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SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

28 February and 1 March 2024

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (01.07.2024)

COREPER (PART 1)

Statements to the “II” items set out in doc. 6916/24

Internal Market and Industry

5. Directive on Corporate Sustainability Due Diligence
Analysis of the final compromise text with a view to agreement



5893/2/24 REV 2
+ ADD 1

Statement by Finland

“Finland strongly supports the proposed directive’s goal of ensuring that companies active in the internal market contribute to sustainable development and the sustainability transition of economies and societies. In our view, enhancing protection for human rights and the environment in the supply chains of European companies remains a vital objective for the European Union.

The negotiation result of the directive contains several new rules on civil procedure, which we consider unnecessary, unclear and impractical. They are also inconsistent with our national legal system’s foundational principles. Furthermore, the said rules could well have a significant impact, financially and otherwise, on companies and national court systems, but no impact assessments have been conducted.

We are unable to accept the issue of broadening the legal standing and widening the use of class actions. We have previously endorsed the use of class action in consumer law, where it undoubtedly is appropriate and functional as an instrument. However, consumer law constitutes a comparatively narrow and well-defined scope of application. In contrast, the negotiation result of the directive - with regard to the vast and rather open-ended scope of application - would constitute a significant and unacceptable broadening of the use of such an action and introduce potentially impractical, extensive and expensive trials.”

Environment

14. Urban Waste Water Treatment Directive (recast)



6848/24

Analysis of the final compromise text with a view to agreement

+ COR 1 REV 1

Statement by Cyprus

“The Republic of Cyprus shares the overall environmental objectives of the Urban Wastewater Treatment Directive, and will thus support the final compromise text.

However, the current Directive has been proven very difficult in its implementation, and therefore, Cyprus maintains legitimate concerns associated with the increased administrative burden, the significant financial costs, and the rather limited timeframe for Cyprus’ compliance with the more ambitious requirements of the new Directive.

It is pertinent to recall that Cyprus has the following unique characteristics: the absence of rivers or lakes, the great depth of groundwater (in many cases more than 100 meters deep) and the fact that most of the treated wastewater is already used for agricultural irrigation. In fact, River Basin Management Plans of Cyprus confirm that in most cases no water bodies are negatively affected from wastewater discharges.

The challenges we are confronted with in the implementation of the current Directive, despite our best efforts and genuine political commitment, are telling of how difficult it will be to implement the new Directive that will significantly raise the ambition. In particular, thus far we were not able to comply with the requirements of the current Directive for twenty-eight (28) agglomerations out of a total of fifty-seven (57) agglomerations. The delays encountered are linked to the enormous economic costs, the heavy administrative burden, the discovery of archaeological findings during the works and the need for extensive government coordination and consultations with local authorities. Our latest revised National Implementation Programme (NIP-2020) submitted to the European Commission on 30/6/2022, sets 2030 as the end date for full compliance with Directive 91/271/EEC.

Lowering the threshold of agglomerations to 1000 p.e., will render it very difficult for Cyprus to find the necessary resources to construct collecting systems and secondary treatment in twenty-six (26) additional agglomerations. It should be noted that due to the size of our country, we have a very limited number of contractors that can execute the required systems.

Despite the serious implementation difficulties, Cyprus will support the final compromise text, because we understand its importance for protecting the environment and human health.

Cyprus is confident that these concerns will be given due consideration when the new Directive enters into force, including through safeguarding sufficient EU funding that will enable Member States in meeting the Directive’s significant financial requirements.”

Statement by Italy

“Italy expresses its appreciation for the work done and for the compromise text reached.

The implementation of the new Directive will be particularly challenging and will require considerable resources.

Italy therefore feels it is necessary to point out the need to strengthen the policies in support of the energy transition of the wastewater treatment sector, asking the Commission to provide specific funding lines to be allocated to the deployment of infrastructure to ensure the full efficiency for all existing agglomerations.

