



Council of the European Union
General Secretariat

**Interinstitutional files:
2022/0345 (COD)**

Brussels, 19 July 2023

WK 10018/2023 ADD 1

LIMITE

ENV

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	WK 9322/2023
N° Cion doc.:	ST 14223/22 + ADD 1
Subject:	Urban Wastewater Treatment Directive: comments from a delegation

Following the call for comments on the above set out with WK 9322/2023, delegations will find attached comments from FR.

FRANCE

ARTICLE 1 – SUBJECT MATTER

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
This Directive lays down rules on the collection, treatment, and discharge of urban wastewater, to protect the environment and human health while progressively eliminating greenhouse gas emissions and improving the energy balance of urban wastewater collection and treatment activities. It also lays down rules on access to sanitation, on transparency of the urban wastewater sector and on the regular surveillance of public health relevant parameters in urban wastewaters.	This Directive lays down rules on the collection, treatment, and discharge of urban wastewater, to protect the environment and human health while progressively eliminating greenhouse gas emissions and improving the energy balance of urban wastewater collection and treatment activities. It also lays down rules on access to sanitation, on transparency of the urban wastewater sector and on the regular surveillance of public health relevant parameters in urban wastewaters. It also lays down rules on urban runoff.	The aim of this proposal is to bring the directive's objectives into line with point 2° b° of Annex 5, which deals with discharges from separate sewer including only urban runoff. The French authorities would like to keep this aspect of Annex 5, but the current mandate of the directive does not include it.

ARTICLE 2 - DEFINITIONS

REV 01_text proposal	France proposal	France comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		
REV 01_text proposal	France proposal	France comments
(1) 'urban wastewater' means domestic wastewater or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and with urban runoff or both of them ;	'urban wastewater' means domestic wastewater or, domestic wastewater mixed with either non-domestic wastewater and/or with urban runoff or both of them and/or with infiltrated water ;	The request to simplify the definition of the mixing of domestic wastewater with other types of water has been taken into account. Furthermore, it is proposed to mention that domestic wastewater can also be mixed with "parasitic" clear water such as from groundwater infiltration. It is therefore proposed to align with the changes made by the presidency to Annex 1.A, which clearly states "prevention of inflow and infiltration into the collecting systems".
(2) 'domestic wastewater' means wastewater from residential settlements, and services and institutions which originates predominantly from the human metabolism and/or from household activities;		

(3) 'non-domestic wastewater' means any wastewater, other than domestic wastewater and urban runoff, which is discharged into collecting systems from premises used for either of the following: (a) the exercise of a trade; (b) activities carried out by an institution; (c) or industrial or economical activities; The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.	The wastewaters from the above activities, that are only domestic wastewater or wastewater comparable to domestic wastewater (from toilets or kitchens with food preparation for example) are entitled as domestic wastewaters.	It is proposed to introduce the notion of wastewater assimilable to domestic wastewater. As water from toilets is part of domestic wastewater, it is proposed to retain only wastewater from restaurant kitchens as an example.
(4) 'agglomeration' means an area where the population combined or not with and/or economic activities pollution load of urban wastewater is sufficiently concentrated (taking as a reference 10 p.e. per hectare or above) for urban wastewater to be collected and conducted to one or more an urban wastewater treatment plants or to a one or more final discharge points into receiving waters;		
(5) 'urban runoff' means precipitation rainwater from agglomerations collected by combined or separate sewers;		
(6) 'sewer storm water overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers caused by rainfall;	'sewer overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers caused by rainfall (6bis) "urban runoff discharge" means discharge of separate sewer including only urban runoff	The request to consider the overflow due to rainfall as wastewater has been taken into account. On the other hand, it is proposed to specify that we are dealing here with wastewater overflows in rainy weather and not in dry weather. The deletion of "from separate" is explained by the fact that it is not possible to have an overflow in a network that only manages wastewater without urban runoff. The French authorities propose adding the definition of urban runoff discharge in order to be more explicit about the difference between sewer overflow and urban runoff discharge, as these terms are often used consecutively in the directive and do not overlap.
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;	'collecting system' means a system of conduits, and associated structures and equipment (pumping stations, storm overflows, storm water storage, etc.), which collects and conducts urban wastewater; to one or	A collecting system usually includes other works and equipments than just pipes. It is therefore proposed to complete the definition by mentioning these works or equipments.

