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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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Subject: Commission Staff Working Document *accompanying the document* Report
from the Commission to the European Parliament, the Council, the European
Economic and Social Committee and the Committee of the Regions
Seventh Report on the Implementation of the Urban Waste Water Treatment
Directive (91/271/EEC)

Delegations will find attached Commission document SWD(2013) 298 final.

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COMMISSION STAFF WORKING DOCUMENT

Annex

Accompanying the document

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE
COMMITTEE OF THE REGIONS**

**Seventh Report on the Implementation of the Urban Waste Water Treatment Directive
(91/271/EEC)**

{COM(2013) 574 final}

Table 1: National compliance rates as concerns collection, secondary treatment and more stringent treatment

Member State	Collection compliance rate (%)	Secondary treatment compliance rate (%)	More stringent treatment compliance rate (%)
Austria	100	100	100
Belgium	78	73	52
Bulgaria	15	6	2
Cyprus ¹	0	0	0
Czech Republic	100	81	20
Denmark	100	99	94
Estonia	30	31	21
Finland	100	97	97
France	96	84	87*
Germany	100	100	100
Greece	100	99	100**
Hungary	100	100	48
Ireland	100	40	2
Italy	87	64	86*
Latvia	0	0	0
Lithuania	100	98	85
Luxembourg	100	57	38
Malta	100	5	0
Netherlands	100	100	100
Poland	71	24	10
Portugal	97	47	20
Romania ²	transition period pending	transition period pending	transition period pending
Slovakia	100	90	transition period pending
Slovenia	32	23	23
Spain	98	86	54
Sweden	100	99	87
United Kingdom	100	98	63
EU 15	97	88	90
EU-12³	72	39	14
EU 27⁴	94	82	77

1 Based on information recently provided, collection rate in Cyprus would be equal to 11%

2 Figures on "installations in place" (collecting systems and treatment plants) are available for Romania. For a total of 2390 Romanian towns/cities, there are 544 collecting systems in place (covering 51% of the population), 270 plants providing secondary treatment (serving 31% of the population), and 30 plants providing more stringent treatment (serving 6.5% of the population). Significant additional efforts are needed if Romania is to meet its future compliance deadlines.

3 For the reporting exercise 2011 the following interim deadlines were taken into account for EU-12 MS for the first time:

- By 31 December 2010, BG had to be compliant with Articles 3, 4 and 5(2) for all agglomerations > 10,000 p.e..
- As for CY, 2 agglomerations (Limassol and Paralimni) with > 15,000 p.e. had to be compliant with Articles 3, 4 and 5(2) by 31 December 2008. Agglomeration Nicosia with > 15,000 p.e. had to be compliant with Articles 3, 4 and 5(2) by 31 December 2009.
- By 31 December 2009, EE had to be compliant with Articles 3, 4 and 5(2) for all agglomerations > 10,000 p.e..
- By 31 December 2008, HU had to be compliant with Articles 3, 4 and 5(2) for all agglomerations in sensitive areas with > 10,000 p.e..
- For LV, the final deadline to comply with Articles 3, 4 and 5(2) expired on 31 December 2008 for all agglomerations with > 100,000 p.e..
- By 31 Dec 2010, PL had to comply with Articles 3, 4 and 5(2) in 1069 agglomerations representing 86% of the total biodegradable load.
- By 31 Dec 2008, SK had to comply with Articles 3 and 4 for 91% of the total biodegradable load.
- For SI, the final deadline to comply with Articles 3, 4 and 5(2) terminated on 31 December 2008 for all agglomerations with > 10,000 p.e. in sensitive areas. The final deadline of the transitional period to comply with the requirements of the Directive expired in this reporting period for CZ (as of 31 December 2010) and LT (as of 31 December 2009).

