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

date of receipt: 14 December 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, 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  
Ninth Report on the implementation status and the programmes for  
implementation (as required by Article 17) of Council Directive 91/271/EEC  
concerning urban waste water treatment

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Delegations will find attached document SWD(2017) 445 final - PART 2/2.

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Encl.: SWD(2017) 445 final - PART 2/2



Brussels, 14.12.2017  
SWD(2017) 445 final

PART 2/2

**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**

**Ninth Report on the implementation status and the programmes for implementation (as  
required by Article 17) of Council Directive 91/271/EEC concerning urban waste water  
treatment**

{COM(2017) 749 final}

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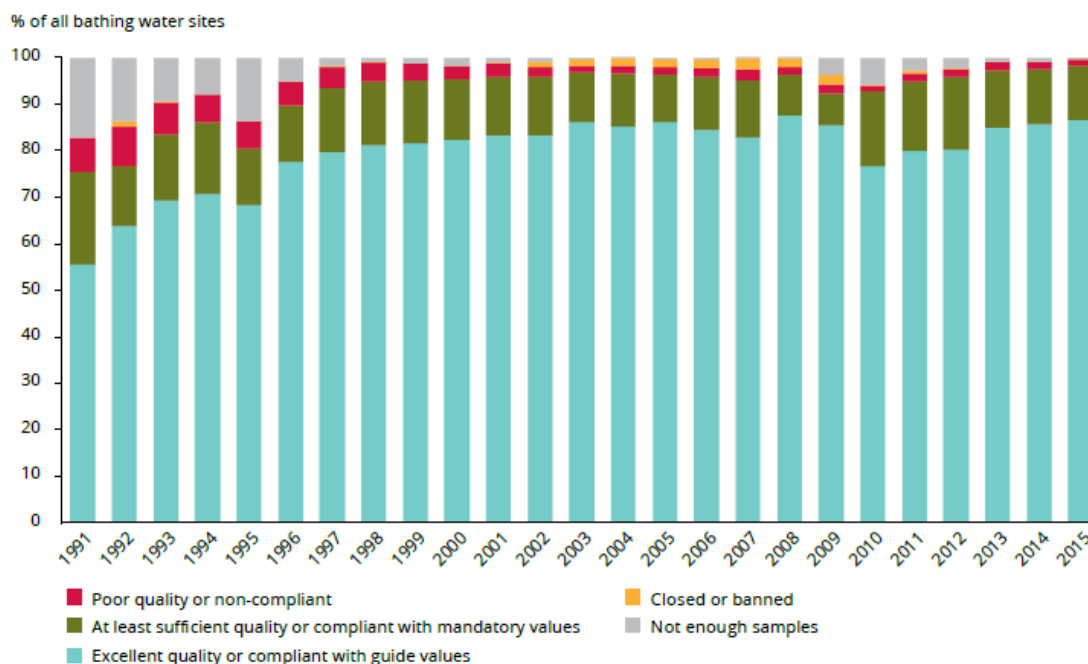
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## 2. Contribution by the UWWTD to the implementation of other directives

The Urban Waste Water Treatment Directive (UWWTD) has contributed substantially to improving water quality in surface waterbodies with regard to microbiological pollution, and also chemical parameters such as biological oxygen demand (BODs), ammonium or orthophosphates.

### 2.1. Bathing Water Directive

The graph below shows the positive results from the implementation of the urban waste water policy in Europe as regards bathing water quality. Bathing waters deemed to be of excellent quality have substantially increased, but the insufficient management of storm water sewage overflows in some municipalities remains the reason for certain bad results. The ongoing projects to improve the implementation of the UWWTD during exceptional rain events will help to reduce the remaining instances of non-compliance.



**Note:** The trend is based on bathing water sites (12 Member States) where quality observations exist for all years from 1991 to 2015. In Chapter 2, the trend from 2011 to 2015 is illustrated, covering around 21 000 bathing water sites and all reporting countries.

**Source:** WISE bathing water quality database (data from annual reports by EU Member States). Detailed data on bathing water quality are available at <http://www.eea.europa.eu/data-and-maps/data/bathing-water-directive-status-of-bathing-water-8>.

*Bathing water quality for 9 594 bathing water sites<sup>1</sup>*

<sup>1</sup> Page 10 of the European bathing water quality report in 2015 — EEA Report No 9/2016.