	several urban wastewater treatment plants or to one or several final discharge points.	In addition, as in the definition of a sanitation agglomeration, it seems necessary to indicate that the collected wastewater is conveyed to one or more treatment plants or to one or more final discharge points.
(8) 'combined sewer' means a conduit that that designed to collect and conducts urban wastewater including urban runoff ;	(8) 'combined sewer' means a conduit that collects and conducts urban wastewater including urban runoff ;	The French authorities wish to retain the definition proposed by Sweden, since what defines combined sewer is the presence of urban runoff and wastewater in the same pipe.

REV 01_text proposal	France proposal	France comments
(9) 'separate sewer' means a conduit that separately collects and conducts either urban runoff or either of the following: (a) domestic urban wastewater not including urban runoff; (b) non-domestic wastewater non domestic wastewater ; (c) a mixture of domestic and non-domestic wastewater; (d) rainwater from agglomerations;	(9) 'separate sewer' means a conduit that separately collects and conducts either urban runoff or urban wastewater not including urban runoff non-domestic wastewater	Non-domestic wastewater can also be part of the wastewater present in a separate wastewater network. It is therefore proposed to remove the exclusion of non-domestic wastewater from this definition.
(10) '1 population equivalent' or '(1 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 per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day per day ;		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		

(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes most of biodegradable organic matter in urban wastewater;	'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes reduces most of biodegradable organic matter levels in urban wastewater	It is preferable to establish that secondary treatment "reduces the levels of" and not "eliminates" nitrogen and phosphorus.
(12) 'tertiary treatment' means treatment of urban wastewater by a process which removes most of by a process which removes nitrogen and/or phosphorus from the urban wastewaters;	'tertiary treatment' means treatment of urban wastewater by a process which removes reduces most of nitrogen and/or phosphorus levels from urban wastewater;	It is preferable to establish that tertiary treatment "reduces the levels of" and not "eliminates" nitrogen and phosphorus.
(13) 'quaternary treatment' means treatment of urban wastewater by a process which removes reduces a broad spectrum of micro-pollutants in from the urban wastewaters;		
(14) 'sludge' means any solid, semisolid, or liquid waste organic residue and inorganic sludge resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding debris, grit, grease and any other screenings residues from the first treatment step);	(14) 'sludge' means organic and inorganic sludge waste resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding debris, grit, grease and any other residues from the first treatment step);	Sewage sludge is waste. It is therefore proposed to replace "sludge" by "waste" in the definition.

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(15) 'eutrophication' means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;		

(16) 'micro-pollutant' means a substance, including its breakdown products, that is usually present in the environment and urban wastewaters in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC3;	'micro-pollutant' means a substance, including its breakdown products in low concentrations which can be considered hazardous, in low concentrations, to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC3;	It is proposed to move "in low concentrations" to emphasize that effects on human health or the environment can occur even if micropollutants are present in low concentrations.
(17) 'dilution ratio' means the ratio of between the last five years average volume of annual flow of the receiving waters at the point of discharge and to the last five years average of the annual discharge volume of urban wastewater into surface waters; discharged from a treatment plant;		
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10;		
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		

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(22) 'public concerned' means the public affected or likely to be affected by, or having an interest in, the decision-making procedures for the implementation of the obligations laid down in this Directive, including non-governmental organisations promoting the protection of human health or the environment;		
(23) 'plastic biomedica' means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;	'plastic biomedica' means a plastic support, for example made in plastic, used for the development of the bacteria needed for the treatment of urban wastewaters;	As biomedias can potentially be made of different materials, France proposes to limit the definition to that of biomedias and to indicate that biomedias can for example be made of plastic.
(24) 'placing on the market' means the first making available of a product on the market of a Member State;		
(25) 'load' means the amount of BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient in urban wastewater, expressed in p.e. or mass unit per time (usually kilogram per day or year).		
	New definition : IAS « Individual system means a sanitation facility that collects, transports, treats and disposes of domestic wastewater as defined in article 2 from buildings or parts of buildings not connected to a public wastewater collecting system.”	The French authorities would like the term "individual system" to be defined in order to clarify the scope of Article 4 and to ensure uniform application by all Member States.

