

## **Questionnaire –The principle of accountability in the context of the human rights to safe drinking water and sanitation**

1. The Swedish legislation concerning drinking water is based on the European Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption. In the directive it is however not regulated who should be accountable for the quality of the drinking water. In Sweden it is stated that the producer or supplier of drinking water is responsible to investigate the cause of non-conformance with the parametric values and to assess if the non-compliance is a risk to human health. The producer or supplier is also responsible to take actions in cases of non-compliance. The producer or supplier of drinking water should also investigate the reason of other potential risks to human health when it comes to the drinking water and take necessary actions to protect human health. The drinking water that is not subject to these rules is drinking water for private consumption in cases where one or a few houses have a private well. The National Food Agency provides advice and information regarding drinking water from private wells.
2. If the non-compliance with the parametric values or the risk to human health is caused by an installation in buildings, the producer or supplier of drinking water should inform the owner of the property. In this case, the supplier or producer of drinking water is not responsible to assess the risk and to take corrective actions etc. Potentially this could be a procedure that extends the time until corrective actions are taken by the responsible actor.
3. When it comes to accessibility and availability it is stated that if it is necessary with regards to the protection of human health or the environment, the local authority should decide in which area the water service should be arranged and make sure that this is fulfilled as soon as possible by a public water establishment. When it comes to the affordability it is stated that the owner of the property should pay a fee if the property is in the area of the public water establishment and the property is in need of a public water service with regard to the protection of human life and health and this need cannot be provided for in any other way. The fees should not exceed the necessary costs to manage the public water establishment. Regarding the quality of the drinking water it is the producer or supplier of drinking water that is responsible. The local authority has the mandate to conduct official control of the water establishment and to use administrative sanctions in cases of non-compliance, for example if there is non-compliance with the parametric values or if the drinking water otherwise constitutes a risk to human health.
4. In Sweden the producer or supplier of drinking water has the responsibility to deliver safe drinking water. The control authority can conduct official control and use administrative sanctions in cases of non-compliance. It could also be relevant to claim damages according to the Swedish Tort Liability Act in some cases. In serious cases criminal sanctions could also come into question.

Sweden also works for the enjoyment of the human right to safe drinking water and sanitation through Sida's support to water resources management.

It focuses on the establishment of sustainable, equitable, participative and accountable management systems.

5. The accountability is ensured primarily by official control and administrative sanctions, if necessary. As described under point 1 these actors are covered by the statutes regarding drinking water quality and subject to a regular and risk based official control. They are also covered by a number of other statutes which for example gives the authority right to conduct official control and to use administrative sanctions.

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Generally, Sweden has a good quality of drinking water. Answerability and enforceability in the Swedish legal system regarding drinking water is mainly fulfilled in a preventive manner through official control and administrative sanctions, if necessary. All drinking water producers or suppliers should control the quality of the drinking water on a regular basis. If there are problems regarding the quality of the drinking water, these should be dealt with before the consumers are affected. The control authorities should control that these rules are followed and administrative sanctions should be used if the actors do not follow the rules. In most cases the responsible actors are willing to take responsibility and work to deliver a safe drinking water and to take measures against poor quality of the drinking water as soon as possible. If the drinking water does not comply with the rules and there is a risk to the health, boiling recommendations can be issued or the producer can provide emergency water in a water cistern. Boiling recommendations are available in several different languages.

6. During the winter 2010/2011 the Östersund municipality was hit by an outbreak of the waterborne parasite *Cryptosporidium hominis*. The unsafe water is estimated to have caused several thousand cases of illness. Several authorities and other actors were involved in investigating the cause of this outbreak and taking measures to stop the outbreak, for example the local authority, the disease control officer, The Swedish Institute for Infectious Disease Control and The National Food Agency. The information to consumers focused on the health risk and recommendations to avoid illness. The local authority also reported the incident to the police.
7. The consumers are informed when the drinking water is affected and may be a risk to consumer's health. However, the information is focused on how the consumer can access safe drinking water, for example boiling recommendations or information about where to access emergency water. This information can be given through "Important message to the public", internet, TV, radio, newspapers.
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9. The most important mechanisms are official control of the producers and suppliers of drinking water and the possibility to use administrative sanctions if non-compliance with the rules is not corrected. When it was found that PFAS, mainly from fire foam, was found in drinking water the government appointed a public investigation to,

amongst other things, investigate why this happened, how the effects to public health and environment should be minimized and if there is a need to suggest improvements when it comes to the public handling of the situation. In 2017, the authorities and institutions for research increased their cooperation through a group for cooperation to prevent and to take necessary measures to minimize risks to human health through chemicals in drinking water.

When problems regarding the distribution of water occur the local authority or the distributor or supplier of water may contact a national water catastrophe group which can support the responsible actors when it comes to handling the problems.

10. One example is that regarding PFAS a non-governmental organization has sued a producer of drinking water and claims damages due to effects on the health of consumers caused by the drinking water. There has not yet come a judgement from the court. After the outbreak of parasite *Cryptosporidium hominis* the public prosecutor claimed that the local authority should be imposed a corporate fine. However, the court found that the claim should be dismissed.

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