4 Compliance rates are weighted by the size of the country, i.e., by the amount of waste water generated in each country

Colors show ranges of compliance: red...0% - 20%, orange...>20% - 40%, yellow...>40% - 60%, green...>60 - 80%, blue...>80% - 100%, white...no data or transition period still pending

Compliance rate makes reference to the waste water generated **only** by the settlements which have been found to be in compliance with the Directive for collection, secondary/biological treatment, or more stringent treatment

*National compliance rate originates from the absolute load compliant with Art. 5(2,3) and the collected load of agglomerations, which discharge into compliant Art. 5(4)-areas (the latest are areas where there must be a percentage of reduction of the overall load entering the plants of 75% for Nitrogen and 75% for Phosphorus to reach compliance with art 5 (more stringent treatment). Therefore compliance is assessed at the level of the area as a whole, and not at the level of individual towns/cities)

** In Greece, 279 out of the total number of 478 agglomerations (representing 11% of the total generated load) were reported with 100% of the generated load addressed through IAS (in full). IAS means individual or other appropriate systems, and related figures are reflected as reported by MS, i.e., appropriateness is not checked by the Commission These agglomerations are not subject to Article 4, therefore were not considered for the calculation of this compliance rate (biological treatment).

Table 2: Compliance in EU-27 capital cities (big cities) and other relevant information

MEMBER STATE	CAPITAL CITY	Population (CAPITAL)	Collection	Secondary Treatment	More stringent Treatment (art 5.2)	FINAL Assessment
AUSTRIA	VIENNA	4000000	C	C	NR	C
BELGIUM	BRUSSELS	1460000	C	C	NC	NC
BULGARIA	SOFIA	1291054	NC	NC	NC	NC
CYPRUS	NICOSIA	220000	NC	NC	NC	NC
CZECH REPUBLIC	PRAGUE	1354080	C	C	NC	NC
DENMARK	COPENHAGUEN	1100000	C	C	C	C
ESTONIA	TALLIN	468000	NC	NC	NC	NC
FINLAND	HELSINKI	1261200	C	C	C	C
FRANCE	PARIS	9410000	C	C	NR	C
GERMANY	BERLIN	3640627	C	C	NR	C
GREECE	ATHENS	5400000	C	C	C	C
HUNGARY	BUDAPEST	3389914	NR	NR	NR	NCO
IRELAND	DUBLIN	2454924	C	NC	NC	NC
ITALY	ROME	2784000	C	NC	NA	NC
LATVIA	RIGA	713016	NC	NC	NC	NC
LITHUANIA	VILNIUS	740200	C	C	C	C
LUXEMBOURG	LUXEMBOURG	244018	C	NC	NC	NC
MALTA	LA VALETTA	350000	C	NC	NC	NC
NETHERLANDS	AMSTERDAM	908121	C	C	NR	C
POLAND	WARSAW	2448500	NC	NC	NC	NC
PORTUGAL	LISBON	1063000	C	NC	NA	NC
ROMANIA	BUCAREST	2158691	NR	NR	NR	NCO
SLOVAKIA	BRATISLAVA	539871	C	C	NR	C
SLOVENIA	LJUBLJANA	351623	NR	NR	NA	NCO
SPAIN	MADRID	4072507	C	C	NR	C
SWEDEN	STOCKHOLM	1632000	C	C	C	C
UNITED KINGDOM	LONDON	10511791	C	C	NC	NC

Legend: C: compliant; NC: non-compliant; NR: not relevant (because the deadline is not expired yet, either for article 3, 4 or 5.2, or regarding art 5.2 only, because art 5.4 applies at the level of the area of discharge); NA: not applicable (agglomerations discharging into normal areas) NCO: no compliance obligations (in general)

N.B. big cities, when composed by several different settlements, are considered as "compliant" only when all the settlements are in compliance.

Additional information as at 2009/10

Capital cities where more stringent treatment (application of art 5.2) is considered as "not relevant":

- **Vienna (Austria)**

Vienna discharges into an art. 5.4 sensitive area which is compliant as a whole for more stringent treatment. Besides this, 100% of the waste water in Vienna receives more stringent treatment.

