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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning urban wastewater treatment (recast)

(Text with EEA relevance)

{SEC(2022) 541} - {SWD(2022) 541, 544}

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Urban Wastewater Treatment Directive[1] (UWWTD) was adopted in 1991. The objective of this Directive is to "protect the environment from adverse effects of wastewater discharges from urban sources and specific industries". Member States (MS) are required to ensure that wastewater from all agglomerations above 2 000 inhabitants is collected and treated according to EU minimum standards. MS also have to designate 'sensitive areas' according to criteria included in the Directive for which stricter standards and deadlines apply. In addition, MS report every 2 years on Directive's implementation. This information is published by the Commission in biennial reports.

An in-depth REFIT evaluation[2] ('the Evaluation') of the Directive was concluded in 2019 and confirmed that the implementation of this Directive has lead to a significant reduction of pollutant releases. Across the EU, the wastewaters from around 22 000 cities representing the pollution of around 520 million population equivalents (p.e.)[3] are treated in centralised systems. The effects on the quality of EU lakes, rivers and seas are visible and tangible.

One of the key reasons for the Directive's effectiveness lies in the simplicity of its requirements, which allows for straightforward enforcement. Today 98% of EU wastewaters are adequately collected and 92% adequately treated, even if a limited number of MS still have difficulties in reaching full compliance. European funds provide essential support in helping MS to achieve the required investments. On average each year EUR 2 billion are devoted to investments in water supply and sanitation in the EU. According to the Evaluation, this approach combining enforcement and financial support has paid off and helped to ensure progressively **high levels of compliance** with the Directive.

Wastewater operators are mainly (60%) public companies owned by competent public authorities. They can also be private companies operating for a competent public authority or mixed companies. They are part of a 'captive' market since people and businesses connected to the public network cannot choose their operators. Both the Evaluation and the consultation process confirmed that the sector is mainly reactive to legal requirements.

The Evaluation identified three main sets of remaining challenges, which served as a basis for the definition of the problems for the impact assessment:

1. Remaining pollution from urban sources: the Directive is focused on pollution from domestic sources collected and treated in centralised facilities. Less attention is given to other sources of urban pollution, which are now becoming dominant (smaller cities below 2.000 p.e., decentralised facilities, pollution from rain-waters). The limit values for the treatment of some pollutants are now outdated compared to technical progress made since 1991 and new

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1 OJ L 135, 30.5.1991

2 Commission staff working document SWD (2019) 700, *Evaluation of the Council Directive 91/271/EEC of 21 May 1991, concerning urban waste-water treatment.*

3 The standard unit to measure pollution is the 'population equivalent' (p.e.). It describes the average pollution released by one person/day. On top of discharges from EU citizens, centralised treatment facilities are also treating wastewaters from SME's connected to the public collection networks.

pollutants have emerged such as micro-plastics or micro-pollutants, which can be harmful for the environment or public health already at very low level of concentration.

2. **Alignment of the Directive with the European Green Deal (EGD)[4]:** since the adoption of the Directive, new societal challenges have emerged. The EGD sets ambitious policy objectives to fight climate change, enhance the circularity of the EU economy and reduce environmental degradation. Additional efforts are needed in the wastewater sector to: reduce its GHG emissions (34,45 million tonnes CO_2e/year - around 0,86% of the total EU emissions), decrease its energy consumption (around 0,8% of the total energy use in the EU) and make it more circular by improving sludge management (notably by better recover nitrogen and phosphorus and possibly valuable organic) and increasing safely reuse of treated water.

3. Insufficient and uneven level of governance: The Evaluation and OECD studies showed that the level of operator' performance and transparency greatly varies from one to another. Also, a Court of Auditors report[5] highlighted that the 'polluter pays' principle is not sufficiently applied. Monitoring and reporting methods could be improved notably by further digitalisation. Finally, the recent COVID-19 crisis has shown that wastewaters are a very rapid and reliable source of useful information for public health if competent authorities for health and wastewater management are well coordinated.

The revision of the Directive is one of the deliverables of the zero pollution action plan (ZPA). Its main objective is to address the above-mentioned challenges in a cost-effective way while keeping the Directive as simple as possible to ensure proper implementation and enforcement of its requirements.

- **Consistency with existing policy provisions in the policy area**

The revision of the UWWTD is expected to further reduce pollution discharges by urban sources. In that sense, it is directly linked to the revision of the pollutants lists under the Environmental Quality Standards Directive[6] and the Groundwater Directive[7] – two 'daughter' Directives of the Water Framework Directive[8] (WFD), regulating the acceptable levels of pollutants in surface and ground water bodies. Revision of the UWWTD will have a positive impact on the future reviews of the Marine Strategy Framework Directive[9] (MSFD) and on the review of the Bathing Water Directive[10] (BDW). It is also connected to the revision of the Industrial Emissions Directive[11] (IED) and the related review of the E-PRTR Regulation[12], as some industrial emissions are collected in public collection networks. Additional actions included in the revisuion of the UWWTD to further reduce micro-pollutants and in particular coming from the use of pharmaceuticals and personal care products will contribute to the

4 COM(2019) 640 final
5 Special Report 12/2021: *The Polluter Pays Principle: Inconsistent application across EU environmental policies and actions*
6 OJ L 348, 24.12.2008
7 OJ L 372, 27.12.2006
8 OJ L 327, 22.12.2000
9 OJ L 164, 25 June 2008
10 OJ L 64, 04 March 2006
11 OJ L 334, 17.12.2010
12 OJ L 33, 4.2.2006

sound implementation of the Chemicals Strategy for Sustainability and the Pharmaceuticals Strategy[13].

The Circular Economy Action Plan[14] clearly indicates that a better integration of the urban wastewater sector with the circular economy is needed. This is particularly relevant for the Sewage Sludge Directive[15], which regulates the use of sewage sludge in agriculture and has implications for the soil health proposal announced in the EU Soil Strategy for 2030.

There are direct connections with the Biodiversity Strategy as reducing water pollution has a direct beneficial effect to ecosystems. Actions to green cities, such as those stemming from the Nature Restoration Law[16], can not only create a good habitat for pollinators, birds and other species, but also directly help to control rainwater and related pollution, while improving the overall quality of life. Better management of water quality and quantities in urban areas will also contribute to climate adaptation.

- **Consistency with other Union policies**

The new geopolitical reality requires the EU to accelerate drastically the clean energy transition to end its dependence on unreliable suppliers and volatile fossil fuels. In line with the objectives of the REPower EU[17] plan and the 2022 legal proposal COM(2022)222 amending the Renewable Directive, which already identifies wastewater treatment facilities as 'go-to areas', the revision of the Directive is expected to directly contribute to these objectives by fixing a clear and measurable objective to reach energy neutrality in the wastewater treatment sector by 2040. Experience from the most advanced Member States shows that this can be achieved through a combination of actions to improve energy efficiency, in line with the 'Energy Efficiency First' principle, and through the production of renewables, notably of biogas from sludge, which can substitute imports of natural gas.

This objective is fully consistent with the EU climate neutrality objective as included in the EU Climate Law[18] combined with the Effort Sharing Regulation[19], which requires MS to reduce their GHG emissions from non-ETS sectors according to national objectives. It is also consistent with the recent recast proposal of the Energy Efficiency Directive[20] (EED) which includes an annual reduction target of 1,7% of the energy consumption for all public bodies, with the 2021 proposal for a revision of the Renewable Energy Directive[21] (REDII) and with the REPowerEU Plan which includes an increased objective of 45% of renewable energy by 2030. The initiative could also contribute to REPower EU Plan objective to scale up the production of biomethane in the EU to 35 billion cubic meter in 2030, and to the 2021 Commission proposal COM/2021/805 for a regulation aimed at reducing methane emission.

The revision of this Directive is also fully in lign with the final proposals of the Conference on the Future of Europe (CoFE), in particular the proposals on tackling pollution, more specifically Proposal 2.7 to 'Protect water sources and combat river and ocean pollution including through researching and fighting microplastic pollution'.

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13 COM(2020) 761 final.
14 COM(2020) 98 final.
15 OJ L 181, 4 July 1986.
16 COM/2022/304 final.
17 COM(2022) 108 final.
18 OJ L 243, 9.7.2021.
19 OJ L 156, 19.6.2018.
20 OJ L 315, 14.11.2012.
21 COM/2021/557 final.

Finally, this proposal will directly contribute to principle 20 of the European Pillar for Social Rights[22]. The EU is also committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals, of which SDG 6 on access to adequate and equitable sanitation and hygiene for all.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The current UWWTD is based on Article 192(1) of the Treaty on the Functioning of the European Union (TFEU)[23], which states that *Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay*. Action in the field of wastewater management must therefore be taken according to these key provisions and in light of the shared competence with Member States. This means that the EU can only legislate with due consideration for the principles of necessity, subsidiarity and proportionality.

• Subsidiarity (for non-exclusive competence)

EU action remains essential to ensure that all people living in the EU can draw benefits from improved water quality of rivers, lakes, ground-waters and seas. As 60% of the EU water bodies are transboundary, it is necessary to ensure the same level of protection everywhere and at the same rhythm, to avoid the risk that efforts made by some Member States are jeopardised by the lack of progress by others. The Evaluation has shown that in most MS the Directive was a unique driver for investing in the required infrastructures.

The Evaluation also confirmed that EU action has the potential to further ensure an **equal level of environmental and human health protection** across all Member States. Over the last 30 years of implementation of the UWWTD, the quality of bathing water sites (hence tourism and recreation), of raw water used to produce drinking water and of water bodies in general has been either preserved or, in several instances, improved. The recent COVID-19 pandemic has shown the interdependence of Member States in terms of virus circulation. Ensuring effective, rapid, and harmonised tracking of pathogenic factors in wastewaters can benefit the whole EU. Without EU harmonised and integrated action, the possibilities of tracking new types of viruses and of surveying other relevant **health parameters** in wastewaters would only be achieved in a few, likely the most advanced MS.

Improving **access to sanitation** should be ensured for everyone living in the EU. Equal **access to key information** (on wastewater operator economic and environmental performances) should also be ensured to for all. All MS are facing the consequences of **climate change** notably on their hydrological regimes. The rain regimes have changed which – on top of floods - increases the risks of pollution due to untreated rain-waters (storm wateroverflows and urban run off). Similarly, pollutants of emerging concern such as micro-pollutants or micro-plastics are present in all MS. This is also the case for most of the remaining loads from urban sources, which affect water quality in all MS. Also, the drivers for the identified problems are very similar from one MS to another.

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22 COM/2021/102 final.

23 OJ C 326, 26.10.2012

Finally, the Evaluation showed that EU standards were a crucial driver for the development of a globally **competitive EU water industry**. Since the adoption of the Directive, several major worldwide leaders in the field of wastewater treatment have been created and are exporting their services around the world. Further modernising EU standards, for instance with new requirements on micro-pollutants or energy use, would stimulate **innovation** and ultimately **economies of scale**.

- **Proportionality**

The preferred option includes a **proportionate package** of measures representing the **best 'value for money'** of all possible options (see Section 7.1 of the impact assessment for more details). Careful attention was given to finding an optimal solution based on:

- the costs and the benefits analysis (or the cost-effectiveness analysis in the case of micro-pollutants, in the absence of reliable method to monetised benefits): **the monetised benefits are systematically higher than the costs** for each individual measure of the preferred option in all Member States;
- **administrative burden reduction and enforceability:** by targeting only a limited number of facilities or agglomerations, significant results can be obtained on key parameters such as pollution reduction, energy use and GHG emissions while keeping administrative burden at a proportional level and ensuring a high level of enforceability;
- the introduction of a **risk-based approach** for most of the proposed measures, which will help ensure that investments are taking place where they are needed.

When necessary to reach local optimal solutions, flexibility was left to national or local authorities. This is the case, for instance, for achieving the energy neutrality objective or for reducing emissions from rain-waters thanks to integrated water management plans.

- **Choice of the instrument**

The initiative's objective can be best pursued through a recast of the Directive which – as shown in the REFIT Evaluation is the most appropriate legal instrument to regulate the collection and treatment of urban wastewaters.

A directive requires Member States to achieve its objectives and implement the measure into their national substantive and procedural law systems. This approach gives Member States more freedom when implementing an EU measure than a regulation, in that Member States can choose the most appropriate means of implementing the measures in the Directive.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex-post* evaluations/fitness checks of existing legislation**

The REFIT evaluation of the UWWTD was carried out in 2019. On top of the three main challenges identified in the Evaluation (see above), the assessment of the Directive's effectiveness showed that it has been **successful in reducing loads of the targeted pollutants** from urban point sources (domestic/urban wastewater and similar industrial pollution). Loads of biochemical oxygen demand, nitrogen and phosphorus in treated wastewater fell across the EU by 61%, 32% and 44% respectively between 1990 and 2014. This has clearly improved the quality of EU water bodies.

The assessment of coherence showed that the Directive is internally coherent overall. The UWWTD works overall in synergy with other pieces of EU legislation and contributes strongly to achieving the objectives of the **Water Framework Directive**, the **Bathing Water Directive** and the **Drinking Water Directive**[24]. There are some limited overlaps in terms of what activities are covered by the UWWTD compared to the Industrial Emissions Directive. In general, there are also no issues of coherence with newer EU polices; however, there may be some scope for improving the consistency between the UWWTD and climate and energy policies.

The analysis of relevance and effectiveness showed the need for continued intervention not least because inappropriately treated or untreated urban wastewater is still one of the main reasons why EU waters fail to achieve at least good status under the Water Framework Directive. Moreover, the scientific community, policy makers and the general public see the growing evidence of **contaminants of emerging concern**, including micro-pollutants such as pharmaceuticals and micro-plastics in water bodies, as an increasingly important issue.

As regards circular economy potentials, the UWWTD contains limited provisions on wastewater and sludge reuse or recovery of valuable components. These have never been strictly enforced, partly due to the lack of strong harmonised standards at EU level and the potential risks to human health.

The EU added value assessment, which included considering whether the UWWTD complies with the subsidiarity principle, showed wide recognition among stakeholders that the Directive is still needed, and that withdrawing it would have negative impacts. The Directive supports the protection of some 60% of EU transboundary water basins from the adverse effects of wastewater discharges. Lastly, various possibilities to simplify and better use digitalisation were identified in the Evaluation and included in the review of the Directive.

The Evaluation was improved following the suggestions of the Regulatory Scrutinity Board (opinion of 17 July 2019) notably for what relates to the main reasons behind compliance difficulties in some MS, the wider context influencing the quality of the EU waters, the importance of tackling new pollutants. The conclusions were reinforced and more detailes were provided on the situation of each MS.

- **Stakeholder consultations**

The Evaluation and then the impact assessment underwent a thorough consultation process that included a variety of different consultation activities, as set out in the consultation strategy. The methods selected for consulting stakeholders consisted of semi-structured interviews, interactive workshops a broad online public consultation (OPC) to reach a large range of stakeholders on a variety of topics and a written consultation on factual information and assumptions for modelling. A final stakeholders conference was held to obtain views on the different policy options proposed by the Commission.

The OPC ran for 12 weeks, from 28 April to 21 July 2021. A total of 285 responses were received, and 57 position papers were submitted. The OPC gathered views of the respondents on the problems relating to wastewater pollution and how to best address these problems. Questions required participants to score statements or proposed measures on a scale of one (least agreement/effective) to five (most agreement/effective).

[24] OJ L 435, 23.12.2020

Member States were consulted on several occasions. A specific meeting with MS experts helped to identify best practices and possible options at the beginning of the process. This was completed by a specific consultation of each Member State in 2020 to build a solid baseline (see below). In addition, four online thematic workshops were held in 2021 on (i) monitoring and reporting; (ii) wastewater and sludge; (iii) costs and benefits; and (iv) integrated water monitoring. A virtual stakeholder final conference took place on 26 October 2021 to present the main options and first results of the impact assessment (312 participants from 226 organisations, in 27 Member States).

Overall, there was a broad consensus among stakeholder on the necessity to revise and modernise the Directive and on the main options to be considered for the analysis in the IA. The measures included in the preferred option are overall well supported by the stakeholder, with some nuances depending on the options and the stakeholder groups.

For instance, there was a broad consensus among stakeholders on the necessity to address the issue of micro-pollutants from wastewaters. Apart from some business stakeholders (part of the chemical and pharmaceuticals industry), all stakeholders, including water-related business, supported the requirement to remove micro-pollutants. Most stakeholders also insisted on the importance of measures to be taken at source but also on the need to better apply the 'polluter pays' principle by making producers financially responsible for the costs linked to the additional treatments required to treat micro-pollutants. The extended producer responsibility (EPR) approach received a broad support from the majority of stakeholders, except from the pharmaceutical and chemical industries, which are overall not in favour of such a system, notably on the grounds that the financial responsibility should be either shared by all actors involved in the chain (from industry to consumers) or taken by the public authorities.

Energy audits received broad support, while EU-based objectives and targets on energy neutrality were less supported by MS or local authorities than by other stakeholders. Additional feedback received by the most important water industry representatives showed a willingness to have both energy and climate neutrality targets included with a shorter deadline (2030) than the one envisaged in this report. Most advanced MS clearly supported an EU-wide target similar to their own target. Finally, stakeholders also asked for more clarity on some aspects such as the criteria to designate 'sensitive' areas subject to eutrophication.

- **Collection and use of expertise**

Besides the stakeholder consultation, the following main sources of information were used to build the impact assessment:

Models developed by the JRC: Over several years, the JRC has developed models on water quality and quantity in the EU. These models were adapted to the policy questions related to the Evaluation and impact assessment.

Consultation of ad hoc experts: under the co-lead of JRC and the Directorate-General for the Environament (DG ENV), mini consortium of experts was consulted on specific policy questions (Individual Appropriate Systems – IAS, antimicrobial resistance, combined sewer overflows and urban runoff, nutrients, micro-plastics, and greenhouse gas emissions). For each issue, a report was prepared and used directly in the IA or to improve the JRC model. All reports are expected to be published in the coming months.

Support from the **Organisation for Economic Cooperation and Development** (OECD): DG ENV cooperated with the OECD to develop a benefit methodology for the IA. OECD has also produced several reports in support of the REFIT Evaluation. In addition, the OECD provided analysis of the issues related to transparency and governance.

