and judicial proceedings aimed at challenging the commercialisation of water services and sanitation.²²

¹⁷ TEU, art. 11 (4). The European Citizens' Initiative was introduced by the Treaty of Lisbon.

¹⁸ EU Regulation No. 211/2011 on the citizens' initiative; O.J. L 65, 22.3.2011, p. 1.

¹⁹ Right2Water citizens' initiative: https://citizens-initiative.europa.eu/initiatives/details/2012/000003/water-and-sanitation-are-human-right-water-public-good-not-commodity_en.

²⁰ Jerry van den Berge, Rutgerd Boelens and Jeroen Vos, "How the European Citizens' Initiative 'Water and Sanitation is a Human Right!' Changed EU Discourse on Water Services Provision", *Utrecht Law Review*, Vol.16, No.2, p. 49

²¹ Iris Benohr, "The Right to Water and Sustainable Consumption in EU Law", *Journal of Consumer Policy*, No.46, p.60

²² Berge, Boelens and Vos, "How the European Citizens' Initiative 'Water and Sanitation is a Human Right!' Changed EU Discourse on Water Services Provision", p. 52

In 2013, this initiative became the first successful European Citizens' Initiative, having collected over 1.6 million signatures across more than seven Member States. As a result, the European Commission was obliged to respond, and in March 2014, it provided a 13-page response setting out its legal conclusions and the measures it planned to adopt.²³ The Commission's response mainly described measures already taken to improve access to water, with a view to improvement in some areas, however significant new measures were not indicated.²⁴

The most important part of the European Commission's response was that "access to water services is crucial", however it is managed by national authorities, while the provision of water services is the responsibility of member states. This means that the implementation of the human right to water is an issue that needs to be addressed at the member state level.

This response proved to be disappointing, particularly insofar as the European Commission denied its responsibility within European water policies.

This triggered critical reactions from both the European Parliament and the European Economic and Social Committee, which suggested that the Commission should put forward a new proposal advocating for the inclusion of the right to water in the Charter of Fundamental Rights of the European Union.²⁵ The Commission's initial approach may have been motivated by the need to strike a balance between competing objectives, in particular between ensuring water supply and protecting the environment, which is itself essential for the provision of water services. Nevertheless, issues relating to water scarcity and environmental concerns were not adequately addressed in the Commission's response, in contrast to the position of the European Parliament, which emphasised sustainable water consumption as a priority objective for the EU. The Commission's response thus reveals a lack of ambition and an absence of a comprehensive approach to sustainable water use.

Another reason for the Commission's initial self-restraint was apparently that the approach of member states to the right to water varied in different countries, despite the general trend towards privatization. Some countries considered water a common good and opted for public management of water services, others considered it a commercial product and delegated responsibility to private companies, or adopted hybrid models.²⁶

Of course, recognizing the right to water will entail additional costs. Investments will also be needed to improve the infrastructure. Some governments have probably resisted such a commitment due to their economic and political situation. Therefore, the EU had to face the difficult challenge of setting minimum standards that ensure the right to water, without interfering with national systems. At all events, the Right2Water initiative is an important step towards recognizing the right to water as a distinct human right. Finally, in 2020, the EU adopted the revised EU Drinking Water Directive, analysed above, which aims to improve the safety and quality of drinking water, while facilitating access to water for vulnerable social groups.²⁷

²³ EU Regulation No. 211/2011, art.10

²⁴ Anastasia Karatzia, "The European Citizens' Initiative and the EU institutional balance: On realism and the possibilities of affecting EU law-making", *Common Market Law Review*, Vol.51, No.1, p.182

²⁵ European Parliament resolution of 8 September 2015, (2014/2239(INI) 2014–2019 P8-TA (2015)0294; Opinion of the European Economic and Social Committee on the Communication from the Commission on the European Citizens' initiative "Water and sanitation are a human right! Water is a public good not a commodity!" 2014, NAT/644

²⁶ Benohr, "The Right to Water and Sustainable Consumption in EU Law", p.61

²⁷ Council Directive, 2020/2184 on the quality of water intended for human consumption, OJ L 435, 23 December 2020, pp. 1-62

European Water Resilience Strategy (2025)

The Strategy's²⁸ introduction states that water is essential for life and that people cannot live without water. Today, we can no longer take water for granted, and this affects citizens, businesses, and the environment. The Strategy emphasizes that Europe is the Earth's fastest warming continent, all due to rapid climate change, and access to clean and affordable water is a human right and must be respected as such.