- **Paris (France)**

Paris discharges into an art. 5(2,3) sensitive area, which was designated by France in 2006. This area is still under transitional period (7 years), therefore without compliance obligations in the reported year. In any case, 100% of the waste water from Paris received more stringent treatment.

- **Berlin (Germany)**

Berlin discharges into an art 5.4 sensitive area which is compliant as a whole for more stringent treatment. Besides this, more than 99% of the waste water in Berlin receives more stringent treatment.

- **Budapest (Hungary)**

Budapest discharges into an art 5.4 sensitive area which still is under transitional period. Besides this and for the moment, Budapest is applying more stringent treatment in 57% of its waste waters.

- **Amsterdam (Netherlands)**

Amsterdam discharges into an art 5.4 sensitive area which is compliant as a whole for more stringent treatment. Besides this, 100% of the waste water in Amsterdam receives more stringent treatment.

- **Bucharest (Romania)**

Bucharest applies art. 5.8, i.e., the whole Romanian territory is considered as sensitive. Bucharest is still under transitional period until end of 2015. However, the Authorities have not reported any information on more stringent treatment in Bucharest.

- **Bratislava (Slovakia)**

Bratislava discharges into an art 5(2,3) sensitive area. Bratislava was still under transitional period (end of 2010), in the reported year (2009). Besides this and when reported, Bratislava was applying more stringent treatment only in 7% of its waste waters.

- **Madrid (Spain)**

Madrid discharges into an art. 5(2,3) sensitive area which was designated by Spain in 2006. This area is still under transitional period (7 years), therefore without compliance obligations in the reported year. In any case, 100% of the waste water from Madrid received more stringent treatment.

Capital cities considered to be in breach

- **Brussels (Belgium)**

According to the information used for the preparation of this report, the agglomeration of Brussels did not comply in 2010 since not all the load was properly treated in line with Article 5(2). There was a breach on more stringent treatment as 22% of the pollution load, reaching the plant "Bruxelles Sud", was receiving only secondary treatment, when it should also receive Nitrogen (N) and Phosphorus (P) removal. Only recently the agglomeration of Brussels would have completed its collecting obligations. The treatment being provided at present would meet the requirements of Article 5(4), but the case has been presented to the Court and a final decision is expected.

- **Sofia (Bulgaria)**

There was a breach on collection and secondary treatment, as 19.6% of the pollution load is not collected or treated. Additionally, 79 % of the treated pollution load was addressed through the "UWWTP Sofia", with failing results for N and P removal (breach on more stringent treatment). 1% (by population of 14600) of the pollution load was addressed through the plant "Kanalizacia Sofia", and no results or treatment type are provided.

- **Nicosia (Cyprus)**

18% of the generated pollution load was not collected or treated. 75.7% of the pollution load was addressed through treatment plants, of which 63.6% is in compliance (the rest, addressed by the treatment plant Anthoupolis B, has not reported results).

- **Prague (Czech Republic)**

99.2% of the pollution load was treated, but results are not compliant for tertiary treatment (N removal).

- **Tallin (Estonia)**

1% of the pollution load was not collected and treated (by population of 4680): as a consequence there was a breach in collection and treatment. However, all the treated load shows compliant results for secondary treatment. The plant named "Tallin" fails for N removal (receiving 96% of the pollutant load). The plant named "Muuga Sadam", treating 3% of the pollutant load, fails for P removal.

- **Dublin (Ireland)**

Treatment failed in 100% of the pollution load for all parameters, on secondary and more stringent treatment.

- **Rome (Italy)**

Rome was a big city composed by 17 settlements all them compliant with collection. About secondary treatment, 3.16% of the pollution load, i.e., by population of 86872, was in breach. This is addressed by a number of treatment plants, all in the settlement (city) of Rome, namely: Quarto Miglio-Almone, Acqua Traversa, Maglianella, Collettore Crescenza, Ponte Ladrone, for which results were not reported.

