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Opinion of the European Committee of the Regions – Revision of the Urban Wastewater Treatment Directive

(C/2023/250)

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Reference document:	Proposal for a Directive of the European Parliament and of the Council concerning urban wastewater treatment (recast) COM(2022) 541 final

I. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Recital 2a

Text proposed by the European Commission	CoR amendment
	(2a) <i>This Directive should support the implementation of the most climate-neutral wastewater management possible, in line with the European Green Deal objectives, and in particular the EU Action Plan: ‘Towards Zero Pollution for Air, Water and Soil’, encourage circularity of resources, support nature-based solutions, help manage water flows in urban areas, encourage digitalisation and adopt measures that contribute to reduce wastewater. The Directive should be aligned with the EU Rural Action Plan, strengthening rural areas by promoting the implementation of sustainable wastewater collection and treatment systems.</i>

Reason

Includes concrete references to the European Green Deal, circular economy, the zero-pollution action plan, the rural action plan, and the promotion of nature-based solutions.

Amendment 2

Recital 16

Text proposed by the European Commission	CoR amendment
(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. [...]	(16) The evaluation has also shown, to some extent , 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, waste heat recovery or by producing biogas from sludge. [...] Consideration should be given to the proportionality principle in this respect.

Amendment 3

Article 2, point (4)

Text proposed by the European Commission	CoR amendment
(4) 'agglomeration' means an area where the pollution load of urban wastewater is sufficiently concentrated (10 p. e. per hectare or above) for urban wastewater to be collected and conducted to an urban wastewater treatment plant or to a final discharge point;	(4) 'agglomeration' means an area where the pollution load of urban wastewater is sufficiently concentrated (as a benchmark 30 p.e. per hectare or above) for urban wastewater to be collected and conducted to an urban wastewater treatment plant or to a final discharge point; The Commission shall provide practical guidelines and Member States shall establish the criteria for determining 'sufficient concentration' on the basis of regional and local characteristics and above definition;

Reason

Individual systems in sparsely populated areas, where collecting wastewater is not an alternative due to excessive costs with small or no environmental benefits, should be regulated within the Member States, taking into account local and regional conditions. Determining sufficient concentration for an agglomeration requires a detailed study that shall be carried out by the Member States with the support of practical guidelines developed and provided by the Commission.

Amendment 4

Article 2, point (10)

Text proposed by the European Commission	CoR amendment
(10) '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	(10) 'population equivalent' or '(p.e.)' means the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day

Reason

The new definition can be read as a technical definition of per person load which may conflict with some national standards that take into account variation in unit loads. It can also cause problems when interpreting the Article 5 thresholds for stormwater discharge.

Amendment 5

Article 2, point (12)

Text proposed by the European Commission	CoR amendment
(12) 'tertiary treatment' means treatment of urban wastewater by a process which removes nitrogen and phosphorus from the urban wastewaters ;	(12) 'tertiary treatment' means treatment of urban wastewater that provides a higher level of nitrogen and phosphorus reduction than a basic secondary treatment ;

Reason

The proposed definition seems incorrect. Secondary treatment processes (biological wastewater treatment) already provide some level of nitrogen and phosphorus removal.

Amendment 6

Article 2, point (25)

Text proposed by the European Commission	CoR amendment
	(25) 'operator': entity responsible for the management of the urban wastewater treatment and sanitation service.

Reason

There are continuous references to operators and there is a need to define that figure.

Amendment 7

Article 2, point (26)

Text proposed by the European Commission	CoR amendment
	(26) 'Public' shall mean one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups.

Reason

Definition in line with Article 2(6) of Directive 2003/4/EC of the European Parliament and of the Council ⁽¹⁾. Related to Article 25 of the proposal for a Directive.

⁽¹⁾ 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).

Amendment 8

Article 2, point (27)

Text proposed by the European Commission	CoR amendment
	(27) <i>‘Normal local climatic conditions’ means the climatic conditions corresponding to the 30-year average value of the weather variable for a specific period of the year at a specific location, updated every 10 years.</i>

Reason

Article 13 refers to ‘normal local climatic conditions’, but normality can vary greatly between countries and during times of rapid climate change. The proposed definition is a reference to the definition used by the World Meteorological Organization (WMO), but other definitions could be considered.

Amendment 9

Article 3(1), point (b)

Text proposed by the European Commission	CoR amendment
(b) all their sources of domestic wastewater are connected to the collecting system.	(b) all their sources of urban wastewater are connected to the collecting system whereby the connections will provide an environmental benefit.

Reason

Self-explanatory.

Amendment 10

Article 3(2)

Text proposed by the European Commission	CoR amendment
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.	2. By 31 December 2035 , 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 urban wastewater are connected to the collecting system.

Reason

It is considered more appropriate to refer to urban wastewater in view of the definition in Article 2. The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC of the European Parliament and of the Council ^(?).

^(?) 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).

Amendment 11

Article 4(2)

Text proposed by the European Commission	CoR amendment
<p>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.</p> <p>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.</p>	<p>2. Member States shall ensure, taking into account what is technically, environmentally and economically feasible, that individual systems as well as other decentralised solutions are designed, operated and maintained in a manner that ensures an appropriate level of treatment equivalent to at least the same level of treatment as the secondary treatment referred to in Article 6. Member States shall ensure that agglomerations where individual systems or other decentralised solutions are used are registered in a public registry and that regular inspections of those systems are carried out by the appropriate authority.</p>

Reason

It is not coherent that individual systems should be required to ensure the same level as tertiary treatment, when only secondary treatment is required in agglomerations up to 10 000 p.e. Individual systems should not be subject to higher removal requirements than agglomerations. Additionally, it needs to be clarified that not only single-house individual systems, but also other decentralised solutions can be used within the framework of the Directive.