ARTICLE 3 – COLLECTING SYSTEMS AND CALCULATION OF THE LOAD EXPRESSED IN P.E

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. Unless they justify a derogation under paragraph 1 of Article 4 , Member States shall ensure that all agglomerations with a p.e. of 2 000 p.e. and above comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of domestic urban wastewater are connected to the collecting system.	1. Unless they justify a derogation under paragraph 1 of Article 4 , Member States shall ensure that all agglomerations of 2 000 p.e. and above comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of domestic or comparable domestic urban wastewater are connected to the collecting system.	Sewage system operators must be able to prevent non-domestic wastewater from entering their sewage system, for example to avoid damaging their wastewater collection and treatment facilities and their operation. It should therefore be compulsory to connect only domestic or assimilated wastewater. It is therefore proposed to replace "urban" by "domestic or comparable domestic".
REV 01_text proposal	France proposal	France comments

2. Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030-2033, Member States shall ensure that all agglomerations with a p.e. of between 1000 and 2000 p.e. comply with the following requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of domestic urban wastewater are connected to a the collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	2. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that all agglomerations of between 1000 and 2000 p.e. comply with the requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of domestic urban wastewater are connected to a collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	
3. The calculation of the load of an agglomeration expressed in p.e. shall be based on the maximum average weekly load generated in that agglomeration during the year, excluding unusual situations such as those, due to heavy rain. The calculation of the load expressed in p.e. subject to treatment in an urban wastewater treatment plant, shall also be based on the maximum average weekly loadshall be used when calculating the load expressed in p.e. entering an urban wastewater treatment plant;		
43. Collecting systems shall fulfil the requirements of Part A of Annex I.	°	

ARTICLE 4 – INDIVIDUAL SYSTEMS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		
1. By way of derogation from Article 3, where exceptionally Member States may derogate from Article 3, if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental or health benefit, it is not technically feasible or because it would involve excessive cost. If derogating from Article 3, Member States shall ensure that individual systems for the collection, storage and, when applicable, treatment of urban-domestic urban wastewaters ('individual systems') are used for agglomerations of 1 000 p.e. and above.	1. Member States may derogate from Article 3, if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental or health benefit, it is not technically feasible or because it would involve excessive cost. The Commission is empowered to adopt implementing acts to provide methodology to assess and justify any excessive costs. If derogating from Article 3, Member States shall ensure that individual systems for the collection, storage and, when applicable, treatment of urban wastewaters ('individual systems') are used for agglomerations of 1 000 p.e. and above.	The French authorities consider that the derogation provided for in this article appears essential and that the two conditions set are relevant. However, some elements of method and reference should be provided to guide the Member States in a uniform manner in the assessment of a possible excessive cost. The French authorities therefore propose to provide for an implementing act in this area. In addition, it is proposed to define the term "individual system" in order to clarify its scope. A proposed definition is given in Article 2. Depending on the definition adopted, the French authorities may make further comments.

2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of environmental protection treatment as the secondary and tertiary treatments referred to in Articles 6 and 7. Tertiary treatment for individual systems will only be required in those cases that individual systems are discharging in a sensitive area or a catchment area. This requirement will apply to existing individual systems six years after the deadlines set out in Article 32033.		
REV 01_text proposal	France proposal	France comments
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, where individual systems are used are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, on the basis of a risk-based approach, are carried out by the appropriate authority or other body authorised at national or regional level.		

34. The Commission is empowered to adopt delegated implementing acts in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for by establishing minimum requirements on for: (a) the design, operation, and maintenance of individual system; and (b) by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph. The Commission will provide the requirements by [XX months from the entry into force of this Directive].		
45. Member States that use individual systems to treat more than 2% of the urban wastewater load from agglomerations of 2 000 p.e. and above shall provide the Commission with a detailed justification for the use of individual systems in each of the agglomerations. That justification shall: (a) demonstrate for each of those agglomerations that the conditions for using individual systems set out in paragraph 1 are fulfilled; (b) describe the measures taken in accordance with paragraph 2 and 3; (c) demonstrate compliance with the minimum requirements referred to in paragraph 34 where the Commission has exercised its delegated implementing power under that paragraph.		

