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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB for the meeting of the Council (Environment) on 12 October 2026 Extended Producer Responsibility (EPR) under the Urban Wastewater Treatment Directive (UWWTD) and the fair application of the “polluter pays” principle - Information from Poland, supported by Bulgaria, Czechia, Estonia, Greece, Italy, Lithuania and Slovakia

Since the adoption of the Urban Wastewater Treatment Directive (UWWTD)¹ Member States, the European Parliament and stakeholders have raised concerns regarding the practical feasibility, proportionality and economic impact of its provisions on the extended producer’s responsibility (EPR), as well as their implications for the Single Market, the security of supply of medicines and the effective application of the “polluter pays” principle.

Concerns have consistently been raised regarding the provisions on the EPR set out in Article 9 and Annex III and planned allocation of 80% of costs of removing micropollutants to only two sectors, without sufficiently taking into account the contribution of other polluters to the presence of micropollutants in urban wastewater. These issues are currently also the subject of proceedings before the Court of Justice of the European Union², and pending these proceedings, the legal uncertainty for Member States, water operators and industry increases.

¹ (EU) 2024/3019.

² Case C-193/25 and C-614/26.

At the same time, the cosignatory Member States reaffirm their support for the environmental objectives of the Directive and do not question the need for introducing quaternary treatment and the EPR system as such. A fair, transparent and evidence-based EPR system should provide adequate and sustainable financing for the obligations arising from the Directive, without transferring the resulting costs to water and wastewater operators, local authorities or users of water services.

A comprehensive reassessment is therefore necessary to ensure that the EPR system is based on reliable, up-to-date and sufficiently robust scientific evidence and that the allocation of costs is fair and proportionate.

The European Parliament resolution of 18 June 2026³ provides important political support for reassessing the EPR provisions. The resolution calls on the European Commission to carry out a new impact assessment and to consider appropriate measures in relation to the implementation of the relevant provisions.

In this context, cosignatory Member States call on the European Commission to:

- provide clarity on its intended next steps in order to reduce legal and practical uncertainty for Member States preparing national transposition and implementation;
- carry out a new, comprehensive and independent assessment of the EPR system, based on adequate and reliable data;
- develop a transparent and evidence-based methodology for attributing micropollutants to the relevant sectors and ensure a fair and proportionate allocation of costs;

³ European Parliament resolution of 18 June 2026 on the implementation of the Urban Wastewater Treatment Directive (UWWTD) and risks to the security of supply of medicines (2026/2652(RSP));
https://www.europarl.europa.eu/doceo/document/TA-10-2026-0228_EN.html

- assess, based on this reassessment, the need for a temporary adjustment or suspension of the relevant implementation deadlines if significant shortcomings in the current system or serious economic and social consequences are identified. Such a “stop-the-clock” mechanism should apply coherently to both EPR obligations and the related requirements concerning quaternary treatment under Article 8, to avoid creating a funding gap and transferring costs to the wastewater sector, local authorities or consumers.
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