Amendment 12

Article 4(3)

Text proposed by the European Commission	CoR amendment
<p>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.</p>	<p>3. The Commission shall provide guidelines and Member States shall establish minimum requirements on the design, operation, and maintenance of individual systems and specify the requirements for the regular inspections referred to in paragraph 2, second subparagraph.</p>

Reason

Detailed requirements on individual appropriate systems (IAS) should not be generally regulated. In order to maintain a risk-based approach, there is a need for different solutions depending on the local and regional conditions and the local pressure on the environment.

Amendment 13

Article 5(1)

Text proposed by the European Commission	CoR amendment
<p>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.</p>	<p>1. By 31 December 2035, Member States, in cooperation with the competent local and regional authorities, shall ensure that an integrated urban wastewater management plan is established for agglomerations of 100 000 p.e. and above.</p>

Reason

The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC. The competent LRAs should be included in drafting integrated urban wastewater management plans.

Amendment 14

Article 5(2), point (b)

Text proposed by the European Commission	CoR amendment
(b) storm water overflow represents more than 1 % of the annual collected urban wastewater load, calculated in dry weather conditions; [...]	(b) storm water overflow represents more than 1 % of the annual collected urban wastewater load, calculated in dry weather conditions and expressed by the BOD5 indicator ; [...]

Reason

The wording of point (b) is confusing as it is not clear what is meant by sewage load (e.g. hydraulic load or pollutant load?) and what the reference conditions refer to.

Amendment 15

Article 5(7)

Text proposed by the European Commission	CoR amendment
7. Member States shall ensure that integrated urban wastewater management plans are reviewed every 5 years after their establishment and updated where necessary.	7. Member States shall ensure that integrated urban wastewater management plans are reviewed every 6 years after their establishment and updated where necessary, in alignment with the timing of the review the Programmes of Measures of the River Basin Management Plans developed under Directive 2000/60/EC. A clear separation should prevent any duplication and overlapping with other rules.

Reason

The extension of the deadline is in line with Directive 2000/60/EC.

Amendment 16

Article 6(1)

Text proposed by the European Commission	CoR amendment
1. For agglomerations of 2 000 p.e. and above, 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. 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 .	1. For agglomerations of 2 000 p.e. and above, 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. 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 2035 .

Reason

The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC.

Amendment 17

Article 6(4)

Text proposed by the European Commission	CoR amendment
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.	4. The load expressed in p.e. shall be calculated on the basis of the annual load entering the urban wastewater treatment plant.

Reason

The proposed wording will simplify the method of calculating the burden in p.e. and allow for dropping the exclusion criterion.

Amendment 18

Article 7(1)

Text proposed by the European Commission	CoR amendment
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 [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.	1. By 31 December 2035 , Member States shall ensure that 50 % of the total load treated by urban wastewater treatment plants treating a load of 100 000 p.e. and above and not applying tertiary treatment on [the date of entry into force of this Directive] are subject to tertiary treatment in accordance with paragraph 4 before discharge . By 31 December 2040 , 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.

Reason

The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC.

Amendment 19

Article 7(2)

Text proposed by the European Commission	CoR amendment
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.	2. By 31 December 2030 , Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every six years starting on 31 December 2035 . 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.

Reason

Implementation deadlines should be postponed by five years, as the proposed deadlines are too strict for the transposition of the Directive and national timetables for authorisations and project implementation, including complaint procedures. The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC. The wording of the second paragraph is amended to be consistent with the first paragraph.

Amendment 20

Article 7(3)

Text proposed by the European Commission	CoR amendment
<p>3. 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 [the date of entry into force of this Directive] urban wastewater entering collecting systems is subject to tertiary treatment in accordance with paragraph 4 before discharge into those areas. 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.</p>	<p>3. By 31 December 2040, Member States shall ensure that for 50 % of the total load 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 [the date of entry into force of this Directive] these shall be subject to tertiary treatment in accordance with paragraph 4 before discharge into those areas. By 31 December 2045, 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.</p>

Reason

The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC. The wording of the second paragraph is amended to be consistent with the first paragraph.

Amendment 21

Article 7(4)

Text proposed by the European Commission	CoR amendment
<p>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.</p>	<p>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 annual mean of the samples for each parameter shall be conform to the relevant parametric values set out in table 2 of Part B of Annex I.</p>

Reason

The proposed amendment reverts to the existing regime, which is considered appropriate.

Amendment 22

Article 7(5)

Text proposed by the European Commission	CoR amendment
<p>5. 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 wastewater treatment plants in that area is:</p> <p>(a) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2035;</p> <p>(b) 90 % for total phosphorus and 85 % for total nitrogen by 31 December 2040.</p>	<p>5. 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 wastewater treatment plants in that area is:</p> <p>(a) 80 % for total phosphorous and 75 % for total nitrogen at a temperature of 12 °C by 31 December 2035;</p> <p>(b) 90 % for total phosphorous and 80 % for total nitrogen at a temperature of 12 °C by 31 December 2045. Days during which the effluent temperature falls below 12 °C are not relevant for the calculation of nitrogen removal.</p>

Reason

There is a need for a stronger framework that reduces the burden on the environment, but it must be targeted, risk-based and flexible enough to adapt to the different natural, geographical and demographic conditions that exist across the Member States. In particular, it is important that the costs associated with measures maximise the benefits for human health and the environment. The proposal on 85 % nitrogen removal is not reasonable in all Member States without exemptions in the case of cold climate or crediting of natural retention. In addition, the nitrogen treatment requirements mean increased use of energy and chemicals, as treatment is difficult in a cold climate. Removal of phosphorus requires much lower investments and is technically less complicated. The slight extension of deadlines is also necessary with regard to the investments needed to reach the objectives.

