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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse - Policy debate

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1. With a view to the Environment Council on 5 March 2019, the Presidency has prepared a background note with questions to guide the policy debate.
2. The Committee of Permanent Representatives is invited to take note of the questions, as contained in the Annex to this note, and to forward them to the Council.
3. The Presidency invites delegations to send written replies before the Council meeting, where possible.

**Proposal for a Regulation of the European Parliament and of the Council on minimum  
requirement for water reuse  
- Policy debate -**

**Presidency background note with questions for the policy debate**

**I. INTRODUCTION**

The Commission's proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse was adopted on 28 May 2018 as part of the actions announced to deliver on the Circular Economy's Action Plan. The proposal aims to contribute to alleviating water scarcity across the EU, in the context of adaptation to climate change and as a key missing tool for an integrated water management ensuring that Europe's water resources are managed more efficiently.

Europe's freshwater resources are under increasing stress, with a mismatch between the continuously increasing demand for, and the limited availability of, water resources across the whole EU. Increasing water scarcity, due to over-abstraction, mainly for irrigation purposes but also for industrial use and urban development, is one of the main threats to the EU economy and ecological base, while availability of good quality water is a critical condition to society as a whole. Water stress already affects one third of the EU territory all year round and, under projected climate change conditions, the problem is likely to exacerbate. This trend is expected to continue with water scarcity affecting most of Europe over the 21st century, with a 40-80% increase in the severity of water deficit events by 2050.

Reusing water from urban wastewater treatment plants represents a reliable alternative water supply for various purposes, including agricultural irrigation, which has the highest potential for an increased uptake of water reuse. The practice of water reuse extends the water life cycle, thereby helping to preserve water resources, in line with the circular economy objectives. Today, the uptake of water reuse practices falls far below its full potential, with practices widely diverging across Member States.

The proposal sets out harmonised minimum quality requirements for the safe reuse of urban waste water for agricultural irrigation, wherever relevant and cost-effective, while safeguarding public health and the environment. By setting minimum requirements applicable across the EU, the proposal aims to ensure a level playing field for the operators producing and supplying reclaimed water, as well as for farmers. It creates new opportunities for technological innovation and business.

In addition, the proposal also includes:

- Minimum harmonised monitoring requirements, applicable at the point of compliance, i.e. at the outlet of the plant further treating the wastewaters for reuse (the reclamation plant), notably requirements for the frequency of monitoring for each quality parameter, and requirements for the validation of the system.
- Risk management provisions, to assess and address possible additional health and environmental risks linked to the specific area where the reclamation plant is due to operate.
- A permitting procedure, whereby the operator of the reclamation plant would need to obtain a permit from the relevant authorities to supply wastewaters for safe reuse.
- Provisions on transparency, whereby key information about any water reuse project would be made publicly available.

## II. STATE OF PLAY

The Commission's proposal and its impact assessment have so far been examined at four half-day meetings of the Working Party on the Environment (WPE). The main political issues emerging from the discussion were the degree of flexibility the EU instrument should offer to Member States and the stringency of the minimum harmonised standards for reclaimed water quality.

While delegations acknowledge that the scarcity of water is an important issue to address, the approaches regarding water reuse vary among Member States. Those which already reuse wastewater for agricultural irrigation fear that the proposed Regulation will require considerable changes to the national systems already in place and, therefore, would like a flexible EU instrument accommodating different national circumstances. Others, for whom water scarcity is not an immediate problem and who do not intend to reuse wastewater for agricultural irrigation in the near future, would prefer to opt out from the application of the Regulation to avoid extra administrative burden (e.g. process the applications for permits). In addition, the question of how to ensure high level of safety of agricultural products irrigated with reclaimed water for human health and environment without imposing unreasonable costs on the Member States' authorities, the operators and the users was debated and the need for clear definition of responsibilities among different actors participating in the waste water treatment process was underlined.

The European Parliament appointed Simona Bonafè (S&D) as Rapporteur for the Committee on the Environment, Public Health and Food Safety (ENVI). The Report was adopted by the ENVI Committee on 22 January 2019, proposing 68 amendments.

Against this background, Ministers are invited to take part in a policy debate on the proposal at the meeting of the Council (Environment) on 5 March 2019. The Presidency has prepared two questions to guide the debate.

### III. QUESTIONS FOR MINISTERS

1. *Given the increasing water scarcity challenge facing Europe, how could the adoption of the EU harmonized rules promote water reuse and assist the transition to a more efficient management of water whilst leaving it to the market to determine where there is a sizeable potential for water reuse demand?*
  
2. *Do you consider that the proposed EU minimum harmonised requirements on reclaimed water quality and monitoring, combined with the risk management and permitting procedures at local level, strike the right balance between securing a high degree of human health and environmental protection and the free circulation of safe agricultural products irrigated with reclaimed water within the Internal Market?*