In-depth consultation of the Member States: specific consultation of each MS was organised in 2020 to establish a solid baseline scenario and to gather evidence on the best practices. For each country a fiche was prefilled with the hypothesis JRC intended to use in the context of the modelling. All MS provided ad-hoc inputs during this consultation.

To support the IA, two support contracts were attributed to **external consultants**, one for the general impact assessment and another on the feasibility of an extended producer responsibility system for micro-pollutants.

- **Impact assessment**

An impact assessment was carried out. The summary sheet and the positive opinion of the Regulatory Scrutiny Board dated 3 June 2022 are accessible with the following link: Register of Commission Documents (europa.eu)

For each problem raised by the Evaluation, policy options were identified on the basis of best practices in place in the MS and on an in-depth consultation of the stakeholders. Options lacking support from the stakeholders or too complex to implement were discarded at an early stage. Different levels of ambition were developed ranging from low ambition (measures applied only to larger facilities) to high ambition (same measures but applied also to smaller facilities)[25] with an intermediate level of ambitions based on a risk-based approach (measures taken only where there is a risk for the environment or public health).

For some issues, the consultation showed that options are limited – for instance for non-centralised facilities (i.e. IAS), transparency or monitoring health parameters. For other problems (heavy rain waters or energy use), in line with the subsidiarity principle, enough flexibility was left to allow for most cost-effective solutions to be designed at local level.

The impacts of the options were assessed using a model developed by the JRC already developed and used for the REFIT Evaluation. A **baseline scenario** (assuming full compliance of the existing Directive with additional deadlines for some MS) and a **maximum feasible scenario** were developed as comparison points.

For each problem, the choice of the preferred option was based on several criteria: costs/benefits, costs/effectiveness, level of contribution to the European Green Deal objectives, water pollution reduction, enforceability and reduction of administrative burden. The preferred option includes a **proportionate package** of measures representing the **best 'value for money'** of all possible options.

The following main measures will progressively be applied until 2040.

The **scope** of the Directive will be expanded to agglomerations **above 1 000 p.e**.

[25] The threshold for 'larger' facilities was fixed at 100 000 p.e. taking into account that 46% of the generated load is treated in a relatively low number of 'larger' facilities (974). Another threshold of 10 000 p.e. was fixed as 81% of the load is treated in 7.527 facilities above 10 000 p.e.

New standards will be developed for decentralised facilities (**IAS)** while MS will be required to put in place **effective inspection** for these facilities.

To reduce pollution due to rain waters, MS will be required to establish and implement **integrated water management plans** in all large agglomerations and in those above 10.000 p.e. where there is a risk for the environment. Priority will be given to **preventive measures** including green infrastructures and to **optimisation** of the existing collecting, storage and treatment systems by better using digitalisation based on clearly defined standards and specifications.

Nutrient releases will be further reduced with **more stringent limit values** to treat nitrogen and phosphorus. These new standards will be systematically applied to all larger facilities above 100 000 p.e. but also in all facilities above 10 000 p.e. located in areas where eutrophication remains an issue.

New limit values will be established for **micro-pollutants** that require **additional treatment**. This would apply first for all large facilities and then for facilities above 10 000 p.e. where there is a risk to the environment or public health on the basis of clear and simple criteria.

A system of **producer responsibility** targeting pharmaceutical and personal care products – the two main sources of harmful micro-pollutants will be set to **cover the additional treatment costs** for micro-pollutants and **incentivise** the placing on the EU market of **less harmful products.**[26]

MS will be required to better monitor and **track at source non-domestic pollution**. This is to increase the possibilities of re-using sludge and treated water, and to reduce the risk of non-treatable substances being discharged into the environment and of treatment plants malfunctioning.

An objective of **energy neutrality** will be established by 2040 at national level for all wastewater facilities above 10 000 p.e., in line with best practices already in place in some MS; specifically, the energy used by the sector will have to be equivalent to the production of renewables from the sector; to contribute to this objective; **energy audits**[27] will be required for all facilities above 10 000 p.e.

To **improve the governance** of the sector, wastewater operators will be requested to monitor and **make transparent key performance indicators.**

Access to sanitation will be enhanced in a manner fully consistent with the recently adopted revised Drinking Water Directive, where access to water supply was also improved.

Monitoring and reporting will be improved to better use the possibilities offered by **digitalisation.**

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26 The envisaged system would be similar to systems in place for solid waste management: importers and producers would be financially responsible for treating the pollution generated by their products. In this case, pharmaceuticals and personal care products (PCPs) represent the main sources of micro-pollutants.

27 The audits will include a systematic identification of the potential for cost-effective use or production of renewable energy in l;ine with criteria under Annex VI of the Commission proposal for the recast of the Energy Efficiency Directive (COM(2021) 558 final).

MS will be required to organise cooperation between their **health and wastewater competent authorities** so that permanent surveillance of key public health parameters, such as the presence of some viruses like SARS-Covid-2 is in place.

The time horizon of 2040 was chosen to **give enough time to MS** to make the required investments. Interim objectives will be included to ensure progressive implementation of the Directive and ensure that action is taken at an early stage in case of delays in some MS.

By 2040, when all measures are expected to be in place, the main impacts of the preferred option can be summarised as follows:

- In terms of **water pollution**, compared to the baseline, the total pollution would be reduced by 4,8 million p.e. (or 105.014 tonnes) for BOD, 56,4 million p.e. for N (or 229.999 tonnes), 49,6 million p.e. (or 29.678 tonnes) for P, 77,4 million p.e. for the toxic load of micro-pollutants and 24,8 million p.e. for *E. Coli*. Micro-plastics emissions would be reduced by 9%, mainly though actions on improved management of rain waters.
- With the planned measures to reach energy neutrality and the additional treatment of nitrogen, **GHG emissions** would be reduced by 4,86 million tonnes (**37,32 % of the avoidable emissions** from the sector) which is in line with the objectives of the EU Climate Law and the 'Fit for 55' climate package.
- As from 2040, the **total cost** would amount to EUR 3,848 billion per year, **below the expected monetised benefits** (EUR 6,643 billion per year by 2040). This conclusion is valid at EU level but also for each MS. These additional costs are expected to be covered by a combination of water tariffs (51%), public budgets (22%) and the new system of producer responsibility (27%) for the treatment of micro pollutants.

In terms of who is affected, **wastewater operators** are responsible for collection, treatment, monitoring and proper discharge of different waste streams. Changes to the UWWTD will have direct impacts on them. Additional investments will be needed notably to better manage nutrients but also to treat micro-pollutants. Investments will also be needed to meet energy neutrality even if these investments will be profitable on the mid/long run.

The population is affected since water tariffs and taxes are paid by the population to support the wastewater treatment sector. By 2040, the expected average **increase in water tariffs** would amount to **2,3% at EU level**, with some differences between MS depending on their financing strategies. As detailed in the IA, this expected increase will **not affect** the overall **affordability** of water services in any MS. It is essential to ensure transparent access to information on wastewater treatment activities including on the water-energy-climate nexus.. The public will benefit from clean drinking and bathing water, improved ecological status of waters, preserved biodiversity and improvements in public health reactiveness to possible outbreaks.

The **water and treatment technology industry** will directly benefit from stronger standards and from measures to expand the Directive's scope to smaller agglomerations, optimise operations and reduce energy use and GHG emissions. **New business opportunities** to develop new treatment techniques while reducing energy use and GHG emissions will emerge from the preferred option. Innovation will be boosted, maintaining a comparative advantage for the EU water industry. **Personal care products and pharmaceutical industries** will have to set up new 'producer responsibility' organisations and finance their operations. These

industries will have the choice either to pass these new costs on in the price of their products (max increase of 0.59%) or reduce their profit margins on them (average maximum impact of 0.7%).

- **Regulatory fitness and simplification**

In line with the conclusions of the REFIT Evaluation, some **clarifications and simplifications** will be introduced in the revised Directive. This is the case for instance for rain waters and IAS, for which the new requirements will clarify what is expected from Member States. Some **obsolete articles** will be removed from the text such as the possibility to designate 'less sensitive' areas or to reduce the requirements in coastal zones – two possibilities only used in one region of one MS. Efforts were also made to **limit reporting to essential elements** which then will be used for assessing compliance or tracking progress on emission reductions. These efforts combined with the use of digital tools are expected to limit administrative burden while improving the quality and the rapidity of collected data.

- **Fundamental rights**

The proposal is expected to improve fundamental rights by improving access to sanitation particularly for marginalised and vulnerable people in a manner fully consistent with the recently revised Drinking Water Directive (including similar provisions for access to water).

4. BUDGETARY IMPLICATIONS

The financial statement related to the budgetary implications and the human and administrative resources required for this proposal are integrated in the legislative financial statement for the zero pollution package which is presented as part of the proposal for revision of the lists of pollutants affecting surface and groundwaters.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation planning for the main actions included in the preferred option are summarised in Table 2 below. By 2025 additional monitoring activities would be in place: these concern non-domestic releases, health-related parameters, key performance operator indicators, together with actions to improve transparency. National and EU databases including all the elements necessary to check compliance will be in place, and 'vulnerable and marginalised people' will be identified together with actions to improve access to sanitation.

Different indicators to **measure success** can be extracted from Member State reports:

- the existing compliance rate and distance to target per MS and per treatment level, which provide an excellent overview of the Directive's implementation;
- the number of facilities equipped with additional treatment for N/P and micro-pollutants, and the related reduction of N/P releases and toxic load;
- the energy use by MS and the related GHG emissions;
- the number of agglomerations covered by integrated management plans for storm water overflows and urban runoff and their compliance with the EU objective;
- the measures taken by MS to improve access to sanitation and better control IAS, and a summary of the main health indicators surveyed in the MS.

Other data will be used to measure specifically the impacts of the UWWTD. These include most notably data coming from the Water and the Marine Framework Directives on the water quality of the receiving waters (rivers, lakes and seas). More details on possible parameters to be reported for assessing compliance and measure the success of the Directive are provided in Annex 10 to the impact assessment.

A first in-depth evaluation of the revised Directive can be expected by 2030, when most investments should have been made in larger facilities. This first evaluation would make it possible to assess the revised Directive's success and remaining challenges linked with its implementation. If need be, corrective measures could be envisaged to ensure the full implementation of the revised Directive. Another evaluation could be considered before 2040 to prepare a possible review of the Directive.

	2025	2030	2035	2040
Storm water overflows and urban runoff (rain waters)	Monitoring in place	Integrated plans for agglo. > 100.k p.e. + areas at risk identified	Integrated plans in place for agglo. at risk between 10 and 100k p.e.	Indicative EU target in force for all agglomerations > 10.000 p.e.
Individual appropriate systems	Regular inspection in all MS + Reporting for MS with high IAS	EU standards for IAS		
Small-scale agglomerations	New thresholds of 1.000 p.e.	All agglo.> 1.000 p.e. compliant		
Nitrogen and phosphorus	Identification of areas at risk (agglomerations 10 to 100k p.e.)	Interim target for N/P removal in facilities > 100 000 p.e. + New standards	N/P removal in all facilities above 100k p.e. + Interim target for areas at risk	N/P removal in place in all areas at risk (between 10 and 100k p.e.)
Micro-pollutants	Setting up extended producer responsibility schemes	Areas at risk identified (10 to 100k p.e.) + Interim target for facilities above 100.k p.e.	All facilities > 100k p.e. equipped + interim targets for areas 'at risk'	All facilities at risk equipped with advanced treatment
Energy	Energy audits for facilities above 100k p.e.	Audits for all facilities above 10k p.e. Interim target	Interim target for energy neutrality	Energy neutrality met and related GHG reduction met

Table 2: Implementation planning for the main measures of the preferred option

- **Detailed explanation of the specific provisions of the proposal**

Article 1 – Subject matter

The objectives of the Directive were expanded to include in addition to environmental protection, the protection of human health, the reduction of greenhouse gas emissions, improving the governance and transparency of the sector, better access to sanitation and –

following the recent COVID crisis – the regular monitoring of parameters relevant to public health in urban wastewater.

Article 2 – Definitions

In line with the conclusions of the REFIT Evaluation, existing definitions have been slightly clarified. Several definitions related to the new obligations of the Directive have been added, such as 'urban runoff', 'storm water overflows' (SWOs), 'combined and separate sewers', 'tertiary and quaternary treatments', 'micro-pollutant', 'sanitation', 'antimicrobial resistance', etc.

Article 3 – Collecting systems

The obligation to set up urban wastewater collecting systems is extended to all agglomerations with a p.e. of 1.000 or more. A new obligation is introduced to make sure that households are connected to collecting systems where they exist.

Article 4 – Individual or other appropriate system (IAS) (new)

This is a new article that partially replaces former Article 3. The possibility of using IAS is maintained but limited to exceptional cases. To that effect, new obligations have been introduced:

IAS must be properly designed, approved and controlled;

Detailed justifications for their use must be provided when they represent more than 2% of the reported load treated in agglomerations of 2 000 p.e. and more.

Article 5 – Integrated urban wastewater management plans (new)

This new article introduces the obligation to establish locally integrated urban wastewater management plans to combat pollution from rain waters (urban runoff and storm water overflow). The indicative content of the plans, as well as their indicative objectives to be adjusted to local circumstances, is based on the best practices in place and is detailed in Annex V. The plans will need to be drawn up for all agglomerations with a p.e. of 100 000 or more and for all agglomerations with a p.e. of between 10 000 and 100 000 p.e. where storm water overflow or urban runoff poses a risk to the environment or human health.

Article 6 – Secondary treatment (former Article 4)

The obligation to apply secondary treatment to urban wastewater before it is discharged into the environment is extended to all agglomerations with a p.e. of 1.000 or more (compared to 2.000 p.e. and more in the existing Directive).

Article 7 – Tertiary treatment (former Article 5)

The main obligations of this article have been amended so that tertiary treatment is now mandatory for all larger facilities treating a load equal to or greater than 100 000 p.e. Tertiary treatment will also need to be applied to discharges from agglomerations with a p.e. between 10 000 and 100 000 p.e. in areas identified by Member States as sensitive to eutrophication.

Member States will have to identify areas sensitive to eutrophication on their territory by updating their current list of 'sensitive areas' developed under the former Article 5. The other obligations of this Article have been maintained and updated.

Article 8 – Quaternary treatment (new)

This new article introduces the obligation to apply additional treatment to urban wastewater in order to eliminate the broadest possible spectrum of micro-pollutants. This treatment will be applied to all urban wastewater treatment plants treating a load equal to or greater than 100

000 p.e. by 31 December 2035 at the latest. By 31 December 2040, it will also be applied to all agglomerations with a p.e. between 10 000 and 100 000 in areas where the concentration or accumulation of micro-pollutants poses a risk to human health or the environment. Member States will have to identify those areas on their territory according to criteria specified in this article.

Article 9 – Extended producer responsibility (new)

This new article introduces the obligation for producers (including importers) to contribute to the costs of the quaternary treatment provided for in Article 8 of the Directive in cases where they place on the national market of the Member States products which at the end of their life lead to the pollution of urban wastewater by micro-pollutants. This financial contribution will be established on the basis of the quantities and toxicity of products placed on the market.

Article 10 - Minimum requirements for producer responsibility organisations (new)

This Article establishes the minimum requirements for Producer Responsibility Organisation that are required under Article 9(5).

Article 11 – Energy neutrality of urban wastewater treatment plants (new)

This new article introduces the obligation to achieve energy neutrality at national level in all treatment facilities above 10 000 p.e. By 31 December 2040, Member States will have to ensure that the total annual renewable energy produced at national level by all urban wastewater treatment plants is equivalent to the total annual energy used by all such urban wastewater treatment plants. To help reach this objective, energy audits of urban wastewater treatment plants will be carried out at regular intervals, with particular focus to identify and utilise the potential for biogas production, while reducing methane emissions.

Article 12 – Transboundary cooperation (former Article 9)

This article has been slightly amended: a new paragraph 2 is added, requiring – where necessary the Commission to be invited to support discussions between Member States. Paragraph 1 has been amended to add the obligation of immediate notification in case of incidental pollution in order to take into account the recent 'Odder river' incident.

Article 13 – Local climatic conditions (former Article 10)

The article has only been updated due to the new numbering of the articles.

Article 14 – Discharges of non-domestic wastewater (former Article 11)

This article has been amended to ensure that before issuing an authorisation of discharges of non-domestic wastewater into urban wastewater collecting systems, the competent authorities consult the operator of urban wastewater treatment plants affected by these discharges. In addition, regular monitoring of the non-domestic pollution in the inlets and outlets of the treatment facilities must be ensured so that appropriate measures are taken to identify and address the source(s) of possible pollution. These include, if necessary, the withdrawal of the authorisation issued.

Article 15 – Water reuse and discharges of urban wastewater (former Article 12)

Paragraph 1 has been amended: Member States will be required to systematically promote the reuse of treated wastewater from all urban wastewater treatment plants.

In paragraph 3, the obligation to establish authorisation for discharges from urban wastewater treatment plants is extended to include now all agglomerations of 1.000 p.e. and above.

Article 16 – Biodegradable non-domestic discharges (former Article 13)

Paragraph 1 has been updated (new numbering). Paragraph 2 has been amended to ensure that requirements established at national level for these discharges are at least equivalent to the requirements set under part B of Annex I to the Directive.

Article 17 – Urban wastewater surveillance (new)

This new article establishes a national urban wastewater monitoring system to monitor relevant public health parameters in urban wastewater. To that end, Member States will have to set up, by 1 January 2025 at the latest, a coordination structure between the authorities responsible for public health and urban wastewater treatment. This structure will determine which parameters to be monitored and frequency and the method to be applied.

Moreover, until the competent public health authorities establish that the SARS-CoV-2 pandemic is not a risk for the population, urban wastewaters from at least 70% of the national population will be monitored.

Finally, for all agglomerations of 100 000 p.e. and more, Member States will also have to regularly monitor antimicrobial resistance in the outlets of urban wastewater treatment plants.

Article 18 – Risk assessment and management (new)

This is a new article. Member States have the obligation to assess the risks caused by urban wastewater discharges to the environment and human health, and, where necessary, take additional measures on top of this Directive's minimum requirements to address these risks. These measures should include, where appropriate, the collection and treatment of wastewater from agglomerations smaller than 1.000 p.e., the application of tertiary or quaternary treatment in agglomerations below 10.000 p.e., and additional action to reduce the pollution of rain waters in agglomerations below 10.000 p.e.