REV 01_text proposal	France proposal	France comments
56. The Commission is empowered to adopt implementing acts establishing the format for submitting the information referred to in paragraph 45. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). The Commission will provide the format by [XX months from the entry into force of this Directive].		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		

1. By 31 December 2030 2035, Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	1. By 31 December 2030, Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	The French authorities would like to keep the date of 2030 for the completion of plans for local authorities with more than 100,000 population equivalents. This would make it possible to harmonise the timetable between the various local authorities. This request is concomitant with the French authorities' wish to have objectives for 2040 in order to give the local authorities 10 years to implement the plan.
REV 01_text proposal	France proposal	France comments

2. By 31 December 2027 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) sewer storm water overflow or urban runoff discharges poses a risk to the environment or human health; (b) sewer storm water overflow represents more than 4% 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather flow conditions; (c) sewer storm water overflow or urban runoff discharges prevents the fulfilment of any of the following: (i) the requirements established under Article 5 of Directive (EU) 2020/2184; the requirements set out in Article 5(3) of Directive 2006/7/EC of the European Parliament and of the Council¹; (ii) the requirements set out in Article 5(3) of Directive 2006/7/EC of the European Parliament and of the Council⁴; (iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council⁵;	2. By 31 December 2027, Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) sewer overflow or urban runoff discharges poses a risk to the environment or human health; (b) in sewer overflows of 2000 p.e. and above in case of rainfall represents more than 3 5% of the annual collected urban wastewater volumes; (c) sewer overflow in case of rainfall or urban runoff discharges prevents the fulfilment of any of the following:	The agglomerations concerned by the preparation of this plan are in particular those whose direct wastewater discharges in wet weather represent more than 3% of the annual pollution load collected in dry weather. On this last point, it is proposed to focus this monitoring on the largest storm overflows (size greater than or equal to 2,000 p.e.). Because of their size, these are generally the biggest contributors to direct wastewater discharges in wet weather. In addition, large wastewater treatment plants often have a large number of discharges (sometimes several hundred), and it seems unrealistic and financially inefficient to equip them all with monitoring systems. The French authorities consider that the flow of pollution discharged during rainy weather is technically difficult to assess and is therefore highly uncertain. Estimating the volumes discharged or the number of calendar days of discharge would appear to be less uncertain. In view of these factors, the French authorities propose that the condition to follow should be 5% of the volumes produced by the wastewater treatment plant. The French authorities consider that delaying the date for identifying local authorities subject to the obligation to draw up a plan will result in the plan being implemented too late. We therefore wish to keep to this deadline
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¹ Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC (OJ L 64, 4.3.2006, p. 37).

(iv) the environmental objectives set out in Article 4 of Directive 2000/60/EC.

(v) the requirements established under Article 3 of Directive 2006/118/EC

Member States shall review the list referred to in the first subparagraph every ~~five~~ **six** years after its establishment and update it where necessary.

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REV 01_text proposal	France proposal	France comments
3. By 31 December 2035 2040, Member States shall ensure that an integrated urban wastewater management plan is established for agglomerations referred to in paragraph 2.	3. By 31 December 2030, Member States shall ensure that an integrated urban wastewater management plan is established for agglomerations referred to in paragraph 2.	The French authorities wish to bring forward the date by which the plans must be completed for the local authorities mentioned in paragraph 2. This would make it possible to harmonise the timetable between the various local authorities. This request is concomitant with the French authorities' wish to have objectives for 2040 in order to give the local authorities 10 years to implement the plan.
4. Integrated urban wastewater management plans shall be made available to the Commission on request.		
5. Integrated urban wastewater management plans shall include at least the elements set out in Annex V.		