## 2.2. *Quality of waters in rivers*

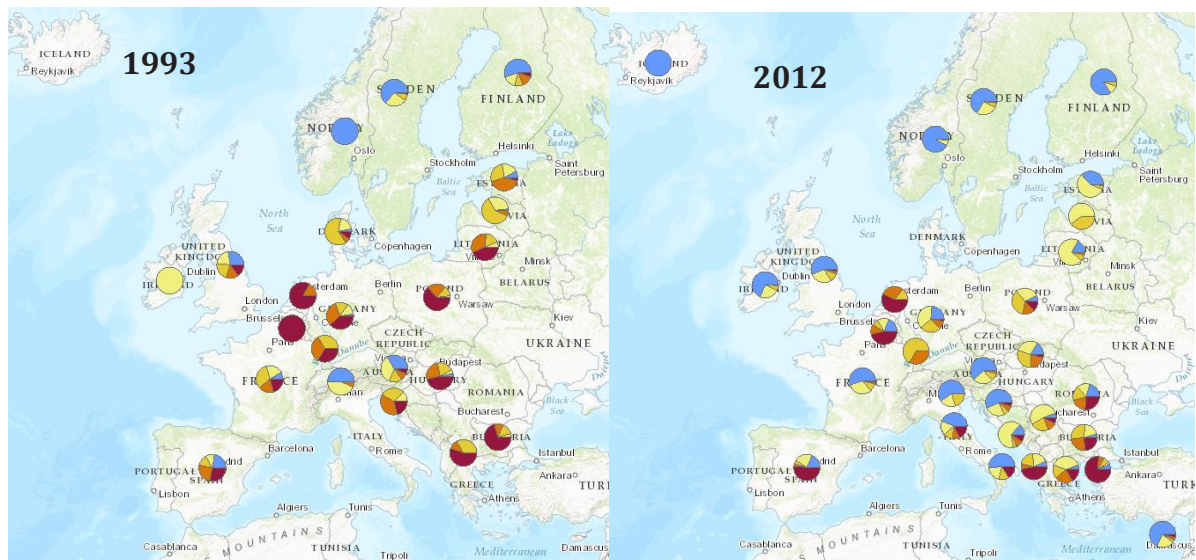
As regards the river quality in Europe there is clearly a positive impact, as shown by the evolution of parameters such as BOD<sub>5</sub>, ammonium and orthophosphate. Untreated waste water is an important source of emissions of these parameters in rivers. Therefore, it is necessary for each new urban waste project to check if the basic requirements of the Directive are sufficient to contribute to maintaining the good ecological and chemical status of the receiving water bodies. Agglomerations that are already in compliance with the Directive's basic requirements, but which still contribute to the deterioration of water quality, will have to implement complementary measures to reduce emissions.



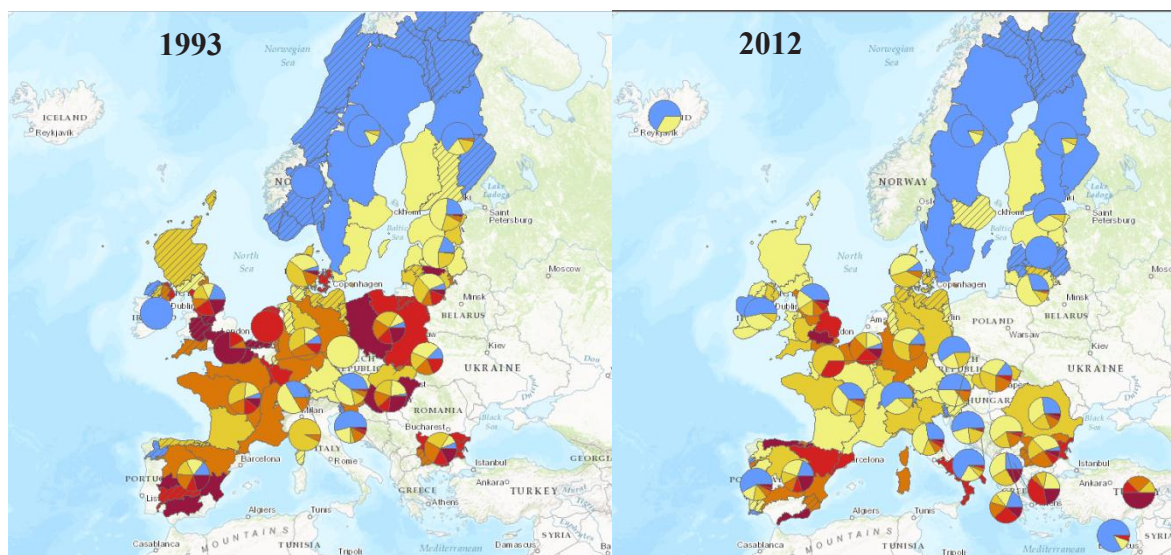
*BOD water quality evolution between 1993 and 2012 — EEA mapviewer<sup>2</sup>*

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<sup>2</sup> <http://www.eea.europa.eu/data-and-maps/explore-interactive-maps/wise-soe-bod-in-rivers>



*Ammonium water quality evolution between 1993 and 2012<sup>3</sup> — EEA mapviewer*



*Orthophosphate water quality evolution between 1993 and 2012<sup>4</sup> — EEA mapviewer*

<sup>3</sup> <http://www.eea.europa.eu/data-and-maps/explore-interactive-maps/wise-soe-ammonium-in-rivers>.