Article 19 – Access to sanitation (new)

This is a new article. Member States will be required to improve and maintain access to sanitation for all, in particular for vulnerable and marginalised.

By 31 December 2027, Member States will also have to identify categories of people without access or with a limited access to sanitation, assess the possibilities for improving access to sanitation facilities for such people and encourage the establishment of freely and safely accessible sanitation facilities in public spaces for all agglomerations of 10.000 p.e. or above.

Article 20 – Sludge (former Article 14)

The article has been updated: sludge will have to be treated, recycled and recovered whenever appropriate in accordance with the waste hierarchy as defined in the Waste Framework Directive[28] and with the requirements of the Sludge Directive[29], and disposed of in accordance with the requirements of the Waste Framework Directive. To ensure high recovery rates notably for critical materials such as phosphorus, the Commission will be given a mandate to fix minimum recovery rates.

Article 21 – Monitoring (former Article 15)

New obligations have been introduced: Member States will now have to monitor pollution from urban runoff and storm water overflows, concentrations and loads of the regulated pollutants in this Directive in the outlets of urban wastewater treatment plants, and the

[28] OJ L 312, 22.11.2008, p. 3–30.
[29] OJ L 181, 4.7.1986, p. 6–12.

presence of micro-plastics (including in sludge). In addition, in line with Article 13, certain non-domestic pollutants will have to be regularly monitored in the inlets and outlets of the wastewater treatment plants.

Article 22 – Information on monitoring of implementation (former Article 16)

This is a new article. Provisions related to reporting are simplified and replaced by a new system, which does not involve actual reporting but a regular update of a national data set accessible for the European Environmental Agency and the Commission. This will ensure that the system is made more effective by avoiding a long time lag between reference date of the data reported and the actual date of reporting.

The article requires Member States to establish data sets gathering data relevant for urban wastewater under this Directive. This can be achieved for instance by monitoring results of the parameters listed in the Annexes to this Directive, antimicrobial resistance, relevant health parameters, etc., but also measures taken to ensure access to sanitation, etc.

The establishment of these data sets must be consistent with those established under Article 18 of the recast Drinking Water Directive[30]. Provision is also made for the European Environmental Agency to provide support.

Article 23 – National implementation programme (former Article 17)

The Article has been amended. The obligation to draw up a national programme for the implementation of this Directive is maintained, and the minimum content of that programme is prescribed. These programmes must include at least: (i) an assessment of the level of implementation of the Directive in relation to its various obligations; (ii) the identification and planning of investments necessary for such implementation; (iii) an estimate of the investments needed to renew existing urban wastewater treatment infrastructures; and (iv) identification of potential sources of funding.

Member States will be required to update their national implementation plans at least every 5 years and communicate them to the Commission, unless they can demonstrate that they comply with Articles 3, 4, 6, 7 and 8 of this Directive.

Article 24 – Information to the public (new)

This is a new article. Member States will have to ensure that adequate and up-to-date information on urban wastewater collection and treatment is available online. Key information such as the level of compliance of the urban wastewater treatment infrastructures with the requirements of this Directive, the volume of urban wastewater collected and treated per year for the household, etc. must also be accessible at least once a year to all persons connected to a collecting system, in the most appropriate form, for instance on the invoices.

Article 25 – Access to justice (new)

This new article is in line with Article 47 of the Charter of Fundamental Rights and implements the Aarhus Convention with regard to access to justice. It should be possible for the public and NGOs to legally review the decisions taken by MS under this Directive.

Article 26 – Compensation (new)

A new article on compensation is introduced, with the aim of ensuring that where damage to health has occurred fully or partially as a result of a breach of national measures adopted pursuant to this Directive, the public concerned is able to claim and obtain compensation for

[30] OJ L 435, 23.12.2020, p. 1–62.

that damage from the relevant competent authorities and, where identified, the natural or legal persons responsible for the violation.

Article 27 – Exercise of the delegation (new)

This is a new standard article for the adoption of delegated acts.

Article 28 – Committee procedure (former Article 18)

This is a new standard article for the adoption of implementing acts.

Article 29 – Penalties (new)

This new article specifies the minimum content of penalties, so that they are effective, proportionate and dissuasive, without prejudice to Directive 2008/99/EC on the protection of the environment through criminal law[31].

Article 30 – Evaluation (new)

This new article sets the framework for future evaluations of the Directive (as provided for of the Commission's Better Regulation guidelines). The first evaluation is envisaged no sooner than 10 years after the end of this Directive's transposition period.

Article 31 – Review (new)

At least every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where appropriate, by relevant legislative proposals.

Article 32 – Repeal and transitional provisions (new)

This article is new and introduces provisions to take into account the specific situation of Mayotte, and to maintain the level of environmental protection imposed under the former Article 5 until the new requirements of Article 7 apply.

Article 33 – Transposition (former Article 19)

This article follows the standard template.

Article 34 – Entry into force (new)

This article follows the standard template. Provision is made for the Directive to enter into force 20 days after publication in the Official Journal.

Article 35 – Addressees (former Article 20)

The article remains unchanged.

Former Article 6 has been deleted

This article has been deleted for the sake of simplification, as the option of designating 'less sensitive areas' is rarely used in practice by Member States. In addition, retaining this option in the revised text of the Directive would reduce the general level of environmental protection sought by the revision of the Directive.

Former Article 7 has been deleted

[31] OJ L 328, 6.12.2008, p. 28–37.

The obligation to apply appropriate treatment to urban wastewater before discharge means that Member States must comply with existing EU law, so the relevance of this provision is (legally) limited. The objective of ensuring appropriate treatment of urban wastewater by 31 December 2027 is maintained only in respect of Mayotte, as a transitional provision.

Former Article 8 has been deleted

This article has been deleted because it is now obsolete – today Member States will need to comply with the requirements of Article 4. This article was also linked to 'less sensitive areas', a concept that has been removed from the Directive.

Annex I

Part A – Collecting systems

Remains unchanged.

Part B – Discharge from urban wastewater treatment plants to receiving waters

Updated with new references, and minimum requirements with regard to secondary (Table 1), tertiary (Table 2) and quaternary treatments (new Table 3).

Part C – Non-domestic discharges

Amended and now laying down the minimum conditions under which authorisations for non-domestic discharges referred to in Article 13 may be issued. The link with the Industrial Emissions Directive[32] is made.

Part D – Reference methods for monitoring and evaluation of results

Requirements for monitoring of urban wastewater treatment discharges have been updated. For agglomerations of 100.000 p.e. and above, at least one sample per day is required.

Annex II

This Part A corresponds to the former Annex II criteria for identifying 'sensitive areas' – they have been maintained and updated. A list of areas to be considered as sensitive to eutrophication by Member States has been also added.

Annex III – List of products covered by Article 9 on extended producer responsibility (new)

Products covered by Article 9 on extended producer responsibility are those falling within the scope of one of the EU legislation listed in this Annex (pharmaceuticals and cosmetics).

Annex IV – Industrial sectors

Former Annex III – it remains unchanged.

Annex V – Content of integrated urban wastewater management plan under Article 5 (new)

This annex lists the minimum content of the integrated urban wastewater management plan prepared pursuant to Article 5. These plans must include an analysis of the initial situation in the drainage area of the urban wastewater treatment plant, the definition of objectives for the reduction of pollution from storm water overflows and urban runoff for that area and the identification of the measures to be taken to achieve those objectives.

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[32] OJ L 334, 17.12.2010, p. 17–119.

The objectives must include: (i) an indicative target that storm water overflows do not represent more than 1% of the annual volume and load collected of urban wastewater, to be calculated in dry weather conditions; and (ii) the phasing out of untreated discharges of urban runoff through separate collection systems, unless it is demonstrated that they are of sufficient quality not to have adverse effects on the quality of receiving waters.

Annex VI – Information to the public (new)

This annex details the information to be provided to the public under new Article 24.

Annex VII (new)

This is a standard annex which lists the repealed Directive and its successive amendments, as well as their dates of transposition and application.

Annex VIII (new)

This is the new table of correspondence between Council Directive 91/271/EEC and the new recast Directive proposal.

↓ 91/271/EEC (adapted)

2022/0345 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning urban wastewater treatment (recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty ~~establishing~~ ⌦ on the Functioning of ⌫ the European ⌦ Union ⌫ ~~Economic Community~~, and in particular ⌦ Article 192(1) ⌫ ~~130s~~ thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[33],

Having regard to the opinion of the Committee of the Regions[34],

Acting in accordance with the ordinary legislative procedure,

Whereas:

⇩ new

(1) Council Directive 91/271/EEC[35] has been substantially amended several times[36]. Since further amendments are to be made, that Directive should be recast in the interests of clarity.

↓ 91/271/EEC recital 1 (adapted)

~~Whereas the Council Resolution of 28 June 1988 on the protection of the North Sea and of other waters in the Community[37] invited the Commission to submit proposals for measures required at Community level for the treatment of urban waste water;~~

33 OJ C […], […], p. […].

34 OJ C […], […], p. […].

35 Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40).

36 See Annex VII, Part A.

37 ~~OJ No C 209, 9.8.1988, p. 3.~~

↓ 91/271/EEC recital 2 (adapted)

~~Whereas pollution due to insufficient treatment of waste water in one Member State often influences other Member States' waters; whereas in accordance with Article 130r, action at Community level is necessary;~~

↓ 91/271/EEC recital 3

~~Whereas to prevent the environment from being adversely affected by the disposal of insufficiently treated urban waste water, there is a general need for secondary treatment of urban waste water;~~

↓ 91/271/EEC recital 4

~~Whereas it is necessary in sensitive areas to require more stringent treatment; whereas in some less sensitive areas a primary treatment could be considered appropriate;~~

↓ 91/271/EEC recital 5

~~Whereas industrial waste water entering collecting systems as well as the discharge of waste water and disposal of sludge from urban waste water treatment plants should be subject to general rules or regulations and/or specific authorizations;~~

↓ 91/271/EEC recital 6

~~Whereas discharges from certain industrial sectors of biodegradable industrial waste water not entering urban waste water treatment plants before discharge to receiving waters should be subject to appropriate requirements;~~

↓ 91/271/EEC recital 7

~~Whereas the recycling of sludge arising from waste water treatment should be encouraged; whereas the disposal of sludge to surface waters should be phased out;~~

↓ 91/271/EEC recital 8

~~Whereas it is necessary to monitor treatment plants, receiving waters and the disposal of sludge to ensure that the environment is protected from the adverse effects of the discharge of waste waters;~~

↓ 91/271/EEC recital 9

~~Whereas it is important to ensure that information on the disposal of waste water and sludge is made available to the public in the form of periodic reports;~~

↓ 91/271/EEC recital 10

~~Whereas Member States should establish and present to the Commission national programmes for the implementation of this Directive;~~

↓ 91/271/EEC recital 11

~~Whereas a Committee should be established to assist the Commission on matters relating to the implementation of this Directive and to its adaptation to technical progress,~~

⇩ new

(2) Directive 91/271/EEC sets the legal framework for the collection, treatment and discharge of urban wastewater and the discharge of biodegradable wastewaters from certain industrial sectors. Its objective is to protect the environment from being adversely affected by insufficiently treated urban wastewater discharges. This Directive should continue to pursue the same objective, whilst also contributing to the protection of public health, when for instance urban wastewater is discharged in bathing waters or in water bodies used for the abstraction of drinking water, or when urban wastewater is used as an indicator for parameters relevant for public health. It should also improve access to sanitation and to key information related to the governance of the urban wastewater collection and treatment activities. Finally, this Directive should contribute to the progressive elimination of greenhouse gas (GHG) emissions from urban wastewater collection and treatment activities, notably by further reducing nitrogen emissions but also by promoting energy efficiency and production of renewable energies, and thus should contribute to the 2050 objective of Climate Neutrality established under Regulation (EU) 2021/1119 of the European Parliament and of the Council[38].

(3) In 2019, the Commission performed an evaluation of Council Directive 91/271/EEC under the Regulatory Fitness and Performance Programme[39] (the 'evaluation'). It became apparent from that exercise that certain provisions of the Directive needed to be updated. Three important sources of remaining load of pollution from urban wastewater that could be avoided were identified, namely storm water overflows and urban runoff, potentially mal-functioning individual systems (i.e. systems treating domestic wastewater that is not entering collecting systems) and small agglomerations that are currently not completely covered by Directive 91/271/EEC. Those three sources of pollution constitute a significant pressure on surface water bodies in the Union. Moreover, the report of the evaluation also highlighted the need to improve the transparency and governance of the urban wastewater activities, to seize the opportunity offered by the urban wastewater treatment sector to use its potential for renewable energy development and make tangible steps towards energy neutrality as a contribution to climate neutrality and to harmonise urban wastewater surveillance of

[38] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

[39] Commission Staff Working Document, Executive Summary of the Evaluation of the Council Directive 91/271/EEC of 21 May 1991, concerning urban waste-water treatment (SWD(2019) 701 final).

health parameters, such as the COVID-19 virus and its variants, as a support for public health action.

(4) Small agglomerations constitute a significant pressure on 11 % of the surface water bodies in the Union[40]. To better tackle the pollution from such agglomerations, and to prevent discharges of untreated urban wastewater into the environment, the scope of this Directive should include all agglomerations of 1 000 population equivalent (p.e.) and above.

(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of 1 000 p.e. and above should be collected in centralised collecting systems. Where such systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.

(6) Exceptionally, where it can be demonstrated that the establishment of a centralised urban wastewater collecting system would produce no environmental benefit or involve excessive costs, Member States should be allowed to use individual systems to treat urban wastewater, as long as they ensure the same level of treatment as secondary and tertiary treatment. For this purpose, Member States should establish national registers to identify individual systems used on their territory and take all necessary measures to ensure that the design of such systems is adequate, that the systems are properly maintained and that they are subject to a regular compliance control. In particular, Member States should ensure that individual systems used for the collection and storage of urban wastewater are impervious and leak-proof, and that monitoring and inspection of the systems are carried out at regular and fixed intervals.

(7) During rainfall, storm water overflows and urban runoff represent a sizeable remaining source of pollution discharged into the environment. Those emissions are expected to increase due to the combined effects of urbanisation and progressive change of the rain regime linked with climate change. Solutions to reduce that source of pollution should be defined at local level taking into account the specific local conditions. They should be based on an integrated quantitative and qualitative water management in urban areas. Therefore, Member States should ensure that integrated urban wastewater management plans are established at local level for all agglomerations of 100 000 p.e. and above as those agglomerations are responsible for a significant share of the pollution emitted. Furthermore, integrated urban wastewater management plans should also be put in place for agglomeration of between 10 000 p.e. and 100 000 p.e. where storm water overflows or urban runoff poses a risk for the environment or public health.

(8) In order to ensure that the integrated urban wastewater management plans are cost-effective, it is important that they are based on best practices in advanced urban areas. Therefore, the measures to be considered should be based on a thorough analysis of the local conditions and should favour a preventive approach aiming at limiting the collection of unpolluted rain waters and optimising the use of existing infrastructures. With a preference for ‘green’ developments, new grey infrastructures should only be envisaged where absolutely necessary. In order to protect the environment, in particular the coastal and marine environment, and public health from being adversely affected by the discharge of insufficiently treated urban wastewater, secondary

[40] EEA report, European waters: Assessment of status and pressures 2018, No 7/2018.

treatment should be applied to all discharges of urban wastewater from agglomerations of 1 000 p.e. and above.

(9) The evaluation showed that significant reductions of nitrogen and phosphorus emissions were achieved through the implementation of Directive 91/271/EEC. Nevertheless, urban wastewater treatment plants remain, according to the evaluation, an important pathway of those pollutants into the environment, directly leading to eutrophication of water bodies and seas in the Union. Part of this pollution can be avoided as technological progress and best practices in place show that emission limit values established under Directive 91/271/EEC for nitrogen and phosphorus are outdated and should be strengthened. Tertiary treatment should be systematically imposed to all urban wastewater treatment plants of 100 000 p.e. and above, as such plants represent an important remaining source of nitrogen and phosphorus discharge.

(10) Tertiary treatment should also be mandatory in agglomerations of 10 000 p.e. and above that are discharging in areas subject to, or at risk of, eutrophication. In order to ensure that efforts to limit eutrophication are coordinated at the level of the relevant basins for the whole catchment zone, areas where eutrophication is considered an issue according to currently available data should be listed in this Directive. Additionally, to ensure coherence between relevant Union legislation, Member States should identify other areas subject to, or at risk of, eutrophication on their territory, notably on the basis of data collected under Directive 2000/60/EC of the European Parliament and of the Council[41], Directive 2008/56/EC of the European Parliament and of the Council[42] and Council Directive 91/676/EEC[43]. The reinforcement of the limit values, a more coherent and inclusive identification of the areas sensitive to eutrophication and the obligation to ensure tertiary treatment for all large facilities will, in combination, contribute to limit eutrophication. Since this will require additional investments on the national level, Member States should be given sufficient time to establish the required infrastructure.

(11) Recent scientific knowledge underpinning several Commission strategies[44] highlight the need to take action to address the issue of micro-pollutants, which are now detected in all waters in the Union. Some of those micropollutants are hazardous for public health and the environment even in small quantities. An additional treatment, i.e. quaternary treatment, should therefore be introduced in order to ensure that a large

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41 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

42 Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

43 Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

44 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Strategy for Plastics in a Circular Economy (COM/2018/028 final); Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, European Union Strategic Approach to Pharmaceuticals in the Environment (COM(2019) 128 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment (COM(2020) 667 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' (COM/2021/400 final).

spectrum of micro-pollutants is removed from urban wastewater. Quaternary treatment should first focus on organic micro-pollutants, which represent a significant part of the pollution and for which removal technologies are already designed. The treatment should be imposed based on the precautionary approach combined with a risk-based approach. Therefore, all urban wastewater treatment plants of 100 000 p.e. and above should provide quaternary treatment, as those facilities represent a significant share of micro-pollutant discharges in the environment and the removal of micro-pollutants by urban wastewater treatment plants at such scale is cost-effective. For agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to apply quaternary treatment to areas identified as sensitive to pollution with micro-pollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.