6. The Commission is empowered to adopt implementing acts to: (a) provide methodologies for the identification of the measures referred to in point 3 of Annex V; (b) provide methodologies for the determination of alternative indicators to verify whether the indicative objective of pollution reduction referred to in point 2 (a) of Annex V is achieved; (c) determine the format by which integrated urban wastewater management plans are to be made available to the Commission where requested in accordance with paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). The Commission will provide the methodologies and formats by [XX months from the entry into force of this Directive].		
7. Member States shall ensure that integrated urban wastewater management plans are reviewed at least every six 5 years after their establishment and updated where necessary.	7. Member States shall ensure that integrated urban wastewater management plans are reviewed at least every six ten years after their establishment and updated where necessary.	The French authorities propose that the plans be reviewed every 10 years rather than every 5 years. This 10-year frequency, which is set out in French regulations, seems appropriate for this type of approach, which takes time and whose translation into action generally results in multi-year investment programmes which, given the significant expenditure involved, are generally spread over ten years or so. Lastly, it will be necessary to ensure that these provisions are consistent with those of article 21 on monitoring. These clarifications are all the more necessary as they also apply to verifying compliance with the objective set out in Annex V.

ARTICLE 6 – SECONDARY TREATMENT

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(12)		

1. For agglomerations of 2 000 p.e. and above, Member States shall ensure that urban wastewater treatment plants serving agglomerations of 2 000 p.e. and above urban wastewater entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment of urban wastewater, set out in accordance with Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I paragraph 3 or an equivalent treatment before discharge into receiving waters. For agglomerations of between 2 000 p.e. and 1 000 p.e. which are discharging into coastal areas, tThe obligation set out in the first paragraph shall not apply until 31 December 2027 for: (a) For For agglomerations of between 2 000 p.e. and 10 000 p.e. which are discharging into coastal areas waters as defined under Directive 2000/60/EC and which apply appropriate treatment in accordance with Article 7 of Council Directive 91/271/EEC on [please insert the date = date if entry into force of this directive], the obligations set out in the first paragraph shall not apply until 31 December 2030. (b) For agglomerations discharging into less sensitive areas as referred to in Article 6(1) of Council Directive 91/271/EEC the obligations set out in the first paragraph shall apply in seven years after the on [please insert the date = date if entry into force of this Directive].		
REV 01_text proposal	France proposal	France comments

2. For agglomerations of between 1 000 p.e. and 2 000 p.e., Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033 urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I accordance with paragraph 3 or an equivalent treatment before discharge into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		
3. 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 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.		
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 due to heavy rain. 3. [New paragraph]	3. Urban waste water discharges to waters situated in high mountain regions (over 1 500 m above sea level) where it is difficult to apply an effective biological treatment due to low temperatures may be subjected to treatment less stringent than that prescribed in paragraph above, provided that detailed studies indicate that such discharges do not adversely affect the environment.	The French authorities are proposing to reintroduce the provision in the current directive allowing treatment plants located at altitudes of more than 1,500 m to implement less stringent treatment, provided that the treatment is minimal and that the discharges do not harm the environment. Indeed, this provision and the associated exemption conditions appeared interesting to take into account this mountainous context where it is more difficult to set up a very efficient biological treatment due to the very low temperatures.

ARTICLE 11 – ENERGY NEUTRALITY OF URBAN WASTEWATER TREATMENT PLANTS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
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 measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December 2025 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December 2030 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.	1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four five 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 measures to reduce the use of energy and enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas emissions. These audits take into account foreseeable changes in the energy consumption of urban wastewater treatment plants and collecting systems. The first audits shall be carried out : (a) by 31 December 2030 for urban wastewater treatment plants treating a load of 10 000 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December 2035 for urban wastewater treatment plants treating a load of between 10 000	The French authorities wish to reiterate their reservations about the provisions concerning energy neutrality. Apart from the fact that the DERU does not appear to be the right legislative vehicle, the French authorities question the appropriateness of targeting the wastewater sector first and foremost to achieve these objectives. If this article were to be retained, however, the French authorities would like to see the frequency of updating these energy audits set at 5 years instead of 4. In order to determine which wastewater treatment systems are covered by this energy audit obligation, and to set the associated deadlines, the draft revision proposes to base itself on the pollutant load received by the wastewater treatment plant. As this value is likely to vary from year to year, it is proposed to base the audit on data that is more stable over time, namely the size (nominal capacity) of the treatment plant. This article does not require energy audits to take into account foreseeable changes in energy consumption by