<sup>4</sup> <http://www.eea.europa.eu/data-and-maps/explore-interactive-maps/wise-soe-orthophosphate-in-rivers>

### 3. Information on legal procedures

#### 3.1. Infringement cases since 2015

**Table 1 — EU-15 Member States: Main horizontal infringement cases opened and related Court judgments, where applicable<sup>5</sup>**

CASES RELATED TO LARGE TOWNS/CITIES (above 10 000 or 15 000 population equivalents)		
Case number <sup>6</sup>	Member State	Court Ruling and related date (if applicable)
1999/2030	BE	08/07/2004 (C-27/03) 17/10/2013 (C-533/11) (Art 260)
2002/2123	ES	10/03//16 (C-38/15)
2002/2125	LU	23/11/2006 (C-452/05) 28/11/2013 (C-576/11) (Art 260)
2002/2128	PT	8/09/2011 (C-220/10)
2002/2130	SE	06/10/2009 (C-438/07)
2004/2030	EL	25/10/2007 (C-440/06) 15/10/2015 (C-167/14) (Art. 260)
2004/2031	ES	14/04/2011 (C-343/10)
2004/2032	FR	07/11/2013 (C-23/13)
2004/2035	PT	07/05/2009 (C-530/07) 22/06/2016 (C-557/14) (Art. 260)
2004/2034	IT	19/07/2012 (C-565/10)
2009/2034	IT	10/04/2014 (C-85/13)

<sup>5</sup> Information updated on 10 April 2017.

<sup>6</sup> The case number refers to the reference number attributed by the European Commission to each infringement case.

## CASES RELATED TO SMALL AND LARGE AGGLOMERATIONS

Case number <sup>7</sup>	Member State	Court ruling and related date (if applicable)
2009/2304	BE	6/11/2014 (C-395/13)
2009/2306	FR	23/11/2016 (Case C-314/15)
2009/2309	PT	28/01/2016 (Case C-398/14)
2009/2310	SE	Pending
2011/2027	EL	Pending before the Court (Case C-320/15) Referral to the Court
2012/2100	ES	Pending
2013/2056	IE	Pending
2013/2055	UK	Pending before the Court (Case C-502/15) Referral to the Court
2014/2059	IT	Pending
2016/2134	ES	Pending

### 3.2. Court rulings since 2016

Table 2 — Court rulings since 2016, including information on fines and penalty payments where applicable<sup>8</sup>

MS	Ruling number	Date of issuance	Hyperlink to ruling	Information on fines and penalty payments, where relevant
Portugal	C-398/14	28/01/2016	<a href="#">Commission versus Portugal</a>	
Portugal	C-557/14	22/06/2016	<a href="#">Commission versus Portugal</a>	Article 260 TFEU: The fine imposed was EUR 8 000 per day and EUR 3 million lump sum.
Spain	C-38/15	10/03/2016	<a href="#">Commission versus Spain</a>	
France	C-314/15	23/11/2016	<a href="#">Commission versus France</a>	
United Kingdom	C-502/15	pending		
Greece	C-320/15	pending		

<sup>7</sup> The case number refers to the reference number attributed by the European Commission to each infringement case.

<sup>8</sup> Information updated on 10 April 2017. Only the Court rulings issued since the publication of the eighth Implementation Report are listed in Table 2.



#### *4. Information on Article 17*

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## *5. List of relevant acronyms, abbreviations and symbols used in the Report*

### **EU-European Union**

### **EUR-euros**

### **IAS-individual or other appropriate systems**

AT-Austria

BE-Belgium

BG-Bulgaria

CY-Cyprus

CZ-Czech Republic

DE-Germany

DK-Denmark

EE-Estonia

EL-Greece

ES-Spain

FI-Finland

FR-France

HR-Croatia

HU-Hungary

IE-Ireland

IT-Italy

LT-Lithuania

LV-Latvia

LU-Luxembourg

MT-Malta

NL-Netherlands

PL-Poland

PT-Portugal

RO-Romania

SE-Sweden

SI-Slovenia

SK-Slovakia

UK-United Kingdom

N-nitrogen

P-phosphorus

p.e.-population equivalents

SIIF-structured implementation and information framework

TFEU-Treaty on the Functioning of the European Union

UWWTD-Urban Waste Water Treatment Directive

WFD-Water Framework Directive