- **Riga (Latvia)**

4 % of the pollutant load (by population of 28521) was discharged without collection and treatment, therefore was in breach. Results were compliant for secondary treatment in the treated load. There was, however, breach for art 5 in the only plant in this city " BAI "Daugavgriva", which fails for Nitrogen removal.

- **Luxembourg (Luxembourg)**

Luxembourg was in breach with secondary treatment for 15% of the pollution load (by population of 36603), and 84% was also in breach for more stringent treatment. There were five treatment plants in Luxembourg, the plant named " Uebersyren", receiving 15% of the load, was in breach for organic pollution (parameter related to secondary treatment); there were failing results in other four plants for N removal (84% of the pollution load), and for P removal in other two plants (58% of the pollution load).

- **La Valetta (Malta)**

There was a breach with secondary treatment. With two treatment plants, one of them was inactive and the other, treating 100% of the load, has not reported results.

- **Warsaw (Poland)**

37.6% of the pollutant load was not collected. The entire treated pollutant load complied with secondary treatment (i.e., 62.4%); only 31.2% of the treated pollutant load complied with tertiary treatment. Warsaw has two treatment plants, each of them receiving the half of the treated load; the plant named: "Zakład Oczyszczalni Ścieków Czajka O1", failed for N removal.

- **Lisbon (Portugal)**

Lisbon was in breach for secondary treatment in 63% of the pollutant load. Lisbon has four plants, two of them with failing results for secondary treatment ("Alcantara", treating 52% of the pollutant load, and the plant named "SC Lisboa", treating 11% of the pollutant load).

- **London (United Kingdom)**

London was composed by 10 settlements, all compliant for collection and secondary treatment. One of them, London-Deephams, with population of 823003, was in breach for tertiary treatment (discharging into a Sensitive Area which requires P removal, it has been reported as not requiring more stringent treatment, only secondary).

Table 3: Most relevant infringement cases (to date)

CASES RELATED TO LARGE TOWNS/CITIES (above 10000 or 15000 population)

Case number	Member State	Type of discharge area (NSA: not sensitive, SA: sensitive)	Court Ruling and related date (if applicable)
1998/2110	FR	SA	23/09/2004 (C-280/02)
2004/2032	FR	NSA	
2002/2123	ES	SA	
2004/2031	ES	NSA	14/04/2011 (C-343/10)
1999/2030	BE	SA	08/07/2004 (C-27/03)
2002/2128	PT	SA	8/09/2011 (C-220/10)
2004/2035	PT	NSA	07/05/2009 (C-530/07)
2004/2033	IE	NSA	11/09/2008 (C-316/06)
2009/2034	IT	SA	
2004/2034	IT	NSA	19/07/2012 (C-565/10)
2002/2125	LU	SA	23/11/2006 (C-452/05)
2004/2036	UK	NSA	25/01/2007 (C-405/05)

2004/2030	EL	NSA	25/10/2007 (C-440/06)
2002/2130	SE	SA	06/10/2009 (C-438/07)
CASES RELATED TO SMALL AND LARGE (LATELY FOUND IN BREACH) TOWNS/CITIES			
Case number	Member State	Type of discharge area (NSA: not sensitive, SA: sensitive)	
2009/2304	BE	Not relevant	
2009/2306	FR	SA/NSA	
2009/2309	PT	SA/NSA	
2009/2307	DE	Not relevant	
2009/2310	SE	SA/NSA	
2011/4041	EL	SA/NSA	
2012/2100	ES	SA/NSA	

N.B. All these cases, considered as the most relevant, are categorized as "horizontal": it means that they do not cover single towns/cities but groups of them classified in a similar category as regards compliance obligations, which have been found in breach for one or several articles in the Directive, as per Member State.