	p.e. and 100 000 p.e. and the collecting systems connected to them.	wastewater collection systems and treatment plants. However, particularly in view of the implementation of the new provisions of the future directive (more stringent discharge levels for tertiary treatment at certain wastewater treatment plants, reduction of direct wastewater discharges in rainy weather, etc.), this point seems to be very important to include when carrying out these audits. It is therefore proposed that an addition be made to this effect. As this article only deals with energy issues, it is proposed to delete the words "while reducing greenhouse gas emissions". To make it clearer how energy neutrality objectives are to be achieved, it is proposed that all audits be completed by December 31, 2030 at the latest, regardless of the size of the wastewater system. This amendment also allows more time to achieve energy neutrality, which may sometimes require major work.
REV 01_text proposal	France proposal	France comments

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, by urban wastewater treatment plants treating a load of 10 000 p.e. and above, is equivalent to at least: (a) 50 20% of the total annual energy used by such plants by 31 December 2030; (b) 75 60% of the total annual energy used by such plants by 31 December 2035; (c) 100% of the total annual energy used by such plants by 31 December 2040. In the calculation of the total annual energy produced from renewable sources as referred to in the first subparagraph, Member States may take into account a maximum of 10 % of renewable energy neither produced by urban wastewater treatment operators nor produced within a 5 kilometer radius from an urban wastewater treatment plants. Member States shall ensure that the potential for energy produced from urban wastewater resources, as demonstrated by the energy audit as referred in paragraph 1, is used to its full extent, representing at least 80% of the energy used by urban wastewater treatment plants referred to in points (a), (b) and (c) of the first subparagraph.	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, by urban wastewater treatment plants and collecting systems treating a load of 10 000 p.e. and above is equivalent to at least: (a) 20 % of the total annual energy used by such plants by 31 December 203035; (b) 60 % of the total annual energy used by such plants by 31 December 203540; (c) 100 % of the total annual energy used by such plants by 31 December 204045. Member States shall ensure that the potential for energy produced from urban wastewater resources, as demonstrated by the energy audit as referred in paragraph 1, is used to its full extent, representing at least 80% of the energy used by urban wastewater treatment plants referred to in points (a), (b) and (c) of the first subparagraph.	Since the energy audits provided for in section 1 concern collecting systems and treatment plants, it is proposed that section 2 should also cover collecting systems and treatment plants. In the light of the potential importance of the work undertaken to achieve energy neutrality, it is proposed to shift the deadlines by 5 years.
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ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(18)		
Member States shall ensure that the urban waste water treatment plants built to comply with the requirements set out in Articles 6, 7, and 8 are designed, constructed, operated and maintained to ensure sufficient performance under all normal local climatic conditions. When designing the plants, seasonal variations of the load shall be taken into account.		

ARTICLE 14 – DISCHARGES OF NON-DOMESTIC WASTEWATER

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

REV 01_text proposal	France proposal	France comments
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior general binding rules regulations and/or specific authorisations by the competent authority or appropriate body. Those general binding rules regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where general binding rules regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas on request.	1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban waste water treatment plants are subject to prior regulations and/or specific authorisations by the competent authority ies responsible for wastewater collection and treatment and, if necessary, or appropriate body. When non-domestic wastewater is comparable to domestic wastewater, as referred to in subparagraph 2 of Article 2 definition 3, a simplified procedure can be implemented to authorize its discharge into collecting systems and urban wastewater treatment plants. Those regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas.	Since non domestic wastewater connected to the collecting system subsequently reaches the treatment plant, it is proposed that the competent authorities responsible for issuing the specific authorisation should be both those competent for the collecting and those competent for the treatment of urban wastewater. It is imperative that the competent authorities (managers of wastewater collecting systems and wastewater treatment plants) decide on the conditions for connecting non-domestic wastewater to their facilities. It is therefore proposed to replace "or" with "and". Some non-domestic wastewater is similar to domestic wastewater (e.g. discharges from restaurants). In such situations, a lighter authorisation procedure is proposed for the competent authorities.