Amendment 23

Article 8(1)

Text proposed by the European Commission	CoR amendment
<p>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 to quaternary treatment in accordance with paragraph 5.</p> <p>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.</p>	<p>1. By 31 December 2035, Member States shall ensure that 50 % of the total load treated by urban wastewater treatment plants treating a load of 100 000 p.e. and above and discharging into areas included in a list referred to in paragraph 2 are subject to quaternary treatment in accordance with paragraph 5, provided that the extended producer responsibility scheme is fully implemented in accordance with the requirements set in Articles 9 and 10 prior to the start of the planning phase for the expansion.</p> <p>By 31 December 2040, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above and discharging into areas included in a list referred to in paragraph 2 are subject to quaternary treatment in accordance with paragraph 5 before discharge, provided that the extended producer responsibility scheme is fully implemented in accordance with the requirements set in Articles 9 and 10 prior to the start of the planning phase for the expansion.</p>

Reason

The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC. The EPR scheme must be in place before quaternary treatment requirements are to be met.

Amendment 24

Article 8(2)

Text proposed by the European Commission	CoR amendment
2. On 31 December 2030 , Member States shall establish a list of areas within their national territory where the concentration or accumulation of micropollutants poses a risk to human health or the environment. Member States shall subsequently review that list every five years and update it if necessary.	2. On 31 December 2035 , Member States shall establish a list of areas within their national territory where the concentration or accumulation of micropollutants poses a risk to human health or the environment. Member States shall subsequently review that list every six years and update it if necessary.

Reason

The extension of the deadline is in line with the water planning of the fourth cycle under Directive 2000/60/EC.

Amendment 25

Article 8(3)

Text proposed by the European Commission	CoR amendment
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).	3. The Commission is empowered to adopt implementing acts until [2 years after the publication in the Official Journal of the European Union] 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).

Reason

The gradual implementation along milestones is welcomed, but deadlines are set too early. Implementing acts must be adopted within a reasonable timeframe. The delegation of powers to the Commission is too broad.

Amendment 26

Article 8(4)

Text proposed by the European Commission	CoR amendment
<p>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.</p>	<p>4. By 31 December 2040 Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load between 10 000 p.e. and 100 000 p.e. and discharging into areas included in a list referred to in paragraph 2 are subject to quaternary treatment in accordance with paragraph 5, provided that the extended producer responsibility scheme is fully implemented in accordance with the requirements set in Articles 9 and 10 prior to the start of the planning phase for the expansion. By 31 December 2045, Member States shall ensure that all urban wastewater treatment plants treating a load between 10 000 p.e. and 100 000 p.e. and discharging into areas included in a list referred to in paragraph 2 are subject to quaternary treatment in accordance with paragraph 5, provided that the extended producer responsibility scheme is fully implemented in accordance with the requirements set in Articles 9 and 10 prior to the start of the planning phase for the expansion.</p>

Reason

The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC. The wording of the second paragraph is to be consistent with the first paragraph. The requirements for quaternary treatment should not apply until the EPR Scheme is fully implemented.

Amendment 27

Article 8(5)

Text proposed by the European Commission	CoR amendment
<p>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.</p>	<p>5. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values and/or minimum percentage of removal 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.</p>

Reason

Table 3 in the current version does not include parametric values. It is proposed to include them in table 3 via delegated act (see amendment to Article 8(6)). In addition, the reference to Minimum percentage of removal, which is included in table 3, should be included.

Amendment 28

Article 8(6)

Text proposed by the European Commission	CoR amendment
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).	6. The Commission shall until [2 years after the publication in the Official Journal of the European Union] adopt implementing acts to establish the monitoring and sampling methods, and set parametric values for micropollutants to be used by the Member States, as an alternative to the percentage reduction , to determine the presence and quantities in urban wastewater of the indicators set out in table 3 of Part D of Annex I. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Reason

Implementing acts must be adopted within a reasonable timeframe. Table 3 in the current version does not include parametric values. It is proposed to include them in table 3 via delegated act.

Amendment 29

Article 9(1)

Text proposed by the European Commission	CoR amendment
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.	1. Member States shall 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:	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	(a) the full costs for complying with the requirements set out in Article 8, including the costs for the acquisition, implementation and operation of 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	(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.	(c) other costs required to exercise their extended producer responsibility; and
	(d) other costs in connection with the risk assessments for the areas as referred to in Article 8(2).

Reason

To meet the deadlines in Article 8 regarding quaternary treatment, investments need to start being realised in the near future. To carry out these investments, it is proposed that Member States should be able to pre-finance needed investments and be reimbursed when the EPR scheme is in place.

Amendment 30

Article 9(2)

Text proposed by the European Commission	CoR amendment
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.	2. Member States shall, under supervision of the European Environmental Agency , exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate with relevant documentation that the products they place on the market do not generate micro-pollutants in wastewaters during their lifecycle.