Table 4: Court judgements (2009-2012)

C-530/07 Commission v Portugal	07/05/2009	The Court concluded that Portugal has breached its obligations under Article 3 of the Directive 91/271/EEC concerning urban waste-water treatment for not ensuring that 7 agglomerations have collecting systems for urban waste water and Article 4 for not ensuring secondary treatment or an equivalent treatment for urban waste water entering collection systems concerning 15 agglomerations.
C-335/07 Commission v Finland	06/10/2009	The Court dismissed the action. The Commission failed to provide the necessary evidence to prove a causal link between the discharges of nitrogen from treatment plants from agglomerations of more than 10 000 p.e. situated in the relevant catchment areas and the pollution (eutrophication) of the sensitive areas.
C-438/07 Commission v Sweden	06/10/2009	The Court finds Sweden in breach of Dir. 91/271/EC concerning discharges of nitrogen from treatment plants in agglomerations Sweden itself acknowledged to be in breach. The Court dismisses the action in the remainder. The Commission failed to provide the necessary evidence to prove a causal link between the discharges of nitrogen from treatment plants from agglomerations of more than 10 000 p.e. situated in the relevant catchment areas and the pollution (eutrophication) of the sensitive areas. AG proposed to dismiss the case on the basis of insufficient evidence.
C-390/07 Commission v UK	10/12/2009	The Court finds UK in breach of Article 5 of Dir.91/271/EC concerning two agglomerations and dismissed the bigger part of the action as the Commission failed to provide the necessary evidence.
C-526/09 Commission v Portugal	02/12/2010	<p>This is a judgment in a case the Commission brought against Portugal for non-compliance with the Waste water Directive (91/271/EEC) with regard to non-authorized discharge of waste industrial water from the industrial unit Estação de Serviço Sobritos.</p> <p>The Court found that Portugal did not comply with the Waste water Directive by allowing discharge of industrial waste water without a proper authorisation (Art.11). The Court found that Portugal failed to substantiate its claim that compliance was achieved after it initially admitted non-compliance in its reply to the Reasoned Opinion.</p>
C-343/10 Commission v Spain	14/04/2011	This is a Court judgment in a case the Commission brought against Spain for bad application of Urban Waste Water Treatment Directive (91/271/EEC) for failure to ensure proper urban waste water treatment in a number of agglomerations. The Court concluded that Spain is in breach of the UWWTD by failing to ensure a proper collection and treatment of urban waste water in more than 40 agglomerations.
C-220/10 Commission v Portugal	08/09/2011	This is a Court judgment in a case the Commission brought against Portugal for breach of urban waste water treatment Directive (91/271/EEC). The Court concluded that Portugal breached the Directive in respect of certain zones and agglomerations by incorrectly designating them as less sensitive zones (Art.6), by not applying the required treatment level (Art.4, 5) and by not ensuring a collecting system (Art.3).

C-565/10 Commission v Italy	19/07/2012	This is a Court's judgment in a case the Commission brought against Italy for failure to comply with the Waste Water Treatment Directive (91/271/EEC). The Court confirmed that Italy failed to put in place systems for collecting waste water in over 50 agglomerations (pe above 15 000), ensuring secondary or equivalent treatment before discharge in over 90 agglomerations (pe above 15 000) and as a result Italy has failed to ensure that treatment plants in these agglomerations are built and perform sufficiently in all climate conditions.
C-301/10 Commission v UK	18/10/2012	This is a Court's judgment in a case the Commission brought against UK for failure to comply with the Urban Waste Water Treatment Directive (91/271/EEC), with regard to excessive storm water overflows from collecting systems. In London, there were substantial and frequent spills into the Thames even with very moderate rainfall.. The Court confirmed that UK failed to ensure that appropriate collection systems are established and full compliant treatment is provided in London.

N.B. the term "agglomeration" in the UWWTD is equivalent to towns/cities generating pollution load, which is discharged into receiving waters

The term p.e. (population equivalent) is the pollution load generated by population and other sources of biodegradable pollution, such as the agro-food industry, expressed in terms which are equivalent to population units.