EU institutions should be guided by the principle of building strategic alliances with international partners to ensure water resilience. The competition for access to drinking water has often been a pretext for conflict or diversion (displacement - territorial) of conflict. Statistics show that global demands for access to water will increase, by over 40% in 2030, compared to current demands. Furthermore, it stated that the lack of access to drinking water caused the migration of 40 million people and material damage worth over 480 billion euros, in 2024 alone. To find a model for sustainable management of water resources, the EU plans to organize the next UN Water Conference in 2026, which is a historic moment towards the realization of the Sustainable Development Goals. Sustainable development means protecting and restoring aquatic ecosystems, as well as creating a balance between water demand and water supply in order to exercise the human right to drinking water without compromising the right of future generations to drinking water. Since water is a limited resource, it should be used efficiently. To achieve this goal, water saving should be promoted in all economic sectors. Water saving is one of the basic mechanisms for ensuring water supply in order to meet the demands of users. The Strategy promotes the principle of water efficiency, stating that it is vital and should be a priority for all actors. The Strategy is accompanied by a Recommendation on the implementation of the principle of water efficiency. The Strategy also points out that access to safe and clean drinking water is a human right. Historically, over the last three decades, through the implementation of EU water legislation and significant investments by the EU, access to drinking water has generally been ensured throughout the EU. Recent statistics show that approximately 4% of the EU population does not have access to drinking water, compared to many regions outside the EU, where the percentage is much higher. Despite these data, in the Strategy it is indicated that it is important to take specific measures to ensure access to clean and affordable water, in particular for women and vulnerable groups, such as people with disabilities and minorities, as well as in less developed regions, in order to promote social, economic and territorial cohesion. Less developed regions face infrastructure problems that directly affect access to drinking water. It is emphasized that the installation of water filtration systems is also important, especially in regions where the structure of the water is such that it can negatively affect the health of citizens. In the final part of the Strategy, the Commission calls upon the member states and all other stakeholders to take specific measures in accordance with this Strategy. The Commission has committed to organising a Water Resilience Forum every two years, in order to assess the achieved progress in increasing water resilience at all levels of governance and to monitor and evaluate the implementation of this Strategy. In 2029, the Commission will assess the progress made at the national level in relation to the Water Efficiency Recommendation. The Commission will also define the actions to be taken in the coming years with the aim of effectively coping with the new challenges, to achieve water resilience in all areas of society.

²⁸ European Commission, European Water Resilience Strategy, [EUR-Lex - 52025DC0280 - EN - EUR-Lex](#)

Conclusion

From the analysis of the legally binding EU documents such as the Treaties, the Charter and the directives, as primary and secondary sources of the European Union law, and other non-legally binding documents, it can be concluded that the right to water is not explicitly guaranteed as a distinct human right within the legal framework of the European Union. Namely, not a single legally binding document from the primary sources of the EU contains a provision that explicitly recognizes the right to water as a distinct human right. Despite the fact that this right can be derived from already guaranteed rights, such as the right to life, human dignity, the right to health and social security, as such, it will not include all the elements, such as availability, safety, accessibility and sustainability. Unlike primary sources of EU law, secondary sources of EU law, in particular the Water Framework Directive and the Drinking Water Directive, establish important standards for the protection of water quality and ensuring access to water, however these are only a few of the many components of the right to water. Non-legally binding documents, such as resolutions of the European Parliament and the European Citizens' Initiative Right2Water, while promoting the right to water as a human right, have failed to incorporate the right to water into legally binding documents of EU law. The European Water Resilience Strategy (2025) is an important step towards promoting the right to water as a fundamental human right, however this strategy is a political and strategic document, and does not have a legally binding effect, which would grant the right to water as a human right in the legal order of the Union. Based on the above, it can be concluded that the right to water is not guaranteed as a distinct human right in the legal framework of the European Union.

The absence of such a guarantee creates a legal gap in the catalogue of fundamental rights of the European Union. From the perspective of EU citizens, this entails an inability to invoke this right before the competent authorities, reduced protection, and the emergence of legal uncertainty. From the perspective of EU institutions, it signifies the absence of a specific obligation to take action for its protection, as well as the lack of a concrete legal basis for action in this field. It therefore remains for the institutions of the European Union, by relying on other guaranteed rights and on the generally established values and responsibilities of the Union, to undertake measures for the indirect protection of this right. However, such protection would not be equivalent to the situation in which the right is explicitly recognised and guaranteed.

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