Reason

The extended producer responsibility scheme is an essential factor to ensure that quaternary treatment can be implemented and operated according to the proposal. In order to provide planning and financing certainty for operators, Member States have to ensure the functioning of this system. Since various types of costs are incurred in connection with quaternary treatment, it must be ensured that the cost recovery by the specified industrial sectors covers both the planning and investment costs as well as operating and maintenance costs. For the same reasons, the EPR-scheme should be applicable irrespective of the place of production, the registered office of the producers or trade through digital markets. Exemptions from the EPR scheme should be strictly limited. The weight exemption of 2 tonnes per year on the national market will cause a very limited implementation of the EPR in many of the Member States. Because the weight limit is also company-specific, very few companies will have to contribute to the financing and it will be possible to avoid responsibility. As a minimum it must be clarified that the exemptions refer to 2 tonnes at EU level. Also, the exemption for substances that do not generate micropollutants should be amended to take into account emissions during production and use as well as disposal. Furthermore, it should be ensured that sales via online platforms are covered by the EPR.

Amendment 31

Article 9(3)

Text proposed by the European Commission	CoR amendment
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).	3. By 31 December [2 years after the publication in the Official Journal of the European Union], the Commission should 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). The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend Annex III to enlarge the list of sectors covered by EPR on the basis of the evaluation in Article 30(1).

Reason

There is a need for implementing acts with detailed criteria within a reasonable timeframe after the publication. To ensure the possibility of a future potential extension of the EPR scheme, the Commission must be empowered to issue a delegated act to expand Annex III that lists the sectors covered.

Amendment 32

Article 9(4)

Text proposed by the European Commission	CoR amendment
<p>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:</p> <p>(a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following:</p> <p>(i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity;</p> <p>(ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life;</p> <p>(iii) when relevant, a list of products exonerated in accordance with paragraph 2;</p> <p>(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;</p> <p>(c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market;</p>	<p>4. Member States should ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States should ensure that the producer responsibility organisations are controlled by a public body according to the rules set out in Article 10(3). Member States should ensure that:</p> <p>(a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations and their controlling public body with the following:</p> <p>(i) the annual quantities of the products listed in Annex III that they place on the market in the context of their activities;</p> <p>(ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life;</p> <p>(iii) when relevant, a list of products exonerated in accordance with paragraph 2;</p> <p>(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 in accordance with paragraph 1, subparagraph 2;</p> <p>(c) each producer's contribution, as referred to in point (b), is determined in accordance with the implementing acts referred to in paragraph 3 (b);</p>

Text proposed by the European Commission	CoR amendment
(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).	(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).

Amendment 33

Article 9(6)

Text proposed by the European Commission	CoR amendment
	6. Member States should ensure that the requirements for the extended producer responsibility and extended producer responsibility organisations set under the Articles 9 and 10 are met before the implementation of the requirements for quaternary treatment set under Articles 8(1), (4) and (5) starts. Pending the full implementation of the requirements for extended producer responsibility according to Articles 9 and 10, the wastewater treatment plants shall not be obliged to fully implement quaternary treatment as laid down in Article 8.

Amendment 34

Article 11(1)

Text proposed by the European Commission	CoR amendment
<p>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:</p> <p>(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;</p> <p>(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.</p>	<p>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:</p> <p>(a) by 31 December 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them;</p> <p>(b) by 31 December 2035 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.</p>

Reason

The extension of the deadline is in line with the water planning for the fourth cycle under Directive 2000/60/EC.

Amendment 35

Article 11(2)

Text proposed by the European Commission	CoR amendment
<p>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:</p> <p>(a) 50 % of the total annual energy used by such plants by 31 December 2030;</p> <p>(b) 75 % of the total annual energy used by such plants by 31 December 2035;</p> <p>(c) 100 % of the total annual energy used by such plants by 31 December 2040.</p>	<p>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 on- or off-site with external resources or with own resources from urban wastewater treatment plants treating a load of 10 000 p.e. and above and independently if it is used on- or off-site by the urban wastewater treatment plant, or bought from external sources, is equivalent to at least:</p> <p>(a) 50 % of the total annual energy used by such plants by 31 December 2040;</p> <p>(b) 75 % of the total annual energy used by such plants by 31 December 2045;</p> <p>(c) 100 % of the total annual energy used by such plants by 31 December 2050.</p> <p><i>The calculation of the above targets shall be calculated in three parts: a) The wastewater company's energy consumption and energy production produced in the company's own activities/installations (economics/regulation) b) Derived energy production by external third parties that produce energy from resources from the wastewater company, and c) renewable energy purchased from external third parties.</i></p>

Reason

This objective is commendable but the current wording is not feasible and risks sub-optimising the overall system. To ensure cost-efficiency and feasibility, wastewater treatment plants should be able to account for renewable energy produced at the treatment plant or at other assets of the wastewater system or urban water cycle. For example, this includes thermal energy obtained from incineration of sewage sludge and comparable processes. Furthermore, the new requirements on treatment will lead to an overall increased use of energy, making it harder to reach the objective. Therefore, the extension of deadlines also needs to be addressed.

Amendment 36

Article 14(4)

Text proposed by the European Commission	CoR amendment
<p>4. The specific authorisations referred to in paragraph 1 shall be reviewed and, where necessary, adapted at least every 6 years.</p>	<p>4. The specific authorisations referred to in paragraph 1 shall be reviewed at least every 6 years and, if necessary, adapted.</p>

Reason

Increased supervision over private plants and the fact that permits for discharges from treatment plants are to be reviewed every 6 years are likely to result in an increased workload for municipalities. Inspections should not be carried out automatically every 6 years, but should be take place whenever a wastewater plan is updated.