(12) In order to ensure the continued compliance of discharges from wastewater treatment plants with the requirements for secondary, tertiary and quaternary treatment, samples should be taken in accordance with the requirements of this Directive and those samples should comply with the parametric values that it sets out. In order to take into account possible technical variations in the results from those samples, a maximum number of samples failing to conform to those parametric values should be laid down.

(13) The quaternary treatment necessary to remove micro-pollutants from urban wastewater will imply additional costs, such as costs related to monitoring and new advanced equipment to be installed in certain urban wastewater treatment plants. In order to cover these additional costs and in accordance with the polluter-pays principle expressed in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), it is essential that the producers placing on the Union market products containing substances which, at the end of their life, are found as micro-pollutants in urban wastewaters (‘micro-pollutant substances’) take responsibility for the additional treatment required to remove those substances, generated in the context of their professional activities. A system of extended producer responsibility is the most appropriate means to achieve this, as it would limit the financial impact on the taxpayer and water tariff, while providing an incentive to develop greener products. Pharmaceuticals and cosmetic residues currently represent the main sources of micro-pollutants found in urban wastewater requiring an additional treatment (quaternary treatment). Therefore, extended producer responsibility should apply to those two product groups.

(14) Exonerations from the extended producer responsibility obligations should nevertheless be possible where products are placed on the market in small quantities, i.e. less than 2 tonnes of products, since the additional administrative burden for the producer would in such cases be disproportionate compared to the environmental benefits. Exonerations should also be possible when the producer can demonstrate that no micro-pollutants are generated at the end of life of a product. It might be the case for instance where it can be proven that the residues from a product are rapidly biodegradable in the wastewaters and the environment or not reaching the urban

wastewater treatment plants. The Commission should be empowered to adopt implementing acts to establish detailed criteria to identify the products placed on the market that do not generate micro-pollutants in wastewaters at the end of their life. When developing these criteria, the Commission should take into account scientific or other available technical information, including relevant international standards.

(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the hazardouness of their residues. The contributions should cover, but not exceed, the costs for the monitoring activities for micro-pollutants, the collection, reporting and impartial verification of statistics on the quantities and hazardouness of products placed on the market, and the application of the quaternary treatment to urban wastewater in an efficient manner and in accordance with this Directive. Since urban wastewater is treated collectively, it is appropriate to introduce a requirement for producers to join a centralised organisation which can implement their obligations under the extended producer responsibility on their behalf.

(16) The evaluation has also shown that the wastewater treatment sector offers the opportunity to significantly reduce its own energy consumption and to produce renewable energy, for example by better use of the available surfaces in urban wastewater treatment plants for solar energy production or by producing biogas from sludge. The evaluation also illustrated that, without clear legal obligations, only partial progress can be expected in this sector. In this context, Member States should be required to ensure that the total annual energy used by all urban wastewater treatment plants on their national territory treating a load of 10 000 p.e. and above does not exceed the production of energy from renewable sources as defined in Article 2(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council[45], by those urban wastewater treatment plants. That objective should be progressively met with interim targets by 31 December 2040. Reaching this energy neutrality target will contribute to reduce the avoidable greenhouse gas (GHG) emissions from the sector by 46 %, while supporting the achievement of the 2050 climate neutrality objectives and related national and Union objectives, [such as the objectives set out in Regulation (EU) 2018/842 of the European Parliament and of the Council[46]. Encouraging EU-based biogas or solar energy production while enhancing energy efficiency measures in line with the Energy Efficiency First principle[47], which means taking utmost account of cost-efficient energy efficiency measures in shaping energy policy and making relevant investment decisions, will also help reduce the Union energy dependence, one of the objectives expressed in the Commission "Repower EU" Plan[48].

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45 Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

46 Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

47 Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond

48 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: REPowerEU Plan (COM/2022/230 final).

It is also in line with Directive (EU) 2018/844 of the European Parliament and of the Council[49] and with Directive (EU) 2018/2001 in which urban wastewater treatment sites are qualified as 'go-to' areas for renewables, meaning a location designated as particularly suitable for the installation of plants for the production of energy from renewable sources**.** In order to reach the objective of energy neutrality via optimal measures for each urban wastewater treatment plant and for the collection system, Member States should ensure that energy audits are carried out in accordance with Article 8 of Directive 2012/27/EU of the European Parliament and of the Council[50] every four years. Those audits should include an identification of the potential for cost-effective use or production of renewable energy following the criteria set out in Annex VI to Directive 2012/27/EU.

(17) Since the transboundary nature of water pollution requires cooperation between neighbouring Member States or third countries in addressing such pollution and identifying measures to tackle its source, Member States should be required to inform each other or the third country if significant water pollution originating from urban wastewater discharges in one Member State or third country impacts or is likely to impact the water quality of another Member State or third country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the United Nations Economic Commission for Europe (UNECE) Water Convention[51] or other relevant regional Conventions such as the Regional Seas or Rivers Conventions.

(18) In order to ensure the protection of the environment and human health, Member States should ensure that the urban wastewater treatment plants built to comply with the requirements of this Directive are designed, constructed, operated, and maintained to ensure sufficient performance under all normal local climatic conditions.

(19) Urban wastewater treatment plants also receive non-domestic wastewater, including industrial wastewater, which can contain a range of pollutants not explicitly covered by Directive 91/271/EEC, such as heavy metals, micro-plastics, micro-pollutants and other chemicals. In most instances, there is a poor understanding and knowledge of such pollution which could deteriorate the functioning of the treatment process and contribute to the pollution of the receiving waters, but also prevent the recovery of sludge and the re-use of treated wastewater. Member States should therefore regularly monitor and report on such non-domestic pollution that enters the urban wastewater treatment plants and is discharged into water bodies. To prevent pollution from non-domestic wastewater discharges at source, releases from industries or enterprises connected to collecting systems should be subject to prior authorisation. In order to

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[49] Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

[50] Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

[51] UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes as amended, along with decision VI/3 clarifying the accession procedure.

ensure that collecting systems and urban wastewater treatment plants are technically capable of receiving and treating the incoming pollution, the operators who manage urban wastewater treatment plants receiving non-domestic wastewater should be consulted before those permits are issued and should be able to consult the issued permits in order to be able to adapt their treatment processes. Where non-domestic pollution is identified in the incoming waters, Member States should take appropriate measures to reduce pollution at source, by enhancing the monitoring of pollutants in collecting systems so that the pollution sources can be identified and, where necessary, by reviewing the authorisations provided to relevant, connected urban wastewater treatment plants. The water resources of the Union are increasingly under pressure, resulting in permanent or temporary water scarcity in some areas of the Union. The Union's ability to respond to the increasing pressures on water resources could be improved through a wider reuse of treated urban wastewater, limiting freshwater abstraction from surface and groundwater bodies. Therefore, the reuse of treated urban wastewater should be encouraged and applied whenever appropriate, whilst taking into account the need to ensure that the objectives of good ecological and chemical status of the receiving bodies, as defined in Directive 2000/60/EC, are met. The reinforcement of the requirements for the treatment of urban wastewater, and the actions to better monitor, track and reduce pollution at source, will have impacts on the quality of treated urban wastewater, and will therefore support water reuse. Where water reuse serves the purpose of agricultural irrigation, it should be carried out in accordance with Regulation (EU) 2020/741 of the European Parliament and of the Council [52].

(20) In order to ensure a proper implementation of this Directive and notably the respect of the emission limit values, it is important to monitor discharges of treated urban wastewater into the environment. The monitoring should be done through the establishment at national level of a mandatory prior authorisation system in order to discharge the treated urban wastewater into the environment. In addition, in order to prevent unintentional discharges of plastic biomedia the environment from urban wastewater treatment plants using this technique, it is essential to include in the discharge authorisations specific obligations to continuously monitor and prevent such discharges.

(21) In order to ensure the protection of the environment, direct discharges of biodegradable non-domestic wastewater into the environment from certain industrial sectors should be subject to prior authorisation on national level and appropriate requirements. Those requirements should ensure that direct discharges from certain industrial sectors are subject to secondary, tertiary and quaternary treatment as necessary for the protection of human health and the environment.

(22) According to Article 168(1) TFEU, Union action complements national policies and is to be directed towards improving public health and preventing diseases. In order to ensure optimal use of relevant public health data from urban wastewaters, urban wastewater surveillance should be set up and used for preventive or early warning purposes, for instance in the detection of specific viruses in urban wastewater as a signal of the emergence of epidemics or pandemics. Member States should establish a permanent dialogue and coordination between competent authorities responsible for public health and competent authorities responsible for urban wastewater

[52] Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (OJ L 177, 5.6.2020, p. 32).

management. In the context of that coordination, a list of parameters relevant for public health to be monitored in urban wastewaters should be established, as well as the frequency and location of the sampling. This approach will take advantage of and complement other Union initiatives in the field of public health protection, such as environmental monitoring that includes wastewater surveillance[53]. Based on information gathered during the COVID-19 pandemic and experience gained from the implementation of the Commission Recommendation on a common approach to establish a systematic surveillance of SARS-CoV-2 and its variants in wastewaters in the EU[54] (the 'recommendation'), Member States should be required to monitor health parameters related to SARS-CoV-2 and its variants on a regular basis. In order to ensure that harmonised methods are used, Member States should, to the extent possible, use sampling and analysis methods set out in the recommendation for the monitoring of SARS-CoV-2 and its variants.

(23) The Union recognises the importance of tackling the issue of antimicrobial resistance (AMR) and adopted in 2017 the European One Health Action Plan against AMR[55]. According to the World Health Organisation (WHO), wastewater is recognised and documented as major sources of antimicrobial agents and their metabolites, as well as antimicrobial-resistant bacteria and their genes. In order to increase the knowledge on the main sources of AMR, it is necessary to introduce a monitoring obligation for the presence of AMR in urban wastewaters to further develop our scientific knowledge and potentially take adequate action in the future.

(24) In order to protect the environment and human health, Member States should identify the risks caused by urban wastewaters management. On the basis of that identification, and where necessary to comply with the requirements of the Union water legislation, Member States should take more stringent measures for the urban wastewater collection and treatment than the measures required to comply with the minimum requirements set out in this Directive. Depending on the situation, those more stringent measures can include, inter alia, the establishment of collecting systems, the development of integrated urban wastewater management plans or the application of secondary, tertiary or quaternary treatment to urban wastewater for agglomerations or urban wastewater treatment plants that do not reach the p.e. thresholds triggering the application of the standard requirements. They can also include more advanced treatment than the treatment necessary to respect the minimum requirements or disinfection of treated urban wastewaters necessary to comply with Directive 2006/7/EC of the European Parliament and of the Council[56].

(25) Sustainable Development Goal 6 and the associated target requiring Member States to 'achieve access to adequate and equitable sanitation and hygiene for all and end open

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[53] Commission Communication on introducing the European Health Emergency Preparedness and Response Authority, the next step towards completing the European Health Union (COM(2021)576 final).

[54] Commission Recommendation (EU) 2021/472 of 17 March 2021 on a common approach to establish a systematic surveillance of SARS-CoV-2 and its variants in wastewaters in the EU (OJ L 98, 19.3.2021, p. 3).

[55] Communication from the Commission to the Council and the European Parliament: A European One Health Action Plan against Antimicrobial Resistance (AMR) (COM/2017/0339 final).

[56] Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC (OJ L 64, 4.3.2006, p. 37).

defecation, paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.[57] Furthermore, Principle 20 of the European Pillar of Social Rights[58] states that everyone has the right to access essential services of good quality, including water and sanitation. Against that background, and in accordance with the recommendations in the WHO Guidelines for Sanitation and Health[59] and the provisions of the Protocol on Water and Health[60] Member States should tackle the issue of access to sanitation at national level. That should be done through actions aimed at improving access to sanitation for all, for example by setting up sanitation facilities in public spaces, as well as by encouraging the availability of appropriate sanitation facilities in public administrations and public buildings free of charge and\or making them affordable to all. Sanitation facilities should allow the safe management and disposal of human urine, faeces and menstrual blood. They should be safely managed, which implies that they should be accessible to all at all times, including for people with particular needs, such as children, older persons, persons with disabilities and homeless people, that they should be placed in a location that ensures minimal risk to the safety of users, and that they should be hygienically and technically safe to use. Such facilities should also be sufficient in number to ensure that the needs of people are met and waiting times are not unreasonably long.

(26) The specific situation of minority cultures, such as Roma and Travellers, whether settled or not, and in particular their lack of access to sanitation, was acknowledged in the Communication from the Commission of 7 October 2020 'A Union of Equality: EU Roma strategic framework for equality, inclusion and participation', which calls for increasing effective equal access to essential services. Overall, it is appropriate that Member States pay particular attention to vulnerable and marginalised groups by taking the necessary measures to improve access to sanitation for those groups. It is important that the identification of those groups is coherent with Article 16(1) of Directive (EU) 2020/2184 of the European Parliament and of the Council[61]. Measures to improve access to sanitation by vulnerable and marginalised groups might include providing sanitation facilities in public spaces for free or for a low service fee, improving or maintaining the connection to adequate systems to collect urban wastewater, and raising awareness of the nearest sanitation facilities.

(27) According to the EU Human Rights Guidelines on Safe Drinking Water and Sanitation[62], particular attention should be given to the needs of women and girls, as they are particularly at risk and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety when accessing sanitation facilities outside their homes. This is in line with the Council Conclusions on Water Diplomacy[63], which reaffirm the importance of integrating a gender perspective into water diplomacy. Therefore, Member States should pay particular attention to women and

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57 Resolution adopted by the United Nations General Assembly on 25 September 2015 (A/70/L.1)

58 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Establishing a European Pillar of Social Rights (COM/2017/0250 final).

59 WHO Guidelines on Sanitation and Health, 2018.

60 Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 17 June 1999.

61 Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).

62 EU Human Rights Guidelines on Safe Drinking Water and Sanitation (10145/19).

63 Council Conclusions on Water Diplomacy (13991/18).

girls as being a vulnerable group and should take the necessary measures to improve or maintain a safe access to sanitation for them.

(28) The evaluation concluded that sludge management could be improved to better align it with the principles of the circular economy and of the waste hierarchy as defined in Article 4 of Directive 2008/98/EC. The actions to better monitor and reduce pollution at source from non-domestic discharges will help improving the quality of the sludge produced and ensure its safe use in agriculture. In order to ensure a proper and safe recovery of nutrients, including the critical substance phosphorus, from the sludge, minimum recovery rates should be defined at Union level.

(29) Additional monitoring is necessary to verify compliance with the new requirements concerning micro-pollutants, non-domestic pollution, energy neutrality, GHG emissions, storm water overflows and urban runoff. To verify the performance of the quaternary treatment concerning the reduction of micro-pollutants in urban wastewater discharges, it is sufficient to monitor a limited set of representative micro-pollutants. The monitoring frequencies should be aligned to the current best practices, as currently practiced in Switzerland. To remain cost-effective, those obligations should be adapted to the size of the urban wastewater treatment plants and of the agglomerations. The monitoring will also contribute to provide data for the overall Environmental Monitoring Framework as set up under the 8th Environmental Action Programme[64], and more specifically feed the Zero Pollution Monitoring Framework underpinning it[65].

(30) In order to reduce administrative burden and better use the possibilities offered by digitalisation, the reporting on the implementation of the Directive should be improved and simplified by removing the obligation for Member States to report every two years to the Commission and for the Commission to publish bi-yearly reports. It should be replaced by a requirement for Member States to improve, with the support of the European Environment Agency (EEA), the existing national standardised data sets established under Directive 91/271/EEC, and to regularly update them. Permanent access to the national databases should be provided to the Commission and the EEA. In order to ensure complete information on the application of this Directive, the data sets should include information on compliance of urban wastewater treatment plants with the treatment requirements (pass/fail, loads and concentration of pollutants discharged), on the level of achievement of the objectives of energy neutrality, on GHG emissions of the treatment plants above 10 000 p.e. and on measures taken by the Member States in the context of storm water overflows/ urban runoff, access to sanitation and treatment by individual systems. Moreover, full coherence with Regulation (EC) 166/2006 of the European Parliament and of the Council[66] should be ensured to optimise the use of the data, as well as to support full transparency.

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64 Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).

65 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' (COM/2021/400 final).

66 Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) OJ L 33, 4.2.2006, p. 1–17

(31) In order to ensure a timely and proper implementation of this Directive, it is essential that Member States establish a national implementation programme including long-term programming of the required investments accompanied with a financing strategy. Those national programmes should be reported to the Commission. To limit administrative burden, that requirement should not apply to Member States showing a level of compliance of more than 95 % with regard to the main obligations to collect and treat wastewater.

(32) The urban wastewater collection and treatment sector is specific, operating as a captive market, with public and small enterprises being connected to the collecting system without having the possibility to choose their operators. It is therefore important to ensure public access to operators' key performance indicators, such as the level of treatment achieved, the costs of treatment, the energy used and produced, and the related GHG emissions and carbon footprint. In order to make the public more aware of the implications of urban wastewater treatment, key information on the annual wastewater collection and treatment costs for each household should be provided in an easily accessible manner, for instance on the invoices, while other detailed information should be accessible online, on a website of the operator or the competent authority.

(33) Directive 2003/4/EC of the European Parliament and of the Council[67] guarantees the right of access to environmental information in the Member States in line with the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the 'Aarhus Convention'). The Aarhus Convention encompasses broad obligations related both to making environmental information available upon request and actively disseminating such information. It is important that the provisions of this Directive related to access to information and data-sharing arrangements complement that Directive, by establishing the obligation to make available to the public online information on the collection and treatment of urban wastewater in a user-friendly manner, without creating a separate legal regime.

(34) The effectiveness of this Directive and its aim of protecting public health in the context of the Union's environment policy require that natural or legal persons, or where appropriate their duly constituted organisations, be able to rely on it in legal proceedings and that the national courts be able to take this Directive into consideration as an element of Union law in order, inter alia, to review decisions of a national authority where appropriate. In addition, according to settled case law of the Court of Justice, under the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union (TEU), it is for the courts of the Member States to ensure judicial protection of a person's rights under Union law. Furthermore, Article 19(1) TEU requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law. In addition, in accordance with the Aarhus Convention, members of the public concerned should have access to justice in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being.

