Council of the European Union

Brussels, 13 October 2023
(OR. en)

13857/23
COR 1

Interinstitutional File:
2022/0345(COD)

ENV 1087
SAN 569
COMPET 956
CONSOM 348
AGRI 592
CODEC 1785

NOTE

From:	General Secretariat of the Council
To:	Council
No. prev. doc.:	13329/23
No. Cion doc.:	14223/22 + ADD 1 - COM(2022) 541 final + Annexes
Subject:	Proposal for a Directive of the European Parliament and of the Council concerning urban wastewater treatment (recast) - General approach

In document **13857/23 INIT**, Recital 13 on page 15 should read as follows:

(13) The quaternary treatment necessary to remove micropollutants 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 micropollutants in urban wastewaters ('micropollutant 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. **In this context, the extended producer responsibility should apply regardless of whether the products are placed on the market, or whether their individual components were**

manufactured in a Member State or third country, or whether the producers have a registered office in the European Union or the product is placed on the market via a digital platform. Pharmaceuticals and cosmetic residues currently represent the main sources of micropollutants found in urban wastewater requiring an additional treatment (quaternary treatment). Therefore, extended producer responsibility should apply to those two product groups. **According to the available data, the potential increase of costs of the products due to the application of the extended producer responsibility, or the potential reduction of the profit margins of the industries placing the products subject to extended producer responsibility, would be marginal at EU level and would not endanger the affordability and accessibility to these products on the EU market. In order to take into account the national specific conditions while preserving the European internal market and where and if necessary, preserving the accessibility and affordability of pharmaceuticals, Member States should have the possibility to impose additional requirements to the Extended Producer Responsibility schemes. This should be done notably through national recognition procedures of the producer responsibility organisations prior to their effective establishment as referred to in Article 10 paragraph 1.**