Amendment 37

Article 15(4)

Text proposed by the European Commission	CoR amendment
	<p>4. Member States shall take all precautionary measures to avoid deterioration of ecological and chemical status of affected water bodies. Member States shall be considered to comply with the objectives set out in Directive 2000/60/EC if all following criteria are met:</p> <p>(a) alternative ways to address the increase in domestic wastewater loads and run off loads, including the consideration of alternative points of discharge, would not produce more environmental benefits or they would involve excessive cost;</p> <p>(b) all technically feasible mitigation measures are set out in the authorisation of a wastewater treatment plant referred to in Articles 6, 7 and 8 and effectively implemented to minimise the impacts from urban wastewater on the affected water bodies including where this requires more stringent emission controls with the aim of meeting the objectives set out in Directive 2000/60/EC and the environmental quality standards set in accordance with Directive 2008/105/EC. Compliance with these criteria shall be demonstrated in the relevant River Basin Management Plans developed under Directive 2000/60/EC.</p>

Reason

Cities and regions must have the possibility to expand in line with population growth. The Weser judgment has led to a strict interpretation of the provisions on the deterioration of environmental quality standards (EQS). In concrete terms, this implies that when a wastewater treatment plant is subject to an environmental assessment, authorisation must not be granted if the activity risks negatively impacting on these objectives. Without a permit, the activity may not be allowed. At present, there is no exemption for wastewater treatment plants in the regulations. Even though this immense challenge is currently only visible in a few Member States, it can be anticipated that the problem will be visible in many more in the foreseeable future as treatment plants become more and more efficient. For already highly efficient treatment plants there is no way to compensate increased wastewater loads with higher efficiency through technical improvements. Also, the European Union regularly revises the EQS Directive with an increased number of and more stringent environmental quality standards on chemical status. This means that the issue will gradually become relevant in an increasing number of Member States as the risk of exceeding the quality standards increases. It is essential that European cities and regions are able to build new or expand existing treatment plants as they grow. Otherwise, cities and regions may be forced to forego residential development and hamper overall community development.

Amendment 38

Article 17(1)

Text proposed by the European Commission	CoR amendment
<p>1. Member States shall monitor the presence of the following public health parameters in urban wastewater:</p> <p>(a) SARS-CoV-2 virus and its variants;</p> <p>(b) poliovirus;</p> <p>(c) influenza virus;</p> <p>(d) emerging pathogens;</p> <p>(e) contaminants of emerging concern;</p> <p>(f) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring.</p>	<p>1. Member States shall monitor the presence of the following public health parameters in urban wastewater:</p> <p>(a) SARS-CoV-2 virus and its variants;</p> <p>(b) poliovirus;</p> <p>(c) influenza virus;</p> <p>(d) emerging pathogens;</p> <p>(e) contaminants of emerging concern;</p> <p>(f) endocrine disruptors;</p> <p>(g) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring, including local and regional authorities.</p>

Reason

As a clarification, local and regional authorities should be added to the competent authorities of the Member States in the final subparagraph.

Amendment 39

Article 17(2)

Text proposed by the European Commission	CoR amendment
<p>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:</p> <p>(a) the identification of other public health parameters than the ones referred to in paragraph 1 that are to be monitored in urban wastewater;</p>	<p>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:</p> <p>(a.a) the clear allocation of roles and responsibilities, and costs among competent authorities;</p> <p>(a) the identification of other public health parameters than the ones referred to in paragraph 1 that are to be monitored in urban wastewater;</p>

Text proposed by the European Commission	CoR amendment
(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;	(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.	(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.

Reason

Importance of clear and equitable allocation of responsibilities and duties.

Amendment 40

Article 18(1)

Text proposed by the European Commission	CoR amendment
1. By [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: [...]	1. <i>In line with Article 191(2) of the Treaty on the Functioning of the European Union, Member States shall promote control and measures at source to prevent pollution in urban wastewater.</i> By [the last day of the fifth 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: [...]

Reason

If specific risks are identified, appropriate measures need to be taken at source when possible. The proposed amendment aims to implement a control-at-source approach in line with TFEU Article 191(2). In line with the proposed deadlines.

Amendment 41

Article 18(2)

Text proposed by the European Commission	CoR amendment
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:	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;	(a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of <i>more than 250 and</i> less than 1 000;

Text proposed by the European Commission	CoR amendment
(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;	(b) applying secondary or equivalent treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of more than 200 and 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;	(c) applying tertiary or equivalent treatment in accordance with Article 7 to discharges of urban wastewater from agglomerations with a p.e. of more than 1 000 and 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;	(d) applying quaternary treatment in accordance with Article 8 to discharges of urban wastewater from agglomerations with a p.e. of more than 1 000 and less than 10 000;

Reason

From a cost-benefit perspective, increased requirements for small wastewater facilities are not justified. Thus, there needs to be a lower limit for UWWTP:s covered by the extension.

Amendment 42

Article 18(3)

Text proposed by the European Commission	CoR amendment
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.	3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every six years and aligned with the timing of the review of the River Basin Management Plans developed under Directive 2000/60/EC . 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.

Reason

In line with Directive 2000/60/EC.

Amendment 43

Article 19(1)

Text proposed by the European Commission	CoR amendment
1. Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups.	1. Without prejudice to the principles of subsidiarity and proportionality, and taking into account the local and regional context and circumstances for sanitation , Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups.

Reason

In line with the wording of the Drinking Water Directive.

Amendment 44

Article 20(1)

Text proposed by the European Commission	CoR amendment
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.	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, recovery and recycling of resources and minimize the adverse effects on the environment.