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[67] Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26–32).

(35) To adapt this Directive to scientific and technical progress, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending certain parts of the Annexes with regard to the requirements for the secondary, tertiary and quaternary treatment and the requirements for specific authorisations for discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants and in respect of supplementing this Direcrive by establishing minimum reuse and recycling rates for phosphorus and nitrogen from sludge. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(36) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission for the adoption of standards for the design of individual systems, for the adoption of monitoring and assessment methods for the indicators of the quaternary treatment, for the establishment of common conditions and criteria for the application of the exoneration for certain products from extended producer responsibility, for establishing methodologies to support the development of integrated urban wastewater management plans and to measure antimicrobial resistance and micro-plastics in urban wastewater, and for the adoption of the format of, and modalities for, presenting the information to be provided by Member States and compiled by the EEA on the implementation of this Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[68].

(37) Member States should lay down rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and should take all measures necessary to ensure that they are implemented. The penalties should be effective, proportionate and dissuasive, taking into account specificities of Small and Medium Enterprises.

(38) Pursuant to the Interinstitutional Agreement on Better Law-Making[69], the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants.

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[68] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

[69] Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

(39) Directive 91/271/EEC provides for specific deadlines for Mayotte due to its inclusion in 2014 as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union. Therefore, the application of the obligations to establish collecting systems and apply secondary treatment to urban wastewater from agglomeration of 2 000 p.e. and above should be deferred with respect to Mayotte.

(40) In order to ensure the continuity of the protection of the environment, it is important that Member States maintain at least the current level of tertiary treatment until the new requirements for the reduction of phosphorus and nitrogen become applicable. Therefore, Article 5 of Council Directive 91/271/EC should continue to apply until those new requirements become applicable.

(41) Since the objectives of this Directive, namely to protect the environment and public health, to progress towards climate neutrality of urban wastewater collection and treatment activities, to improve access to sanitation and to ensure a regular surveillance of parameters relevant to public health, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(42) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.

(43) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex [VII], Part B,

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↓ 91/271/EEC (adapted)
⇨ new

HAVE ADOPTED THIS DIRECTIVE:

Article 1

⌦ Subject matter ⌫

This Directive ~~concerns~~ ⌦ lays down rules on ⌫ the collection, treatment, and discharge of urban ~~waste-water~~ ⌦ wastewater ⌫ ~~and the treatment and discharge of waste-water from certain industrial sectors.~~ ~~The objective of the Directive is~~ to protect the environment ~~from the adverse effects of the abovementioned waste-water discharges~~ ⇨ and human health while progressively eliminating greenhouse gas emissions and improving the energy balance of urban wastewater collection and treatment activities. It also lays down rules on access to sanitation, on transparency of the urban wastewater sector and on the regular surveillance of public health relevant parameters in urban wastewaters ⇦ .

Article 2

⌦ Definitions ⌫

For the purpose of this Directive ⌦ , the following definitions apply ⌫ :

(1~~.~~) ‘urban ~~waste water~~ ⌦ wastewater ⌫’ means domestic wastewater ⇨ , the mixture of domestic wastewater and non-domestic wastewater ⇦ or the mixture of domestic ~~waste water with industrial waste water and/or run-off rain water~~ ⌦ wastewater and urban runoff ⌫;

(2.) ‘domestic ~~waste water~~ ⌦ wastewater ⌫’ means ~~waste water~~ ⌦ wastewater ⌫ from residential settlements and services which originates predominantly from the human metabolism and from household activities;

(3)~~.~~ ‘~~industrial~~ ⇨ non-domestic ⇦ ~~waste water~~ ⌦ wastewater ⌫ ’ means any ~~wastewater~~ ⌦ wastewater ⌫ which is discharged ⇨ into collecting systems ⇦ from premises used for ~~carrying on any~~ ⌦ either of the following: ⌫

⌦ (a) the exercise of a ⌫ trade ~~or industry, other than domestic waste water and run-off rain water~~;

⇩ new

(b) activities carried out by an institution;

🡻 91/271/EEC (adapted)
⇨ new

⌦ (c) industrial activities; ⌫

(4)~~.~~ 'agglomeration' means an area where the ~~population and/or economic activities are~~ ⇨ pollution load of urban wastewater is ⇦ sufficiently concentrated ⇨ (10 p.e. per hectare or above) ⇦ for urban ~~waste water~~ ⌦ wastewater ⌫ to be collected and conducted to an urban wastewater treatment plant or to a final discharge point;

⇩ new

(5) ‘urban runoff’ means rainwater from agglomerations collected by combined or separate sewers;

(6) 'storm water overflow’ means discharge of untreated urban wastewater in receiving waters from combined sewers caused by rainfall;

🡻 91/271/EEC (adapted)

(7)~~5.~~ ‘collecting system’ means a system of conduits which collects and conducts urban ⌦ wastewater ⌫ ~~waste water~~;

⇩ new

(8) ‘combined sewer’ means a conduit that collects and conducts urban wastewater;

(9) ‘separate sewer’ means a conduit that separately collects and conducts either of the following:

(a) domestic wastewater;

(b) non-domestic wastewater;

(c) a mixture of domestic and non-domestic wastewater;

(d) rainwater from agglomerations;

↓ 91/271/EEC (adapted)
⇨ new

~~6.~~ (10) ~~'1 p.e. (population equivalent)'~~ ⌦ 'population equivalent' or '(p.e.)' ⌫ means ⇨ the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is ⇦ the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day;

~~7. 'primary treatment' means treatment of urban waste water by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming waste water is reduced by at least 20 % before discharge and the total suspended solids of the incoming waste water are reduced by at least 50 %;~~

~~8.~~ (11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or other process ~~in which the requirements established in Table 1 of Annex I are respected~~;

~~9. 'appropriate treatment' means treatment of urban waste water by any process and/or disposal system which after discharge allows the receiving waters to meet the relevant quality objectives and the relevant provisions of this and other Community Directives;~~

⇩ new

(12) 'tertiary treatment' means treatment of urban wastewater by a process which removes nitrogen and phosphorus from the urban wastewaters;

(13) 'quaternary treatment' means treatment of urban wastewater by a process which removes a broad spectrum of micro-pollutants from the urban wastewaters;

↓ 91/271/EEC
⇨ new

~~10.~~ (14) 's~~S~~ludge' means ⇨ any solid, semisolid, or liquid waste resulting from the treatment of urban wastewater ⇦ ~~residual sludge, whether treated or untreated, from urban waste water treatment plants~~;

~~11.~~ (15) 'eutrophication' means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;

~~12. 'estuary' means the transitional area at the mouth of a river between fresh-water and coastal waters. Member States shall establish the outer (seaward) limits of estuaries for the purposes of this Directive as part of the programme for implementation in accordance with the provisions of Article 17 (1) and (2);~~

~~13. 'coastal waters' means the waters outside the low-water line or the outer limit of an estuary.~~

⇩ new

(16) ‘micro-pollutant’ means a substance, including its breakdown products, that is usually present in the environment and urban wastewaters in concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the criteria set out in Part 3 and Part 4 of Annex I to Regulation EC[70];

(17) ‘dilution ratio’ means the ratio between the volume of annual flow of the receiving waters at the point of discharge and the annual volume of urban wastewater discharged from a treatment plant;

(18) ‘producer’ means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;

(19) 'Producer Responsibility Organisation’ means an organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9;

(20) ‘sanitation’ means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;

(21) ‘antimicrobial resistance’ means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;

(22) ‘public concerned’ means the public affected or likely to be affected by, or having an interest in, the decision-making procedures for the implementation of the obligations laid down in this Directive, including non-governmental organisations promoting the protection of human health or the environment;

(23) ‘plastic biomedia’ means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;

(24) ‘placing on the market’ means the first making available of a product on the market of a Member State.

🡻 91/271/EEC (adapted)
⇨ new

Article 3

⌦ Collecting systems ⌫

1. Member States shall ensure that all agglomerations ⌦ with a p.e. of 2 000 and above comply with the following requirements: ⌫

⌦ (a) they ⌫ are provided with collecting systems ~~for urban waste water~~.

⇨ (b) all their sources of domestic wastewater are connected to the collecting system. ⇦

[70] Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

– ~~at the latest by 31 December 2000 for those with a population equivalent (p.e.) of more than 15000, and~~

– ~~at the latest by 31 December 2005 for those with a p.e. of between 2000 and 15000.~~

~~For urban waste water discharging into receiving waters which are considered 'sensitive areas' as defined under Article 5, Member States shall ensure that collection systems are provided at the latest by 31 December 1998 for agglomerations of more than 10000 p.e.~~

↓ 2013/64/EU Art. 1.1 (adapted)

~~1a. By way of derogation from the first and second subparagraphs of paragraph 1, in respect of Mayotte as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (hereinafter 'Mayotte'), France shall ensure that all agglomerations are provided with collecting systems for urban waste water:~~

~~– by 31 December 2020 at the latest for agglomerations of more than 10000 p.e., which will cover at least 70 % of the load generated in Mayotte;~~

~~– by 31 December 2027 at the latest for agglomerations of more than 2000 p.e.~~

⇩ new

2. By 31 December 2030, Member States shall ensure that all agglomerations with a p.e. of between 1 000 and 2 000 comply with the following requirements:

(a) they are provided with collecting systems;

(b) all their sources of domestic wastewater are connected to the collecting system.

↓ 1137/2008 Art. 1 and Annex .4(2) (adapted)

3. Collecting systems ~~described in paragraph 1~~ shall ~~satisfy~~ ⌦ fulfil ⌫ the requirements of ~~section~~ Part A of Annex I. ~~The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).~~

↓ 91/271/EEC (adapted)
⇨ new

Article 4

⌦ Individual systems ⌫

⌦ 1. By way of derogation from Article 3, ⌫ w~~W~~here ⇨ exceptionally ⇦ the establishment of a collecting system is not justified either because it would produce no environmental benefit or because it would involve excessive cost, ⌦ Member States shall ensure that ⌫ individual systems ⌦ for the treatment of urban wastewaters ('individual systems') ⌫ ~~or other appropriate systems which achieve the same level of environmental protection~~ ~~shall be~~ ⌦ are ⌫ used.

⇩ new

2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of treatment as the secondary and tertiary treatments referred to in Articles 6 and 7.

Member States shall ensure that agglomerations where individual systems are used are registered in a public registry and that regular inspections of those systems are carried out by the appropriate authority.

3. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to supplement this Directive by establishing minimum requirements on the design, operation, and maintenance of individual systems and by specifying the requirements for the regular inspections referred to in paragraph 2, second subparagraph.

4. Member States that use individual systems to treat more than 2 % of the urban wastewater load from agglomerations of 2 000 p.e. and above shall provide the Commission with a detailed justification for the use of individual systems in each of the agglomerations. That justification shall:

(a) demonstrate that the conditions for using individual systems set out in paragraph 1 are fulfilled;

(b) describe the measures taken in accordance with paragraph 2;

(c) demonstrate compliance with the minimum requirements referred to in paragraph 3 where the Commission has exercised its delegated power under that paragraph.

5. The Commission is empowered to adopt implementing acts establishing the format for submitting the information referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Article 5

Integrated urban wastewater management plans

1. By 31 December 2030, Member States shall ensure that an integrated urban wastewater management plan is established for agglomerations of 100 000 p.e. and above.

2. By 31 December 2025, Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data and state-of-the-art climate projections, one or more of the following conditions apply:

(a) storm water overflow or urban runoff poses a risk to the environment or human health;

(b) storm water overflow represents more than 1 % of the annual collected urban wastewater load, calculated in dry weather conditions;

(c) storm water overflow or urban runoff prevents the fulfilment of any of the following:

(i) the requirements established under Article 5 of Directive (EU) 2020/2184;

(ii) the requirements set out in Article 5(3) of Directive 2006/7/EC of the European Parliament and of the Council[71];

(iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council[72];

(iv) the environmental objectives set out in Article 4 of Directive 2000/60/EC.

Member States shall review the list referred to in the first subparagraph every five years after its establishment and update it where necessary.

3. By 31 December 2035, Member States shall ensure that an integrated urban wastewater management plan is established for agglomerations referred to in paragraph 2.

4. Integrated urban wastewater management plans shall be made available to the Commission on request.

5. Integrated urban wastewater management plans shall include at least the elements set out in Annex V.

6. The Commission is empowered to adopt implementing acts to:

(a) provide methodologies for the identification of the measures referred to in point 3 of Annex V;

(b) provide methodologies for the determination of alternative indicators to verify whether the indicative objective of pollution reduction referred to in point 2 (a) of Annex V is achieved;

(c) determine the format by which integrated urban wastewater management plans are to be made available to the Commission where requested in accordance with paragraph 4.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).7. Member States shall ensure that integrated urban wastewater management plans are reviewed every 5 years after their establishment and updated where necessary.

↓ 91/271/EEC (adapted)
⇨ new

Article 6~~4~~

⌦ Secondary treatment ⌫

1. ⌦ For agglomerations of 2 000 p.e. and above, ⌫ Member States shall ensure that urban ~~waste water~~ ⌦ wastewater ⌫ entering collecting systems ~~shall before discharge be~~ ⌦ is ⌫ subject to secondary treatment ⇨ in accordance with paragraph 3 ⇦ or an equivalent treatment ~~as follows:~~ ⌦ before discharge. ⌫

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[71] Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC (OJ L 64, 4.3.2006, p. 37).

[72] Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

– ~~at the latest by 31 December 2000 for all discharges from agglomerations of more than 15000 p.e.,~~

– ~~at the latest by 31 December 2005 for all discharges from agglomerations ofbetween 10000 and 15000 p.e.,~~

– ~~at the latest by 31 December 2005 for discharges to fresh-water and estuaries from agglomerations of between 2000 and 10000 p.e.~~

⇩ new

For agglomerations of between 2 000 p.e. and 10 000 p.e. which are discharging into coastal areas, the obligation set out in the first paragraph shall not apply until 31 December 2027.

🡻 2013/64/EU Art. 1.2 (adapted)

~~1a. By way of derogation from paragraph 1, in respect of Mayotte, France shall ensure that urban waste water entering collecting systems is, before discharge, subject to secondary treatment or an equivalent treatment:~~

– ~~by 31 December 2020 at the latest for agglomerations of more than 15000 p.e., which, along with the agglomerations referred to in Article 5 (2a), will cover at least 70 % of the load generated in Mayotte;~~

– ~~by 31 December 2027 at the latest for agglomerations of more than 2000 p.e.~~

⇩ new

2. For agglomerations of between 1 000 p.e. and 2 000 p.e., Member States shall ensure that urban wastewater entering collecting systems is subject to secondary treatment in accordance with paragraph 3 or an equivalent treatment before discharge by 31 December 2030.

3. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.

🡻 91/271/EEC

~~2. Urban waste water discharges to waters situated in high mountain regions (over 1500 m above sea level) where it is difficult to apply an effective biological treatment due to low temperatures may be subjected to treatment less stringent than that prescribed in paragraph 1, provided that detailed studies indicate that such discharges do not adversely affect the environment.~~

🡻 1137/2008 Art. 1 and Annex .4(2)

~~3. Discharges from urban waste water treatment plants described in paragraphs 1 and 2 shall satisfy the relevant requirements of section B of Annex I. The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this~~

~~Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).~~

↓ 91/271/EEC (adapted)

4. The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the ⌦ urban wastewater ⌫ treatment plant during the year, excluding unusual situations ~~such as those~~ due to heavy rain.

Article 7~~5~~

⌦ Tertiary treatment ⌫

⇩ new

1. By 31 December 2030, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of 100 000 p.e. and above and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] are subject to tertiary treatment in accordance with paragraph 4.

By 31 December 2035, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to tertiary treatment in accordance with paragraph 4.

↓ 91/271/EEC (adapted)

~~1. For the purposes of paragraph 2, Member States shall by 31 December 1993 identify sensitive areas according to the criteria laid down in Annex II.~~

⇩ new

2. By 31 December 2025, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every five years starting on 31 December 2030.

The list referred to in the first subparagraph shall include the areas identified in Annex II.

The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with paragraph 4 in its entire territory.

↓ 91/271/EEC (adapted)
⇨ new

3~~2~~. ⇨ By 31 December 2035, ⇦ Member States shall ensure that ⇨ for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] ⇦ urban ~~waste water~~ ⌦ wastewater ⌫ entering collecting systems ~~shall~~ ⇨ is subject to tertiary treatment in accordance with paragraph 4 ⇦ before discharge into ~~sensitive~~ ⌦ those ⌫ areas ~~be subject to more stringent treatment than that described in Article 4, by 31 December 1998 at the latest for all discharges from agglomerations of more than 10000 p.e.~~.

⇩ new

By 31 December 2040, Member States shall ensure that urban wastewater entering collecting systems is subject to tertiary treatment in accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.

🡻 2013/64/EU Art. 1.3 (adapted)

~~2a. By way of derogation from paragraph 2, in respect of Mayotte, France shall ensure that urban waste water entering collecting systems shall before discharge into sensitive areas be subject to more stringent treatment than that described in Article 4 by 31 December 2020 at the latest for agglomerations of more than 10000 p.e., which, along with the agglomerations referred to in Article 4(1a), will cover at least 70 % of the load generated in Mayotte.~~

🡻 1137/2008 Art. 1 and Annex .4(2)

~~3. Discharges from urban waste water treatment plants described in paragraph 2 shall satisfy the relevant requirements of section B of Annex I. The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).~~

⇩ new

4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I.

The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.

🡻 91/271/EEC
⇨ new

5~~4~~. ~~Alternatively, requirements for individual plants set out in paragraphs 2 and 3 above need not apply in sensitive areas~~ ⇨ By way of derogation from paragraphs 3 and 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 and 4 ⇦ where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area is ~~at least 75 % for total phosphorus and at least 75 % for total nitrogen~~.~~:~~

⇩ new

(a) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2035;

(b) 90 % for total phosphorus and 85 % for total nitrogen by 31 December 2040.