Concerning the Extended Producer Responsibility (EPR), Italy would have preferred the costs of quaternary treatment to be shared based on a stronger polluter pays principle application. Italy hopes that the first revision of the directive can define a list of micropollutants so that producer fairly pay according to their contribution.”

Statement by Latvia

“Latvia **supports the final compromise text** of the proposal for a Directive concerning urban wastewater treatment and its objectives aimed at protecting the environment and human health.

However, Latvia would like to draw attention to several articles and requirements, which we regard as impractical and causing excessive administrative burden.

According to Article 8, Paragraph 2 absence of risk caused by micropollutants shall be demonstrated for areas used for drinking water abstraction, bathing or aquacultural activities. Relevant risk assessment will be carried out for drinking water in accordance with the provisions of the Drinking Water Directive (EU) 2020/2184. However, in other two cases, no regulatory act currently provides for an assessment regarding the impact of micropollutants on bathers’ health or the safety of the foodstuff. Therefore, demonstrating the absence of risk may be subject to interpretation. We regret that the risk assessment to be carried out in accordance with Article 18 and its conclusions on the identified risks are not considered instead.

Article 21, Paragraph 1 and 3 lacks a direct reference to the operator, as the proposal does not clarify whether the operator can also be an "appropriate body". Lack of direct reference or explanation may cause misinterpretations, especially because there is a reference to the sewerage network operator in Article 21, Paragraph 2.

In Article 21, Paragraph 3 (ba) the requirement to monitor microbiological indicators at the inlets and outlets of urban wastewater treatment plants in case of direct discharges into bathing water areas is unjustified and leads to unnecessary monitoring burden and expenses. Intestinal microorganisms are and will always be present in wastewater, but this does not mean that they always pose a risk to bathers.

Moreover, requirements in Article 22, Paragraph 1 (ja) regarding the establishment of a data set on biomedica used in wastewater treatment plants have little added value, but excessive administrative burden.

Finally, Latvia would like to emphasize that the overall implementation of the proposal will require substantial investments over the next 15-20 years, as well as will impact the availability and affordability of wastewater management services. The parties involved in the implementation of the Directive will have to secure funding from various sources. We also see the need for funding from the European Union funds.”

Statement by Poland

“Poland sees the need to amend existing Urban Waste Water Directive (91/271/EEC) and generally supports the European Commission's initiative.

Poland sees the wider vision of the directive proposal objectives. Ambitions addressed in the European Green Deal and other European policies should be implemented with new legal provisions for the wastewater systems. Poland is engaged in plenty of initiatives concerning: climate adaptation and mitigation measures, energy efficiency, circular economy and zero pollution ambition, especially in bigger wastewater systems. However, despite all the new ongoing activities, one of the biggest challenge is to ensure the full compliance with existing UWWTD (91/271/EEC).

The current directive still needs a huge investments and a lot of expensive actions regarding: sewage network development, WWTPs modernisation, IAS control and proper governance.

The compromise text of UWWTD presents a high level of ambition. New UWWTD will require both long implementation deadlines (e.g. for investment implementation) and high financial and organizational efforts. Moreover, it is important to guarantee EU funds to the new obligations of the directive.

PL is concerned about stricter requirements and shortening the deadlines compared to the compromise reached under the General Approach, adopted on 16 October 2023.

PL maintain our concerns regarding feasibility and enforceability provisions enabling the effective application of **extended producer responsibility (EPR)** taking into account fact that proposed directive doesn't cover all sectors emitting micropollutants (but just two: cosmetics and pharmaceuticals) ensuring real implementation of the *true polluter pays principle*.

Moreover, extension of the scope for agglomerations between 1 000 and 2 000 p.e. will cause huge investments and high operational cost also affecting tariffs.

Nevertheless, PL seeing the need to protect the environment, supports proposed directive. However it will be necessary to provide significant EU funds that the UWWTD directive is enforceable and effectively implemented.”