Reason

The link to the Waste Framework Directive is welcome, but the definition and use of the term 're-use' in the Waste Framework Directive does not apply to sludge from urban wastewater treatment, as sludge is not a product or component that is reused for the same purpose it was created for.

Amendment 45

Article 21(2)

Text proposed by the European Commission	CoR amendment
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.	2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities monitor or estimate, using emission factors , the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies. The characteristics of this monitoring will be defined in the Integrated Urban Wastewater Management Plans described in Annex V. Competent local and regional authorities shall receive sufficient financial and human resources to carry out this monitoring. For the purpose of this monitoring, Member States may use a combination of validated models and representative samples of discharge points from storm water overflows and urban runoff discharges.

Reason

Local and regional authorities should be guaranteed sufficient financing. Also, the concentration of loads of pollution should be able to be estimated using validated methods.

Amendment 46

Article 21(3)

Text proposed by the European Commission	CoR amendment
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: [...]	3. For all agglomerations of above 10 000 p.e., Member States shall transparently monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the following elements: [...]

Reason

The monitoring should be carried out in a transparent manner.

Amendment 47

Article 22(1)

Text proposed by the European Commission	CoR amendment
1. Member States, assisted by the European Environment Agency, shall:	1. Member States, assisted by the European Environment Agency, 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;	(a) by 31 December [3 years after entry into force] , 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;
(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;	(b) by 31 December [3 years after entry into force] , 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;	(c) by 31 December [3 years after entry into force] , 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;

Text proposed by the European Commission	CoR amendment
<p>(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;</p> <p>(e) by 31 December 2025, set up a data set containing information on greenhouse 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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(i) 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;</p> <p>(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.</p>	<p>(d) by 31 December [3 years after entry into force], 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 and update data set annually thereafter;</p> <p>(e) by 31 December [3 years after entry into force], set up a data set containing information on greenhouse 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;</p> <p>(f) by 31 December [3 years after entry into force], 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;</p> <p>(g) by 31 December [3 years after entry into force], 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;</p> <p>(h) by 31 December [3 years after entry into force], 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;</p> <p>(i) by 31 December 2033, 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;</p> <p>(j) by 12 January 2033, 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.</p>

Text proposed by the European Commission	CoR amendment
	<i>Member States shall ensure that an information system is put in place to make it easier to provide the information required in the previous paragraph.</i>

Reason

In line with the proposed deadlines.

Amendment 48

Article 23

Text proposed by the European Commission	CoR amendment
<p>1. By <i>[last day of the twenty-third month following the date of entry into force of this Directive]</i>, Member States shall establish a national implementation programme for this Directive.</p> <p>Those programmes shall include:</p> <p>a) an assessment of the level of implementation of Articles 3 to 8;</p> <p>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;</p> <p>c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates;</p> <p>d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.</p> <p>2. By ... <i>[the last day of the thirty-fifth month after the date of entry into force of this Directive]</i>, 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. [...]</p>	<p>1. By <i>31 December 2027</i>, Member States shall establish a national implementation programme for this Directive.</p> <p>Those programmes shall include:</p> <p>a) an assessment of the level of implementation of Articles 3 to 8;</p> <p>b) the identification and planning of investments required to implement this Directive for each agglomeration, <i>designating the organisation responsible for the investment</i>, 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;</p> <p>c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates, <i>designating the organisation responsible for the investment</i>;</p> <p>d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.</p> <p>2. By <i>31 December 2028</i>, 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. [...]</p>

Text proposed by the European Commission	CoR amendment
3. Member States shall update their national implementation programmes at least every five 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.	3. Member States shall update their national implementation programmes at least every six years and in line with the timetable for the review of the programmes of measures specified in the river basin management plans established pursuant to Directive 2000/60/EC . 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.

Reason

Align the text with the proposed deadlines. The extension of the deadline is in line with the water planning of the fourth cycle under Directive 2000/60/EC.

Amendment 49

Article 24(2)

Text proposed by the European Commission	CoR amendment
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: [...]	2. In addition, Member States shall ensure that all persons connected to collecting systems in agglomerations greater than 1 000 p.e. , 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: [...]

Reason

The provision is good, but there should be a lower limit on which agglomerations are covered.

Amendment 50

Article 29(1)

Text proposed by the European Commission	CoR amendment
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.	1. Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive, shall determine the competent authorities for its application 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.

Reason

Not necessary.

Amendment 51*Article 31*

Text proposed by the European Commission	CoR amendment
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.	Every six 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.

Reason

In line with Directive 2000/60/EC.

Amendment 52*Article 32(5)*

Text proposed by the European Commission	CoR amendment
	<i>5. Wastewater treatment plants, irrespective of the load they treat, which were built 10 years before the entry into force of this Directive or those which, on the date of entry into force of this Directive, have been awarded a works contract, must comply with the obligations laid down in this Directive within five years after the deadline laid down in this Directive, provided that they meet the requirements of Directive 91/271/EC.</i>

Reason

This moratorium will allow the operation of wastewater treatment plants with equipment pending amortisation and those where a firm and irreversible commitment has been made to a third party.

Amendment 53*Annex I, Table 1*

Text proposed by the European Commission	CoR amendment
Requirements for discharges from urban wastewater treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.	Requirements for discharges from urban wastewater treatment plants subject to Article 6 of the Directive. The values for concentration and /or for the percentage of reduction shall apply.

Reason

It is preferable to retain this wording as it is consistent with Annex I point D(4)(a). This is considered more appropriate for assessing the proper functioning of a wastewater treatment plant.