🡻 91/271/EEC (adapted)
⇨ new

6~~5~~. Discharges from urban waste water ⌦ wastewater ⌫ treatment plants ~~which are situated in the relevant~~ ⇨ of 10 000 p.e. and above into a ⇦ catchment area~~s~~ of ⌦ an area ⌫ sensitive ~~areas~~ to ⌦ eutrophication ⌫ ⇨ included in a list referred to in paragraph 2 ⇦ ~~and which contribute to the pollution of these areas~~ shall ⌦ also ⌫ be subject to paragraphs 3~~2~~, ~~3~~ ⇨ 4 ⇦ and 5~~4~~.

~~In cases where the above catchment areas are situated wholly or partly in another Member State Article 9 shall apply.~~

~~6. Member States shall ensure that the identification of sensitive areas is reviewed at intervals of no more than four years.~~

7. Member States shall ensure that ⇨ discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list ⇦ ~~areas identified as sensitive following review under paragraph 6 shall within seven years meet the above requirements~~.

~~8. A Member State does not have to identify sensitive areas for the purpose of this Directive if it implements the treatment established under paragraphs 2, 3 and 4 over all its territory.~~

⇩ new

Article 8

Quaternary treatment

1. By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject quaternary treatment in accordance with paragraph 5.

By 31 December 2035, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment in accordance with paragraph 5.

2. On 31 December 2030, Member States shall have established a list a list of areas on their national territory where the concentration or the accumulation of micro-pollutants represents a risk for human health or the environment. Member States shall review that list every five years thereafter and update it if necessary.

The list referred to in the first subparagraph shall include the following areas, unless the absence of risk for human health or the environment in those areas can be demonstrated based on a risk assessment:

(a) water bodies used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;

(b) bathing water falling within the scope of Directive 2006/7/EC;

(c) lakes as defined in Article 2, point (5), of Directive 2000/60/EC;

(d) rivers as defined in Article 2, point (4), of Directive 2000/60/EC or other water streams where the dilution ratio is below 10;

(e) areas where aquaculture activities, as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[73], take place;

(f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC and 2008/105/EC.

The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.

3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

4. By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 100 000 p.e., urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2.

By 31 December 2040, Member States shall ensure that urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e and 100 000 p.e.

5. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 3 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 3 of Part B of Annex I is set out in table 4 of Part D of Annex I.

The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.

6. By 31 December 2030, the Commission shall adopt implementing acts to establish the monitoring and sampling methods to be used by the Member States to determine the presence and quantities in urban wastewater of the indicators set out in table 3 of Part B of Annex I. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

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[73] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

↓ 91/271/EEC

Article 6

1. For the purposes of paragraph 2, Member States may by 31 December 1993 identify less sensitive areas according to the criteria laid down in Annex II.

2. Urban waste water discharges from agglomerations of between 10000 and 150000 p.e. to coastal waters and those from agglomaterions of between 2000 and 10000 p.e. to estuaries situated in areas described in paragraph 1 may be subjected to treatment less stringent than that prescribed in Article 4 providing that:

– such discharges receive at least primary treatment as defined in Article 2 (7) in conformity with the control procedures laid down in Annex I D,

– comprehensive studies indicate that such discharges will not adversely affect the environment.

Member States shall provide the Commission with all relevant information concerning the abovementioned studies.

3. If the Commission considers that the conditions set out in paragraph 2 are not met, it shall submit to the Council an appropriate proposal.

4. Member States shall ensure that the identification of less sensitive areas is reviewed at intervals of not more than four years.

5. Member States shall ensure that areas no longer identified as less sensitive shall within seven years meet the requirements of Articles 4 and 5 as appropriate.

Article 7

Member States shall ensure that, by 31 December 2005, urban waste water entering collecting systems shall before discharge be subject to appropriate treatment as defined in Article 2 (9) in the following cases:

– for discharges to fresh-water and estuaries from agglomerations of less than 2000 p.e.,

– for discharges to coastal waters from agglomerations of less than 10000 p.e.

↓ 2013/64/EU Art. 1.4

By way of derogation from the first paragraph, in respect of Mayotte, the time limit defined therein shall be 31 December 2027.

↓ 91/271/EEC

Article 8

1. Member States may, in exceptional cases due to technical problems and for geographically defined population groups, submit a special request to the Commission for a longer period for complying with Article 4.

~~2. This request, for which grounds msut be duly put forward, shall set out the technical difficulties experienced and must propose an action programme with an appropriate timetable to be undertaken to implement the objective of this Directive. This timetable shall be included in the programme for implementation referred to in Article 17.~~

~~3. Only technical reasons can be accepted and the longer period referred to in paragraph 1 may not extend beyond 31 December 2005.~~

↓ 1137/2008 Art. 1 and Annex .4(2)

~~4. The Commission shall examine that request and take appropriate measures in accordance with the regulatory procedure referred to in Article 18(2).~~

↓ 91/271/EEC

~~5. In exceptional circumstances, when it can be demonstrated that more advanced treatment will not produce any environmental benefits, discharges into less sensitive areas of waste waters from agglomerations of more than 150000 p.e. may be subject to the treatment provided for in Article 6 for waste water from agglomerations of between 10000 and 150000 p.e.~~

↓ 1137/2008 Art. 1 and Annex .4(2)

~~In such circumstances, Member States shall submit beforehand the relevant documentation to the Commission. The Commission shall examine the case and take appropriate measures in accordance with the regulatory procedure referred to in Article 18(2).~~

⇩ new

Article 9

Extended producer responsibility

1. Member States shall take measures to ensure that producers who place any of the products listed in Annex III on the market have extended producer responsibility.

Such measures shall ensure that those producers cover:

(a) the full costs for complying with the requirements set out in Article 8, including the costs for the quaternary treatment of urban wastewater to remove micro-pollutants resulting from the products and their residues they place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and

(b) the costs for gathering and verifying data on products placed on the market; and

(c) other costs required to exercise their extended producer responsibility.

2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following:

(a) the quantity of the product they place on the market is below 2 tonnes per year;

(b) the products they place on the market do not generate micro-pollutants in wastewaters at the end of their life.

3. The Commission is empowered to adopt implementing acts to establish detailed criteria on the uniform application of the condition laid down in paragraph 2, point (b) to specific categories of products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation.

Member States shall ensure that:

(a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following:

(i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity;

(ii) information on the hazardouness of the products referred to in point (i) in the wastewaters at the end of their life;

(iii) when relevant, a list of products exonerated in accordance with paragraph 2;

(b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility;

(c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardouness in the wastewaters of the products that are placed on the market;

(d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).

5. Member States shall ensure that:

(a) the roles and responsibilities of all relevant actors involved, including producers referred to in paragraph 1, producer responsibility organisations, private or public operators of urban wastewater treatment plants and local competent authorities, are clearly defined;

(b) urban wastewater management objectives are established in order to comply with the requirements and deadlines set under Article 8(1), (4) and (5) and any other quantitative or qualitative objectives that are considered relevant for the implementation of the extended producer responsibility;

(c) a reporting system is in place to gather data on the products referred to in paragraph 1 placed on the market of the Member State by the producers and data on the quaternary treatment of wastewater, as well as other data relevant for the purposes of point (b).

Article 10

Minimum requirements for producer responsibility organisations

1. Member States shall take the necessary measures to ensure that any producer responsibility organisation established under Article 9(4):

(a) has a clearly defined geographical coverage coherent with the requirements set out in Article 8;

(b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers;

(c) makes publicly available information about:

(i) its ownership and membership;

(ii) the financial contributions paid by producers;

(iii) the activities that it undertaks every year, including clear information on how its financial means are used.

2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.

3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.

4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market:

(a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or

(b) take equivalent measures to point (a).

5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.

Article 11

Energy neutrality of urban wastewater treatment plants

1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective use or production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing methane emissions. The first audits shall be carried out:

(a) by 31 December 2025 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them;

(b) by 31 December 2030 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.

2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level by urban wastewater treatment plants treating a load of 10 000 p.e. and above is equivalent to at least:

(a) 50 % of the total annual energy used by such plants by 31 December 2030;

(b) 75 % of the total annual energy used by such plants by 31 December 2035;

(c) 100 % of the total annual energy used by such plants by 31 December 2040.

↓ 91/271/EEC (adapted)
⇨ new

Article 12~~9~~

⌦ Transboundary cooperation ⌫

1. Where waters within the area of jurisdiction of a Member State are adversely affected by discharges of urban wastewater from another Member State ⇨ or third- country ⇦ , the Member State whose waters are affected ~~may~~ ⇨ shall ⇦ notify the other Member State ⇨ or the third country ⇦ and the Commission of the relevant facts.

⇩ new

This notification shall be immediate in case of incidental pollution that may significantly affect downstream water bodies.

↓ 91/271/EEC (adapted)
⇨ new

The Member States concerned shall ~~organize, where appropriate with the Commission, the concertation necessary~~ ⇨ cooperate in order ⇦ to identify the discharges in question and the measures to be taken at source to protect the waters that are affected in order to ensure conformity with ~~the provisions of~~ this Directive.

⇩ new

2. The concerned Member States shall inform the Commission of any cooperation referred to in paragraph 1. The Commission shall participate in such cooperation at the request of the concerned Member States.

↓ 91/271/EEC (adapted)
⇨ new

Article 13~~10~~

⌦ Local climatic conditions ⌫

Member States shall ensure that the urban waste water treatment plants built to comply with the requirements ~~of~~ ⌦ set out in ⌫ Articles 6~~4~~, 7~~5~~, ~~6~~ and ~~7~~ ⇨ 8 ⇦ are designed, constructed, operated and maintained to ensure sufficient performance under all normal local

climatic conditions. When designing the plants, seasonal variations of the load shall be taken into account.

Article ~~14~~11

⌦ Discharges of non-domestic wastewater ⌫

1. Member States shall ensure that~~, before 31 December 1993,~~ the ~~discharge~~ ⌦ discharges ⌫ of ~~industrial waste water~~ ⇨ non-domestic wastewater ⇦ into collecting systems and urban waste water treatment plants ~~is~~ ⌦ are ⌫ subject to prior ~~regulations and/or~~ specific authorisations by the competent authority ~~or appropriate body~~.

↓ 1137/2008 Art. 1 and Annex .4(2)

~~2. Regulations and/or specific authorisation shall satisfy the requirements of section C of Annex I. The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).~~

⇩ new

Member States shall ensure that the competent authority:

(a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged before granting specific authorisations;

(b) allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas on request.

2. Member States shall take the appropriate measures, including a review of the specific authorisation , to identify, prevent and reduce as far as possible the sources of pollution in non-domestic wastewater referred to in paragraph 1 where any of the following situations arise:

(a) pollutants have been identified at the inlets and outlets of the urban wastewater treatment plant under the monitoring of Article 21(3);

(b) sludge arising from urban wastewater treatment is to be used in accordance with Council Directive 86/278/EEC[74];

(c) treated urban wastewater is to be reused in accordance with Regulation (EU) 2020/741;

(d) the receiving waters are used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;

(e) the pollution of the non-domestic wastewater discharged into the collecting system, or the urban wastewater treatment plant poses a risk to the operation of that system or plant.

[74] Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

3. The specific authorisations referred to in paragraph 1 shall fulfil the requirements set out in Part C of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend Part C of Annex I in order to adapt it to technical and scientific progress in the field of environmental protection.

↓ 1137/2008 Art. 1 and Annex .4(2) (adapted)
⇨ new

~~4~~3. ~~Regulations and~~ ⌦ The ⌫ specific ~~authorization~~ ⌦ authorisations referred to in paragraph 1 ⌫ shall be reviewed and ~~if~~ ⌦ , where ⌫ necessary, adapted ⇨ at least every 6 years ⇦ ~~at regular intervals~~.

Article 15~~12~~

⌦ Water reuse and discharges of urban wastewater ⌫

~~1. Treated waste water shall be reused whenever appropriate. Disposal routes shall minimize the adverse effects on the environment.~~

⇩ new

1. Member States shall systematically promote the reuse of treated wastewater from all urban wastewater treatment plants. Where treated wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741 .

↓ 1137/2008 Art. 1 and Annex .4(2) (adapted)
⇨ new

2. ~~Competent authorities or appropriate bodies~~ ⇨ Member States ⇦ shall ensure that ~~the disposal of waste water~~ ⇨ discharges ⇦ from urban ~~waste water~~ ⌦ wastewater ⌫ treatment plants ~~is~~ ⌦ are ⌫ subject to ~~prior regulations and/or~~ specific authorisz~~z~~ation. ⇨ Such authorisation shall ensure that the the requirements set out in Part B of Annex I are fulfilled. ⇦

↓ 1137/2008 Art. 1 and Annex .4(2)

~~3. Prior regulations and/or specific authorisation of discharges from urban waste water treatment plants made pursuant to paragraph 2 within agglomerations of 2000 to 10000 p.e. in the case of discharges to fresh waters and estuaries, and within agglomerations of 10000 p.e. or more in respect of all discharges, shall contain conditions to satisfy the relevant requirements of section B of Annex I. The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).~~

↓ 91/271/EEC (adapted)
⇨ new

34. ~~Regulations and/or authorization~~ ⌦ The specific authorisations referred to in paragraph 2 ⌫ shall be reviewed ⇨ at least every 6 years ⇦ and, if necessary, adapted ~~at regular intervals~~.

Article 16~~13~~

⌦ Biodegradable non-domestic wastewater ⌫

~~1. Member States shall ensure that by 31 December 2000 biodegradable industrial waste water from plants belonging to the industrial sectors listed in Annex III which does not enter urban waste water treatment plants before discharge to receiving waters shall before discharge respect conditions established in prior regulations and/or specific authorization by the competent authority or appropriate body, in respect of all discharges from plants representing 4000 p.e. or more.~~

~~2. By 31 December 1993 the competent authority or appropriate body in each Member State shall set requirements appropriate to the nature of the industry concerned for the discharge of such waste water.~~

~~3. The Commission shall carry out a comparison of the Member States' requirements by 31 December 1994. It shall publish the results in a report and if necessary make an appropriate proposal.~~

⇩ new

Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental protection as the requirements set out in part B of Annex I.

The requirements referred to in paragraph 1 shall apply when the following conditions are fulfilled:

(a) the wastewater originates from plants treating a load of 4 000 p.e. and above that belong to the industrial sectors listed in Annex IV and that do not carry out any of the activities listed in Annex I to Directive 2010/75/EU of the European Parliament and of the Council[75];

(b) the wastewater does not enter an urban wastewater treatment plant before it is discharged to receiving waters (‘direct discharge’).

Article 17

Urban wastewater surveillance

1. Member States shall monitor the presence of the following public health parameters in urban wastewater:

[75] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334 17.12.2010, p. 17).

(a) SARS-CoV-2 virus and its variants;

(b) poliovirus;

(c) influenza virus;

(d) emerging pathogens;

(e) contaminants of emerging concern;

(f) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring.

2. For the purpose of paragraph 1, Member States shall set up a national system for permanent cooperation and coordination between competent authorities responsible for public health and competent authorities responsible for urban wastewater treatment with regard to:

(a) the identification of other public health parameters than the ones referred to in paragraph 1 that are to be monitored in urban wastewater;

(b) the determination of the location and the frequency of urban wastewater sampling and analysis for each public health parameter identified in accordance with paragraph 1, taking into account the available health data and the needs in terms of public health data and, where relevant, the local epidemiological situations;

(c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union platforms, where such platforms are available.

3. When a public health emergency due to SARS-CoV-2 is declared by the competent authority responsible for public health in the Member State, the presence of SARS-CoV-2 and its variants shall be monitored in urban wastewaters from at least 70 % of the national population and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until this competent authority declares that the public health emergency due to SARS-CoV-2 has ended.

To determine whether there is a public health emergency, the competent authority shall take into account assessments of the European Centre for Disease Prevention and Control, decisions of the World Health Organisation (WHO) taken in accordance with the International Health Regulations and Commission decisions adopted pursuant to Article 23(1) of Regulation …/… of the European Parliament and of the Council[76]+.

4. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January 2025, ensure that antimicrobial resistance is monitored at least twice a year at the inlets and outlets of urban wastewater treatment plants and, when relevant, in the collecting systems.

The Commission shall adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure an uniform application of this Directive by establishing a harmonised methodology for measuring antimicrobial resistance in urban wastewaters.

5. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).

Article 18

Risk assessment and management

[76] + OP: Please insert in the text the number of the Regulation contained in document PE-CONS 40/22 (2020/0322(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

1. By [OP please insert the date = the last day of the second year after the date of entry in force of this Directive], Member States shall identify the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following:

(a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;

(b) the quality of bathing water falling within the scope of Directive 2006/7/EC;

(c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC;

(d) the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place.

2. Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate the following measures:

(a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of less than 1 000;

(b) applying secondary treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of less than 1 000;

(c) applying tertiary treatment in accordance with Article 7 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000;

(d) applying quaternary treatment in accordance with Article 8 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000;

(e) establishing integrated urban wastewater management plans in accordance with Article 5 for agglomerations below 10 000 p.e. and adoption of measures referred to in Annex V;

(f) applying more stringent requirements for the treatment of collected urban wastewaters than the requirements set out in Annex 1, part B.

3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every 5 years. A summary of the identified risks accompanied with a description of the measures adopted in accordance with paragraph 2 of this Article shall be included in the national implementation programmes referred to in Article 23 and communicated to the Commission on request .

Article 19

Access to sanitation

Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups.

For that purpose, Member States shall by 31 December 2027:

(a) identify categories of people without access, or with limited access, to sanitation facilities, including vulnerable and marginalised groups, and provide reasons for such lack of access;

(b) assess the possibilities for improving access to sanitation facilities for the categories of people referred to in point (a);

(c) for all agglomerations of 10 000 p.e. and above, encourage the establishment of a sufficient number of sanitation facilities in public spaces, which are freely and, in particular for women, safely accessible.

↓ 91/271/EEC (adapted)

Article 20~~14~~

⌦ Sludge ⌫

~~1. Sludge arising from waste water treatment shall be re-used whenever appropriate. Disposal routes shall minimize the adverse effects on the environment.~~

~~2. Competent authorities or appropriate bodies shall ensure that before 31 December 1998 the disposal of sludge from urban waste water treatment plants is subject to general rules or registration or authorization.~~

~~3. Member States shall ensure that by 31 December 1998 the disposal of sludge to surface waters by dumping from ships, by discharge from pipelines or by other means is phased out.~~

~~4. Until the elimination of the forms of disposal mentioned in paragraph 3, Member States shall ensure that the total amount of toxic, persistent or bioaccumulable materials in sludge disposed of to surface waters is licensed for disposal and progressively reduced.~~

⇩ new

1. Member States shall take the necessary measures to ensure that sludge management routes are conform to the waste hierarchy provided for in Article 4 of Directive 2008/98/EC. Such routes shall maximize prevention, re-use and recycling of resources and minimize the adverse effects on the environment.

2. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to supplement this Directive by setting out the minimum reuse and recycling rates for phosphorus and nitrogen from sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in sludge.

↓ 91/271/EEC (adapted)
⇨ new

Article 21~~15~~

⌦ Monitoring ⌫

1. ⌦ Member States shall ensure that ⌫ c~~C~~ompetent authorities ~~or appropriate bodies shall~~ monitor:

(a) discharges from urban ~~waste water~~ ⌦ wastewater ⌫ treatment plants ⌦ in order ⌫ to verify compliance with the requirements of Part B of Annex I~~.B~~ in accordance with the ~~control procedures~~ ⇨ methods for monitoring and evaluation of results ⇦ laid down in Part D of Annex I~~.D,~~ ⇨ ; this monitoring shall include loads and concentrations of the parameters listed in Part B of Annex I; ⇦

(b) amounts, ~~and~~ composition ⇨ and destination ⇦ of sludge~~s disposed of to surface waters~~;~~.~~

⇩ new

(c) the destination of the treated urban wastewater including the share of reused water;

(d) the greenhouse gases produced and the energy used and produced by urban wastewater treatment plants of above 10 000 p.e.

🡻 91/271/EEC

~~2. Competent authorities or appropriate bodies shall monitor waters subject to discharges from urban waste water treatment plants and direct discharges as described in Article 13 in cases where it can be expected that the receiving environment will be significantly affected.~~

~~3. In the case of a discharge subject to the provisions of Article 6 and in the case of disposal of sludge to surface waters, Member States shall monitor and carry out any other relevant studies to verify that the discharge or disposal does not adversely affect the environment.~~

~~4. Information collected by competent authorities or appropriate bodies in complying with paragraphs 1, 2 and 3 shall be retained in the Member State and made available to the Commission within six months of receipt of a request.~~

🡻 1137/2008 Art. 1 and Annex .4(2)

~~5. The Commission may formulate guidelines on the monitoring referred to in paragraphs 1, 2 and 3 in accordance with the regulatory procedure referred to in Article 18(2).~~

⇩ new

2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities monitor the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies .

3. For all agglomerations of above 10 000 p.e., Member States shall monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the following elements:

(a) pollutants listed in:

(i) Annexes VIII and X to Directive 2000/60/EC, the Annex to Directive 2008/105/EC, Annex I to Directive 2006/118/EC and Part B of Annex II to Directive 2006/118/EC;

(ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council[77];

[77] Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (Text with EEA relevance) (OJ L 331, 15.12.2001, p. 1).

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council[78];

(iv) Annexes I and II to Directive 86/278/EEC.

(b) parameters listed in Part B of Annex III to Directive (EU) 2020/2184, where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive;

(c) the presence of micro-plastics.

For all agglomerations of above 10 000 p.e., Member States shall monitor the presence of micro-plastics in the sludge.

The monitoring referred to in the first and second subparagraphs shall be carried out with the following frequencies:

(a) at least two samples per year, with maximum 6 months between the samples, for agglomerations of 100 000 p.e. and more;

(b) at least one sample every 2 years for agglomerations of between 10 000 p.e. and 100 000 p.e.

The Commission is empowered to adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a methodology for measuring micro-plastics in urban wastewater and sludge.

↓ 91/271/EEC

~~*Article 16*~~

~~Without prejudice to the implementation of the provisions of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment[79], Member States shall ensure that every two years the relevant authorities or bodies publish situation reports on the disposal of urban waste water and sludge in their areas. These reports shall be transmitted to the Commission by the Member States as soon as they are published.~~

⇩ new

Article 22

Information on monitoring of implementation

1. Member States, assisted by the European Environment Agency (EEA), shall:

(a) by 31 December 2025, set up a data set containing information collected in accordance with Article 21 including information concerning the parameters referred to in Article 21(1), point (a), and the results of the tests with regard to the pass/fail criteria established in Part D of Annex I and update that data set annually thereafter;

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78 Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) (OJ L 33, 4.2.2006, p. 1).

79 ~~OJ No L 158, 23.6.1990, p. 56.~~

(b) by 31 December 2025, set up a data set indicating the percentage of urban wastewater which is collected and treated in accordance with Article 3 and update that data set annually thereafter;

(c) by 31 December 2025, set up a data set containing information on measures taken to implement Article 4(4) and on the percentage of the urban wastewater load from agglomerations above 2 000 p.e. which is treated in individual systems and update that data set annually thereafter;

(d) by 31 December 2025, set up a data set containing information on the number of samples collected and the number of samples taken in accordance with Part D of Annex I that have failed;

(e) by 31 December 2025, set up a data set containing information on green house gas emissions with a breakdown between different gasses and on the total energy used and renewable energy produced by each urban wastewater treatment plant of 10 000 p.e. and above as well as a calculation of the percentage of achievement of the targets set out in Article 11(2) and update that data set annually thereafter;

(f) by 31 December 2025, set up a data set containing information on measures taken in accordance with point 3 of Annex V and update that data set annually thereafter;

(g) by 31 December 2025, set up a data set containing the monitoring results referred to in accordance with Article 17(1) and (4) and update that data set annually thereafter;

(h) by 31 December 2025, set up a data set containing the list of areas identified as sensitive to eutrophication in accordance with Article 7(2) and update that data set every 5 years thereafter;

(e) by 31 December 2030, set up a data set containing the list of areas identified as areas where the concentration or the accumulation of micro-pollutant represents a risk for human health or the environment in accordance with Article 8(2) and update that data set every 5 years thereafter;

(j) by 12 January 2029, set up a data set containing information on measures taken to improve access to sanitation in accordance with Article 19, including information on the share of their population that has access to sanitation and update that data set every 6 years thereafter.

2. Member States shall ensure that the Commission and the EEA have permanent access to the data sets referred to in paragraph 1.

3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article.

With regard to the information referred to in paragraph 1, the EEA shall provide the public with access to relevant data through the European Pollutant Release and Transfer Register established under Regulation (EC) No 2006/166.

4. The Commission is empowered to adopt implementing acts specifying the format of the information to be provided in accordance with paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

↓ 91/271/EEC (adapted)
⇨ new

Article 23~~17~~

⌦ National implementation programme ⌫

1. ⇨ By [OP please insert date = the last day of the twenty-third month after the date of entry into force of this Directive], ⇦ Member States shall ~~by 31 December 1993~~ establish a ⌦ national implementation ⌫ programme for ~~the implementation of~~ this Directive.

⇩ new

Those programmes shall include:

a) an assessment of the level of implementation of Articles 3 to 8;

b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater;

c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates;

d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.

↓ 2013/64/EU Art. 1.5(a) (adapted)

~~By way of derogation from the first subparagraph, in respect of Mayotte, France shall establish a programme for the implementation of this Directive by 30 June 2014.~~

↓ 91/271/EEC (adapted)

~~2. Member States shall by 30 June 1994 provide the Commission with information on the programme.~~

↓ 2013/64/EU Art. 1.5(b) (adapted)

~~By way of derogation from the first subparagraph, in respect of Mayotte, France shall provide the Commission with information on the programme by 31 December 2014.~~

⇩ new

2. By …[OP: please insert the date = the last day of the thirty-fifth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.

↓ 91/271/EEC

~~3. Member States shall, if necessary, provide the Commission by 30 June every two years with an update of the information described in paragraph 2.~~

⇩ new

3. Member States shall update their national implementation programmes at least every 5 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.

↓ 1137/2008 Art. 1 and Annex .4(2)

~~4. The Commission shall determine, in accordance with the regulatory procedure referred to in Article 18(2), the methods and formats to be adopted for reporting on the national programmes. Any amendments to those methods and formats shall be adopted in accordance with that procedure.~~

⇩ new

4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

↓ 91/271/EEC

~~5. The Commission shall every two years review and assess the information received pursuant to paragraphs 2 and 3 above and publish a report thereon.~~

⇩ new

Article 24

Information to the public

1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, in each agglomeration. The information shall include at least the data listed in Annex VI.

The information referred to in paragraph 1 shall also be provided by other means upon justified request.

2. In addition, Member States shall ensure that all persons connected to collecting systems receive regularly and at least once a year, in the most appropriate form, including on their invoice or by smart applications, without having to request it, the following information:

(a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I;

(b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the household or the connected entity in cubic meter, together with yearly trends and the price of urban wastewater collection and treatment for the household (cost per litre and cubic meter);

(c) a comparison of the yearly volume of load of urban wastewater collected and treated for the household per year and an indication of the average volume of a household in the concerned agglomeration;

(d) a link to the online content referred to in paragraph 1.

3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 and Annex VI by updating the information to be provided to the public online and to the persons connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.

4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Article 25

Access to Justice

1. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions or acts or omissions subject to Articles 6, 7 or 8 of this Directive when at least one of the following conditions is met:

(a) they have a sufficient interest;

(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.

The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.

2. Member States shall determine at what stage the decisions, acts or omissions referred to in paragraph 1 may be challenged.

Article 26

Compensation

1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.

2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.

3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.

4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.

5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows that he or she suffered damage from a violation pursuant to paragraph 1.

Article 27

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), and 24(3) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), or 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

↓ 1882/2003 Art. 3 and Annex III.21 (adapted)

Article 2818

⌦ Committee ⌫

1. The Commission shall be assisted by ~~a~~ ⌦ the ⌫ committee ⌦ for the adaptation to scientific and technical progress and implementation of the directive on urban waste water treatment ⌫ .

↓ 1137/2008 Art. 1 and Annex .4(2)

~~2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.~~

~~The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.~~

~~3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.~~

⇩ new

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 29

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.

2. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:

(a) the nature, gravity, and extent of the violation;

(b) the intentional or negligent character of the violation;

(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment.

3. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.

Article 30

Evaluation

1. By 31 December 2030 and by 31 December 2040, the Commission shall carry out an evaluation of this Directive based in particular on the following elements:

(a) the experience gained through the implementation of this Directive;

(b) the data sets referred to in Article 22(1);

(c) relevant scientific, analytical and epidemiological data, including results from research projects funded by the Union;

(d) WHO recommendations, where available;

(e) an analyse of the possible need to adapt the list of products to be covered by extended producer responsibility to the evolution of the range of products placed on the market, improved knowledge on the presence of micro-pollutants in wastewaters and their impacts on public health and the environment, and data resulting from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants.

The Commission shall present a report on the main findings of the evaluation referred to in the first subparagraph to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.

2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1, second subparagraph.

Article 31

Review

Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.

↑

Article 32

Repeal and transitional provisions

1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.

⇩ new

2. Article 3(1) and Article 6(1) shall apply from 31 December 2027 in respect of Mayotte.

3. For urban wastewater discharges that are treated by urban wastewater treatment plants treating a load of 100 000 p.e. and above and that are not required to comply with the

requirements set out in Article 7(1) by 31 December 2030, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2035.

For urban wastewater discharges from agglomerations of between 10 000 p.e. and 100 000 p.e. that are not required to comply with the requirements set out in Article 7(3) by 31 December 2035, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2040.

↑

4. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex [VIII].

↓ 91/271/EEC (adapted)
⇨ new

Article 33~~19~~

⌦ Transposition ⌫

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with ⇨ Articles […] and Annexes […] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive] ⇦ ~~this Directive no later than 30 June 1993~~. They shall ~~forthwith inform~~ ⌦ immediately communicate the text of those measures to ⌫ the Commission ~~thereof~~.

~~2.~~ When Member States adopt ⌦ those ⌫ measures ~~referred to in paragraph 1~~, they shall contain a reference to this Directive or ~~shall~~ be accompanied by such a reference on the occasion of their official publication. ⌦ They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. ⌫ ~~The methods of making such a reference shall be laid down by the~~ Member States ⌦ shall determine how such reference is to be made and how that statement is to be formulated ⌫ .

2~~3~~. Member States shall communicate to the Commission the text~~s~~ of the main provisions of national law which they adopt in the field ~~governed~~ ⌦ covered ⌫ by this Directive.

↑

Article 34

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Articles […] and Annexes […] [refer to the articles and annexes which are **un**changed by comparison with the repealed Directive] shall apply from […] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].

↓ 91/271/EEC (adapted)

Article 35~~20~~

⌦ Addressees ⌫

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

EUROPEAN
COMMISSION

Brussels, 26.10.2022
COM(2022) 541 final

ANNEXES 1 to 8

ANNEXES

to the

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning urban wastewater treatment (recast)

{SEC(2022) 541 final} - {SWD(2022) 541 final} - {SWD(2022) 544 final}

↓ 91/271/EEC (adapted)
⇨ new

ANNEX 1

REQUIREMENTS FOR URBAN ⌦ WASTEWATER ⌫ ~~WASTE WATER~~

A. *COLLECTING SYSTEMS*[1]

Collecting systems shall take into account ~~waste water~~ ⌦ wastewater ⌫ treatment requirements.

The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding:

– volume and characteristics of urban ⌦ wastewater ⌫ ~~waste water~~,

– prevention of leaks,

– limitation of pollution of receiving waters due to storm water overflows.

B. *DISCHARGE FROM URBAN ~~WASTE WATER~~ ⌦ WASTEWATER ⌫ TREATMENT PLANTS TO RECEIVING WATERS*[2]

1. ~~Wastewater~~ ⌦ Wastewater ⌫ treatment plants shall be designed or modified so that representative samples of the incoming ~~wastewater~~ ⌦ wastewater ⌫ and of treated effluent can be obtained before discharge to receiving waters.

2. Discharges from urban ~~waste water~~ ⌦ wastewater ⌫ treatment plants subject to treatment in accordance with Articles 6,~~4~~ ~~and~~ 7~~5~~ ⇨ and 8 ⇦ shall meet the requirements shown in Table 1.

3. Discharges from urban ~~waste water~~ ⌦ wastewater ⌫ treatment plants ⌦ referred to in paragraph 1 and 3 of Article 7 and in Article 8 in accordance with those Articles ⌫ ~~to those sensitive areas which are subject to eutrophication as identified in Annex II.A (a)~~ shall, in addition ⌦ to the requirements referred to in point 2, ⌫ meet the requirements shown in Table 2 of this Annex.

⇩ new

4. Discharges from urban wastewater treatment referred to in Article 8(1) and included in the list referred to in Article 8(2) shall, in addition to the requirements referred to in points 2 and 3, meet the requirements set out in Table 3.

[1] ~~Given that it is not possible in practice to construct collecting systems and treatment plants in a way such that all waste water can be treated during situations such as unusually heavy rainfall, Member States shall decide on measures to limit pollution from storm water overflows. Such measures could be based on dilution rates or capacity in relation to dry weather flow, or could specify a certain acceptable number of overflows per year.~~

[2] ~~Given that it is not possible in practice to construct collecting systems and treatment plants in a way such that all waste water can be treated during situations such as unusually heavy rainfall, Member States shall decide on measures to limit pollution from storm water overflows. Such measures could be based on dilution rates or capacity in relation to dry weather flow, or could specify a certain acceptable number of overflows per year.~~

5. Authorisations for discharges from urban wastewater treatment plants using plastic biomedia shall include an obligation to permanently monitor and prevent all unintentional biomedia release in the environment.

↓ 91/271/EEC (adapted)
⇨ new

64. More stringent requirements than those ~~shown~~ ⌦ set out ⌫ in Tables 1, ~~and/or Table~~ 2 ⇨ and 3 ⇦ shall be applied where ~~required~~ ⌦ necessary ⌫ to ensure that the receiving waters ~~satisfy~~ ⌦ fulfil the requirements laid down in Directives 2000/60/EC, 2008/56/EC, 2008/105/EC and 2006/7/EC ⌫ ~~any other relevant Directives~~.

75. The points of discharge of urban ~~waste water~~ ⌦ wastewater ⌫ shall be chosen, as far as possible, so as to minimize the effects on receiving waters.

C. ⌦ ***SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER*** ⌫ ~~***INDUSTRIAL WASTE WATER***~~

~~Industrial waste water entering collecting systems and urban waste water treatment plants shall be subject to such pre-treatment as is required in order to:~~

~~– protect the health of staff working in collecting systems and treatment plants,~~

~~– ensure that collecting systems, waste water treatment plants and associated equipment are not damaged,~~

~~– ensure that the operation of the waste water treatment plant and the treatment of sludge are not impeded,~~

~~– ensure that discharges from the treatment plants do not adversely affect the environment, or prevent receiving water from complying with other Community Directives,~~

~~– ensure that sludge can be disposed of safety in an environmentally acceptable manner.~~

⇩ new

1. The specific authorisation referred to in Article 14 shall ensure the following:

(a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of sludge;

(b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants;

(c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant;

(d) where an urban wastewater treatment plant treats discharges from an installation holding a permit referred to in Article 4 of Directive 2010/75/EU, the pollutant load from the discharges of that plant does not exceed the pollutant load that would be discharged if the discharges were released directly

from the installation and were compliant with the emission limit values set in accordance with Article 15(3) of that Directive and any additional measures taken in accordance with Article 18 of that Directive;

(e) the pollutant load in the discharge from the urban wastewater treatment plant does not deteriorate the good ecological status or potential or good chemical status of the receiving water body and does not prevent that water body from achieving such status, in accordance with the objectives set out in Article 4 of Directive 2000/60/EC.

2. The specific authorisation shall include an annex, which documents the fulfilment of all the conditions set out in point 1. The provisions of the specific authorisations shall be updated in the cases where the characteristics of the non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.

↓ 91/271/EEC (adapted)
⇨ new

D. ***~~REFERENCE~~ METHODS FOR MONITORING AND EVALUATION OF RESULTS***

1. Member States shall ensure that a monitoring method is applied which ⌦ fulfils the requirements set out in points 2 to 5 ⌫ ~~corresponds at least with the level of requirements described below~~.