Amendment 54

Annex I, D(3)

Text proposed by the European Commission	CoR amendment
<p>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:</p> <ul style="list-style-type: none"> — 1 000 to 9 999 p.e.: One sample per month. — 10 000 to 49 999 p.e.: Two samples per month. For micro-pollutants, one sample per month. — 50 000 to 99 999 p.e.: One sample per week. For micro-pollutants, two samples per week. — 100 000 p.e. or over: One sample per day. For micro-pollutants, two samples per week. 	<p>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:</p> <ul style="list-style-type: none"> — 1 000 to 9 999 p.e.: One sample per month. — 10 000 to 49 999 p.e.: Two samples per month. For micro-pollutants, one sample per month. — 50 000 to 99 999 p.e.: One sample per week. For micro-pollutants, twenty-four samples per year in the first and second year; twelve samples per year in subsequent years. — 100 000 p.e. or over: One sample per day. For micro-pollutants, twenty-four samples per year in the first and second year; twelve samples per year in subsequent years.

Reason

The cost of the sample increase proposed by the Commission is excessive (70 times more than the current cost).

Amendment 55

Annex I, Table 2

Text proposed by the European Commission	CoR amendment
<p>Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7 (1) and (3). One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.</p>	<p>Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7 (1) and (3). One or both parameters may be applied depending on the local situation. The values for concentration and/or for the percentage of reduction shall apply.</p>

Reason

Not necessary.

Amendment 56

Annex I, Table 2

Text proposed by the European Commission	CoR amendment
<p>Parameters: Total phosphorus/Concentration: 0,5 mg/L/Minimum percentage of reduction (See Note 1): 90</p> <p>Parameters: Total nitrogen/Concentration: 6 mg/L/Minimum percentage of reduction (See Note 1): 85</p> <p>[...]</p> <p>Note 1: Natural nitrogen retention shall not be taken into account when calculating the minimum percentage of the reduction.</p>	<p>Parameters: Total phosphorus more than 100 000 p.e./Concentration: 0,5 mg/L/Minimum percentage of reduction (See Note 1 and 2): 90</p> <p>Parameters: Total phosphorus 10 000 p.e. — 100 000 p.e./Concentration: 1 mg/L/Minimum percentage of reduction (See Note 1 and 2): 80</p> <p>Parameters: Total nitrogen more than 100 000 p.e./Concentration: 8 mg/L/Minimum percentage of reduction (See Note 1 and 2): 80</p> <p>Parameters: Total nitrogen 10 000 p.e. — 100 000 p.e./Concentration: 10 mg/L/Minimum percentage of reduction (See Note 1 and 2): 70 [...]</p> <p>Note 1: Natural nitrogen retention may be taken into account when calculating the minimum percentage of the reduction.</p> <p>Note 2: In any case, the daily average of all samples of total nitrogen shall not exceed 20 mg/l N. The above requirement shall apply when the effluent temperature from the treatment plant's biological reactor is equal to or higher than 12 °C. This option is valid if it can be demonstrated, in accordance with Annex I(D)(1), that the same level of protection is obtained. The temperature condition may be replaced by operating time limitation to take account of regional climatic conditions.</p>

Reason

Requirements on the reduction of phosphorus and nitrogen should be set by size. Removal of nitrogen is challenging. It is energy-intensive and highly dependent on the temperature. A slightly less strict requirement on nitrogen is necessary. Also, the natural retention of nitrogen should be creditable.

Amendment 57

Annex V(2)

Text proposed by the European Commission	CoR amendment
<p>2. Objectives for the reduction of pollution from storm water overflows and urban runoff, including the following:</p> <p>(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:</p> <p>(i) 31 December 2035 for all agglomerations of 100 000 p.e. and above;</p>	<p>2. Objectives for the reduction of pollution from storm water overflows and urban runoff, taking into account local conditions, including the following:</p> <p>(a) a specific objective of reduction of pollution from storm water overflows, calculated under dry weather conditions, shall be established and justified in the Integrated urban wastewater management plan, corresponding to climatic conditions and the local pressure on the environment; this objective shall be met by:</p> <p>(i) 31 December 2040 for all agglomerations of 100 000 p.e. and above;</p>

Text proposed by the European Commission	CoR amendment
(ii) 31 December 2040 for agglomerations of 10 000 p.e. and above identified in accordance with paragraph 2 of Article 5;	(ii) 31 December 2045 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 ;	(b) the management and progressive reduction of untreated discharges of urban runoff through separate collection networks, where a risk assessment demonstrates and impact on the quality of the receiving water ;

Reason

There is a need for planned measures and continuous work regarding pollution from storm water overflows and urban runoff. However, there is a need for local flexibility, accounting for costs in relation to environmental benefits achieved. There is a risk that the proposed indicative target in combination with set deadlines will be interpreted as a binding requirement. A specific justified objective with specific planned measures is preferable.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR),

1. welcomes the European Commission's recast proposal for an Urban Wastewater Treatment Directive (UWWTD) as there is a need to adapt the legislation to today's challenges and technical possibilities; regrets that the targets of the current directive were not fully achieved, but acknowledges that it contributed to reducing pollution and improving water quality in European lakes, rivers and coastal areas, thereby benefiting the environment and improving the well-being and health of EU citizens;

2. highlights that the revision should aim for consistent synergies with the Green Deal, and in particular the EU Action Plan: 'Towards a Zero Pollution for Air, Water and Soil', by steering the Directive towards energy neutrality as a contribution to climate neutrality, and by supporting its necessary transition towards circular economy, zero pollution, digitalisation and enhanced protection of biodiversity. The revision should be fully consistent with legislative proposals such as the reviews of the Directives on Environmental Quality Standards, Bathing Water and the Marine Strategy Framework and the Evaluation of the Sewage Sludge Directive; the Directive should also strive to strengthen the polluter pays principle;

3. emphasises that the framework needs to be risk-based, goal-oriented and flexible enough to account for local and regional differences within and among Member States. The one-size-fits-all approach could lead to disproportionate costs in relation to environmental benefits achieved, particularly in relation to the requirements on nitrogen removal;

4. underlines that cities and regions expand dynamically in line with population growth; urges the Commission to ensure coherence among all EU water legislation so that the construction and expansion of treatment plants in growing regions or cities is possible. The lack of coherence has already led to counter-productive bans on expansions of wastewater treatment plants. To make the Directive future-proof, an exemption from the non-deterioration ban should be provided where technical treatment measures cannot further compensate for a growing population;

5. calls on the European Commission to establish provisions adapted to the reality of the outermost regions to take account of their particular context in the treatment of urban wastewater;

6. supports the introduction of the Extended Producer Responsibility (EPR) scheme, aligning with the Green Deal regarding control at source and the Polluter Pays Principle (PPP). The EPR scheme is a necessary precondition to ensure affordability of water services as well as a socially fair financing instrument to address the treatment of micropollutants in wastewater. It could create a level playing field for industries affected, reducing environmental dumping and the associated risks. The scheme will also act as an incentive for the developing of more environmentally friendly products, giving industries competitive advantages;

7. recalls the experience gained with the selective monitoring of SARS-CoV-2 and welcomes the planned expansion of the monitoring of viruses, other pathogens and pollutants in municipal wastewater in order to ensure the best possible health protection for the population;
8. considers that when disposed of in landfills, plastics leach toxic chemicals into the soil and groundwater. When mismanaged, plastics pollute land, waterways and the oceans. Toxic additives and microplastics contained in rain, soil, waterways, oceans and on mountaintops cannot be eliminated by recycling, landfilling or incineration. Only legally binding limits on global plastics production for essential uses can make a difference;
9. believes that clear, ambitious and realistic timeframes are a central component for a successful implementation of the UWWTD; considers that an extension of the proposed deadlines would enable its efficiency as well as coordination with other legislation;
10. fears that the indication of total costs in the Impact assessment is heavily underestimated⁽³⁾. The extension of the scope of the Directive and the increase of requirements will result in a significant increase in investment costs as well as in operational expenditure. It will therefore be necessary to establish funding mechanisms for the competent authorities to cover these costs;
11. supports the proposed objective to reach energy neutrality, but underlines that the proposal needs to be more flexible to take into account the different conditions across regions and cities. Renewable energy is often technically infeasible for production and use on-site. Therefore, renewable energy produced both on- and off-site, should also be taken into account for achieving this neutrality goal. Furthermore, the use of renewable energy by treatment plants, regardless of its origin, should also be considered to achieve this neutrality goal;
12. highlights that pollution needs to be addressed at source in addition to end-of-pipe solutions; underlines that control at source is a prerequisite for the success of the Zero Pollution Action Plan as well as an important step in enabling the reuse of sludge and water;
13. is of the opinion that individual systems are an adequate solution for the treatment of wastewater in isolated and sparsely populated areas and in the outermost regions; underlines that collection of wastewater in these areas is costly and inefficient and does not necessarily provide better environmental benefits and, for such cases, calls for decentralised solutions with adequately functioning individual systems, to be regulated within the Member States or at the regional level, where requirements take into account local and regional conditions, and environmental and health protection are not compromised;
14. agrees to use delegated acts and implementing acts to supplement or amend provisions to adjust to technical or scientific progress, but only if used sparingly; all essential requirements must already be laid down in the Directive; urges the setting of all significant requirements in the Directive to allow for transparency and securing of relevant input from Member States, regions and municipalities;
15. points out that, for individual systems, mandatory tertiary treatment for such systems and small wastewater treatment systems entails considerable construction and operating costs and also requires qualified staff; this may be disproportionate, and alternatives such as nitrification as proof of good cleaning efficiency should therefore be permitted;
16. considers it necessary to make a firm commitment to reusing treated water and, in particular, including targets to improve wastewater collection networks in the integrated urban wastewater management plans so as to prevent the infiltration of wastewater into the subsoil, and the infiltration of brackish water and/or freshwater into networks that affect urban wastewater treatment and reuse capacity;
17. stresses the need to strengthen the requirements on monitoring and reporting, as they are central in verifying compliance and the progress of implementation; with regard to associated costs, highlights that it is important that monitoring and reporting are carried out only to the extent necessary to fulfil the purpose of protecting human health and the environment;

⁽³⁾ Eureau (2023). Position paper, p. 12.

18. underlines that the proposal is essentially in line with the principle of subsidiarity; doubts, however, that Article 19 — Access to sanitation — and the associated reporting requirements then set out in Article 22 — can be justified within the meaning of the subsidiarity principle, since transnational aspects are missing; is concerned about its compliance with the principle of proportionality and the one-size-fits-all approach proposed; therefore, calls for a risk-based approach and greater flexibility within the framework to ensure that the burden on the LRAs is not excessive in relation to the objective of protecting human health and the environment;

19. requests, in order to fully exercise its prerogatives, access to all the documents (with a special focus on the ‘4-column’ document) shared between the co-legislators in the trilogue meetings for the above-mentioned legislative proposal.

Brussels, 5 July 2023.

*The President
of the European Committee of the Regions*
Vasco ALVES CORDEIRO