Alternative methods to those ~~mentioned~~ ⌦ referred to ⌫ in ~~paragraphs~~ points 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained.

Member States shall provide the Commission with all relevant information concerning the applied ⌦ monitoring ⌫ method. ~~If the Commission considers that the conditions set out in paragraphs 2, 3 and 4 are not met, it will submit an appropriate proposal to the Council.~~

2. Flow-proportional or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and, if necessary, in the inlet of the ⌦ urban wastewater ⌫ treatment plant ~~in order to monitor compliance with the requirements for discharged waste water laid down in this Directive~~.⇨ However, any time-based samples used to monitor micro-pollutants shall be 48-hour samples. ⇦

Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.

3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year:

— ~~2000~~ ⇨ 1000 ⇦ to 9 999 p.e.:	~~12 samples during the first year.~~ ~~four samples in subsequent years, if it can be shown that the water during the first year complies with the provisions of the Directive; if one sample of the four fails, 12 samples must be taken in the year that follows~~. ⇨ One sample per month ⇦
— 10 000 to 49 999 p. e.:	⇨ Two samples per month For micro-pollutants, one sample per month ⇦ ~~12 samples.~~

— 50 000 ⇨ to 99 999 ⇦ p.e. ~~or over~~:	⇨ One sample per week. For micro-pollutants, two samples per week ⇦ ~~24 samples.~~
⇨ — 100 000 p.e. or over: ⇦	⇨ One sample per day For micro-pollutants, two samples per week ⇦

4. The treated ~~waste water~~ ⌦ wastewater ⌫ shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way:

(a) for the parameters specified in Table 1 ~~and Article 2 (7)~~, a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions ~~in Table 1 and Article 2 (7)~~, is specified in Table ~~4~~3;

(b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %.~~,~~ ⇨ except for the parameter total suspended solids, for which deviations from ⇦ ~~For~~ the parametric values ~~in concentration relating to total suspended solids deviations~~ of up to 150 % may be accepted;

(c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall ⌦ be ⌫ conform to the relevant parametric values ⌦ set out in that table ⌫ . ⇨ One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply; ⇦

⇩ new

(d) for the parameters specified in Table 3, each sample taken shall be conform to the parametric values set out in that table.

🡻 91/271/EEC
⇨ new

5. ⇨ The samples shall be taken so that they reflect the pollution during dry weather conditions. ⇦ Extreme values for the water quality in question shall not be taken into consideration when they are the result of unusual situations ~~such as those~~ due to heavy rain.

⇩ new

6. Analyses concerning discharges from lagooning shall be carried out on filtered samples; however, the concentration of total suspended solids in unfiltered water samples of such discharges shall not exceed 150 mg/l.

🡻 91/271/EEC (adapted)
⇨ new

Table 1: Requirements for discharges from urban waste water treatment plants subject to Articles ~~5~~ 64 ~~and 5~~ of the Directive. The values for concentration or for the percentage of reduction shall apply.			
Parameters	Concentration	Minimum percentage of reduction[1]	Reference method of measurement
Biochemical oxygen demand (BOD5 at 20 °C) without nitrification~~[2]~~ ⌦ (see Note 1) ⌫	25 mg/l O_2	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample. Determination of dissolved oxygen before and after five-day incubation at 20 °C ± 1 °C, in complete darkness. Addition of a nitrification inhibitor
Chemical oxygen demand (COD) ⌦ (See Note 2) ⌫	125 mg/l O_2	75	Homogenized, unfiltered, undecanted sample Potassium dichromate
⇨ Total Organic Carbon (See Note 2) ⇦	⇨ 37 mg/l ⇦	⇨ 75 ⇦	⇨ EN 1484 ⇦
Total suspended solids	35 mg/l~~[3]~~ ⌦ (see Note 3) ⌫ ~~35 under Article 4 (2) (more than 10000 p.e.)~~ ~~60 under Article 4 (2) (2000-10000 p.e.~~)	90~~[4]~~ ⌦ (see Note 3) ⌫ ~~90 under Article 4 (2) (more than 10000 p.e.)~~ ~~70 under Article 4 (2) (2000-10000 p.e.~~)	– Filtering of a representative sample through a 0,45 µm filter membrane. Drying at 105 °C and weighing – Centrifuging of a representative sample (for at least five mins with mean acceleration of 2800 to 3200 g), drying at 105 °C and weighing

[1] Reduction in relation to the load of the influent.

[2] ~~The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen demand (TOD) if a relationship can be established between BOD5 and the substitute parameter.~~

[3] ~~This requirement is optional.~~

[4] ~~This requirement is optional.~~

⇩ new

Note 1: The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen demand (TOD) if a relationship can be established between BOD5 and the substitute parameter.

Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon.

Note 3: This requirement is optional.

🡻 91/271/EEC

~~Analyses concerning discharges from lagooning shall be carried out on filtered samples; however, the concentration of total suspended solids in unfiltered water samples shall not exceed 150 mg/l.~~

🡻 98/15/EC Art. 1 and Annex (adapted)
➔1 98/15/EC Art. 1 and Annex amended by Corrigendum, OJ L 189, 17.7.2015, p. 41
➔2 98/15/EC Art. 1 and Annex amended by Corrigendum, OJ L 139, 2.6.1999, p. 34
⇨ new

Table 2:

➔1 Requirements for ⌦ tertiary treatment of ⌫ discharges from urban ~~waste water~~ ⌦ wastewater ⌫ treatment plants ⇨ referred to in Article 7(1) and (3) ⇦ ~~to sensitive areas which are subject to eutrophication as identified in Annex II.A(a)~~. ← One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.

Parameters	Concentration	Minimum percentage of reduction[7] ⌦ (See Note 1) ⌫	Reference method of measurement
Total phosphorus	➔2 ~~2 mg/l (10000 — 100000 p.e.)~~ ➔ ~~1 mg/l (more than 100000 p.e.)~~ ⇨ 0,5 mg/L ⇦	~~80~~ ⇨ 90 ⇦	Molecular absorption spectrophotometry
Total nitrogen[8]	~~15 mg/l (10000-100000 p.e.)~~[9] ~~10 mg/l (more than 100000 p.e.)~~[10] ⇨ 6 mg/L ⇦	~~70-80~~ ⇨ 85 ⇦	Molecular absorption spectrophotometry

⇩ new

Note 1: Natural nitrogen retention shall not be taken into account in the calculation of the minimum percentage reduction.

7 Reduction in relation to the load of the influent.

8 ~~Total nitrogen means the sum of total Kjeldahl nitrogen (organic and ammoniacal nitrogen) nitrate-nitrogen and nitrite-nitrogen.~~

9 ~~These values for concentration are annual means as referred to in Annex I, paragraph D.4(c). However, the requirements for nitrogen may be checked using daily averages when it is proved, in accordance with Annex I, paragraph D.1, that the same level of protection is obtained. In this case, the daily average must not exceed 20 mg/l of total nitrogen for all the samples when the temperature from the effluent in the biological reactor is superior or equal to 12 °C. The conditions concerning temperature could be replaced by a limitation on the time of operation to take account of regional climatic conditions.~~

10 ~~These values for concentration are annual means as referred to in Annex I, paragraph D.4(c). However, the requirements for nitrogen may be checked using daily averages when it is proved, in accordance with Annex I, paragraph D.1, that the same level of protection is obtained. In this case, the daily average must not exceed 20 mg/l of total nitrogen for all the samples when the temperature from the effluent in the biological reactor is superior or equal to 12 °C. The conditions concerning temperature could be replaced by a limitation on the time of operation to take account of regional climatic conditions.~~

Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and (3).

Indicators	**Minimum percentage of removal**
Substances that can pollute water even at low concentrations (see Note 1)	80 % (see Note 2)

Note 1: The concentration of the organic substances referred to in points (a) and (b) shall be measured.

(a) Category 1 (substances that can be very easily treated):

(i) Amisulprid (CAS No 71675-85-9),

(ii) Carbamazepine (CAS No 298-46-4),

(iii) Citalopram (CAS No 59729-33-8),

(iv) Clarithromycin (CAS No 81103-11-9),

(v) Diclofenac (CAS No 15307-86-5),

(vi)— Hydrochlorothiazide (CAS No 58-93-5),

(vii) Metoprolol (CAS No 37350-58-6),

(viii)— Venlafaxine (CAS No 93413-69-5);

(b) Category 2 (substances that can be easily disposed of):

(i) Benzotriazole (CAS No 95-14-7),

(ii) Candesartan (CAS No 139481-59-7),

(iii) Irbesartan (CAS No 138402-11-6),

(iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and 6-methyl-benzotriazole (CAS No 136-85-6).

Note 2: The percentage of removal shall be calculated for at least six substances. The number of substances in category 1 shall be twice the number of substances in category 2. If less than six substances can be measured in sufficient concentration, the competent authority shall designate other substances to calculate the minimum percentage of removal when it is necessary. The average of the percentages of removal of all substances used in the calculation shall be used in order to assess whether the required 80 % minimum percentage of removal has been reached.

↓ 91/271/EEC

Table ~~4~~3

Series of samples taken in any year	Maximum permitted number of samples which fail to conform
4-7	1
8-16	2
17-28	3
29-40	4
41-53	5
54-67	6
68-81	7
82-95	8
96-110	9
111-125	10
126-140	11
141-155	12
156-171	13
172-187	14
188-203	15
204-219	16
220-235	17
236-251	18
252-268	19
269-284	20
285-300	21
301-317	22
318-334	23
335-350	24
351-365	25

↓ 91/271/EEC (adapted)

ANNEX 2

⌦ AREAS SENSITIVE TO EUTROPHICATION ⌫

~~**CRITERIA FOR IDENTIFICATION OF SENSITIVE AND LESS SENSITIVE AREAS**~~

~~**A. *SENSITIVE AREAS***~~

⇩ new

1. Areas located in the catchments of the Baltic Sea, the Black Sea, parts of the North Sea identified as sensitive to eutrophication under Directive 2008/56/EC and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC;

↓ 91/271/EEC
⇨ new

~~A water body must be identified as a sensitive area if it falls into one of the following groups:~~

2.~~(a)~~ Nnatural freshwater lakes, other freshwater bodies, estuaries and coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken.

The following elements ~~might~~ ⇨ shall ⇦ be taken into account when considering which nutrient should be reduced by further treatment:

(a~~i~~) lakes and streams reaching lakes/reservoirs/closed bays which are found to have a poor water exchange, whereby accumulation may take place. In these areas, the removal of phosphorus should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication. Where discharges from large agglomerations are made, the removal of nitrogen may also be considered;

(b~~ii~~) estuaries, bays and other coastal waters which are found to have a poor water exchange, or which receive large quantities of nutrients. Discharges from small agglomerations are usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication;

3.~~(b)~~ Ssurface freshwaters intended for the abstraction of drinking water which could contain more than the concentration of nitrate laid down under the relevant provisions of Directive (EU) 2020/2184 ~~Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States~~[11] if ⇨ protective ⇦ action is not taken;

4.~~(c)~~ Aareas where further treatment than that prescribed in Article ~~4~~ ⇨ 7 ⇦ of this Directive is necessary to ⇨ comply with other Union acts in the environmental field, including in particular water bodies covered by Directive 2000/60/EC which are at

[11] ~~OJ No L 194, 25.7.1975, p. 26 as amended by Directive 79/869/EEC (OJ No L 271, 29.10.1979, p. 44).~~

risk of not maintaining or achieving good ecological status or potential ⇦ ~~fulfil Council Directives~~.

⇩ new

5. Any other areas found by the Member States to be sensitive to eutrophication.

🡻 91/271/EEC

~~**B. *LESS SENSITIVE AREAS***~~

~~A marine water body or area can be identified as a less sensitive area if the discharge of waste water does not adversely affect the environment as a result of morphology, hydrology or specific hydraulic conditions which exist in that area.~~

~~When identifying less sensitive areas, Member States shall take into account the risk that the discharged load may be transferred to adjacent areas where it can cause detrimental environmental effects. Member States shall recognize the presence of sensitive areas outside their national jurisdiction.~~

~~The following elements shall be taken into consideration when identifying less sensitive areas:~~

~~open bays, estuaries and other coastal waters with a good water exchange and not subject to eutrophication or oxygen depletion or which are considered unlikely to become eutrophic or to develop oxygen depletion due to the discharge of urban waste water.~~

⇩ new

ANNEX 3

LIST OF PRODUCTS COVERED BY EXTENDED PRODUCER RESPONSIBILITY

1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council[12].

2. Cosmetic products falling within the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products[13].

[12] Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (*OJ L 311, 28.11.2001, p. 67–128*).

[13] Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59–209).

↓ 91/271/EEC

ANNEX 4

INDUSTRIAL SECTORS

1. Milk-processing
2. Manufacture of fruit and vegetable products
3. Manufacture and bottling of soft drinks
4. Potato-processing
5. Meat industry
6. Breweries
7. Production of alcohol and alcoholic beverages
8. Manufacture of animal feed from plant products
9. Manufacture of gelatine and of glue from hides, skin and bones
10. Malt-houses
11. Fish-processing industry

⇩ new

ANNEX 5

CONTENT OF THE INTEGRATED URBAN WASTEWATER MANAGEMENT PLANS

1. an analysis of the initial situation of the drainage area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following:

(a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage capacities of that network and the existing urban wastewater treatment capacities in case of rainfall;

(b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads released in receiving waters in case of rainfall;

2. objectives for the reduction of pollution from storm water overflows and urban runoff, including the following:

(a) an indicative objective that storm water overflow, represents no more than 1 % of the annual collected urban wastewater load calculated in dry weather conditions;

This indicative target shall be met by:

(i) 31 December 2035 for all agglomerations of 100 000 p.e. and above;

(ii) 31 December 2040 for agglomerations of 10 000 p.e. and above identified in accordance with paragraph 2 of Article 5;

(b) the progressive elimination of untreated discharges of urban runoff through separate collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the quality of receiving waters;

3. the measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the implantation of the integrated plan.

4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following:

(a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations;

(b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised;

(c) finally, where necessary to achieve the objectives referred to in point 2, additional mitigation measures including the adaptation of the infrastructure for the collection, storage and treatment of urban wastewater or the creation of new infrastructures with a priority to green infrastructure such as vegetated ditches, treatment wetlands and storage ponds designed

in order to support biodiversity Where relevant, water reuse shall be considered in the context of the development of the integrated urban wastewater management plans referred to in Article 5.

ANNEX 6

INFORMATION TO THE PUBLIC

(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.

(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is:

(a) collected and treated in urban wastewater treatment plants;

(b) treated by registered individual systems;

(c) not collected or treated.

(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.

(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements:

(a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant;

(b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I;

(c) an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for urban runoff and storm water overflows for the parameters referred to in Tables 1 and 2 of Annex I.

(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;

(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;

(7) investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;

(8) for each urban wastewater treatment plant in the agglomeration:

(a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter);

(b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy;

(c) the tonnes of CO_2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.

(9) the total greenhouse gas emissions (in tonnes of CO_2 equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO2 equivalent) produced during the construction of those infrastructures;

(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.

↑

ANNEX 7

Part A

Repealed Directive
with list of the successive amendments thereto
(referred to in Article [19])

Council Directive 91/271/EEC (OJ L 135, 30.5.1991, p. 40)	
Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p. 29)	
Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1)	only Annex III, point 21
Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ L 311, 21.11.2008, p. 1)	only Annex, point 4.2
Council Directive 2013/64/EU (OJ L 353, 28.12.2013, p. 8)	only Article 1

Part B

Time-limits for transposition into national law

Directive	Time-limit for transposition
91/271/EC	30 June 1993
98/15/EC	30 September 1998
2013/64/EU	31 December 2018 as regards Article 1(1), (2) and (3) 30 June 2014 as regards Article 1(5), point (a) 31 December 2014 as regards Article 1(5), point (b)

ANNEX 8

CORRELATION TABLE

Directive 91/271/EC	This Directive
Article 1	Article 1
Article 2, introductory wording	Article 2, introductory wording
Article 2, points 1 to 4	Article 2, points 1 to 4
-	Article 2, points 5 and 6
Article 2, point 5	Article 2, point 7
-	Article 2, points 8 and 9
Article 2, point 6	Article 2, point 10
Article 2, point 8	Article 2, point 11
-	Article 2 ,points 12 and 13
Article 2, point 10	Article 2, point 14
Article 2, point 11	Article 2, point 15
-	Article 2, point 16 to 23
Article 3(1)	Article 3(1)
-	Article 3(2)
Article 3(2)	Article 3(3)
Article 3(1) third subparagraph	Article 4(1)
-	Article 4(2)
-	Article 4(3)
-	Article 4(4)
-	Article 4(5)
-	Article 5
Article 4(1)	Article 6(1)
-	Article 6(2)
-	Article 6(3)
Article 4(4)	Article 6(4)
-	Article 7(1)
-	Article 7(2)
Article 5(2)	Article 7(3)
-	Article 7(4)

Article 5(4)	Article 7(5)
Article 5(5)	Article 7(6)
Article 5(7)	Article 7(7)
-	Article 8
-	Article 9
-	Article 10
-	Article 11
Article 9	Article 12(1)
-	Article 12(2)
Article 10	Article 13
Article 11(1)	Article 14(1)
-	Article 14(2)
-	Article 14(3)
Article 11(3)	Article 14(4)
-	Article 15(1)
Article 12(2)	Article 15(2)
Article 12(3)	Article 15(3)
-	Article 16
-	Article 17
-	Article 18
-	Article 19
-	Article 20
Article 15(1)	Article 21(1)
-	Article 21(2)
-	Article 21(3)
-	Article 22
Article 17(1)	Article 23(1)
-	Article 23(2)
-	Article 23(3)
-	Article 23(4)
-	Article 24
-	Article 25
-	Article 26
-	Article 27
Article 18	Article 28

-	Article 29
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-	Article 31
-	Article 32
Article 19	Article 33
-	Article 34
Article 20	Article 35
Annex I	Annex I(A)
Annex I(B)	Annex I(B)
Annex I(C)	Annex I(C)
Annex I(D)	Annex I(D)
Annex II	Annex II
-	Annex III
Annex III	Annex IV
-	Annex V
-	Annex VI
-	Annex VII
-	Annex VIII