REV 01_text proposal	France proposal	France comments
2. Member States shall take the appropriate measures, including a review of the general binding rules regulations and/or specific authorisations, to identify, prevent and reduce as far as possible the sources of pollution in non-domestic wastewater referred to in paragraph 1 of this Article where any of the following situations arise: (a) pollutants have been identified at the inlets and outlets of the urban wastewater treatment plant under the monitoring of Article 21(3); (b) sludge arising from urban wastewater treatment is to be used in accordance with Council Directive 86/278/EEC⁷; (c) treated urban wastewater is to be reused in accordance with Regulation (EU) 2020/741; (d) the receiving waters are used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (e) the pollution of the non-domestic wastewater discharged into the collecting system, or the urban wastewater treatment plant poses a risk to the operation of that system or plant.	2. Member States shall ensure that competent authorities take the appropriate measures, including a review of the regulations and/or specific authorisations, to identify, prevent and reduce as far as possible the sources of pollution in non-domestic wastewater referred to in paragraph 1 of this Article where any of the following situations arise: [...]	Since the competent authorities issue the authorisation, it seems desirable that the appropriate measures provided for in paragraph 2 are taken by the competent authorities and not the Member States.
3. The general binding rules regulations and specific authorisations referred to in paragraph 1 of this Article shall fulfil the requirements set out in Part C of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend Part C of Annex I in order to adapt it to technical and scientific progress in the field of environmental protection.		

REV 01_text proposal	France proposal	France comments
4. The specific authorisations referred to in paragraph 1 shall be reviewed and, where necessary, adapted at least every 6 ten years. The general binding rules regulations referred to in paragraph 1 shall be reviewed at regular intervals and, where necessary, adapted. If the characteristics of the non-domestic wastewater, the urban wastewater treatment plant or the receiving water body change significantly, the provisions of the specific authorisations shall be reviewed and adapted to these changes. updated in the cases where the characteristics of the non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.		

ARTICLE 16 – BIODEGRADABLE NON-DOMESTIC WASTEWATER

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'		

<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(21)		
1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental protection as the requirements set out in part Part B of Annex I.		
REV 01_text proposal	France proposal	France comments
2. The requirements referred to in paragraph 1 of this Article shall apply when the following conditions are fulfilled: (a) the wastewater originates from plants treating a load of 4 000 p.e. and above that belong to the industrial sectors listed in Annex IV and that do not carry out any of the activities listed in Annex I to Directive 2010/75/EU of the European Parliament and of the Council⁷; (b) the wastewater does not enter an urban wastewater treatment plant before it is discharged to receiving waters ('direct discharge').		

ARTICLE 17 – URBAN WASTEWATER SURVEILLANCE

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(21) 'antimicrobial resistance'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(22)		

1. Member States shall monitor the presence of the following public health parameters in urban wastewater: (a) SARS CoV 2 virus and its variants; (b) poliovirus; (c) influenza virus; (d) emerging pathogens; (e) contaminants of emerging concern; (f) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring. 21. 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: (a) the identification of other public health parameters than the ones referred to in paragraph 1 that are to be monitored in urban wastewater such as those in the following list: (i) SARS-CoV-2 virus and its variants; (ii) poliovirus; (iii) influenza virus; (iv) emerging pathogens; (v) contaminants of emerging concern; (vi) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring; (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(a), taking into account thus regarding the available health data and the needs in terms of public health data and, where relevant, the local epidemiological situations;	(i) SARS-CoV-2 virus and its variants of interest ;	
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(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.

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REV 01_text proposal	France proposal	France comments
23. When a public health emergency due to SARS-CoV2 is declared by the competent authority responsible for public health in the Member State, the presence of SARSCoV-2 and its variants relevant public health parameters shall be monitored in urban wastewaters from a representative distribution at least 70 % of the national population. Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population. and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until the competent authority declares that the public health emergency due to SARS-CoV-2 has ended. To determine whether there is a public health emergency, the competent authority shall take into account consider Commission decisions adopted pursuant to Article 23(1) of Regulation (EU) 2022/2371 of the European Parliament and of the Council,² assessments of the European Centre for Disease Prevention and Control, and decisions of the World Health Organisation (WHO) taken in accordance with the International Health Regulations. Regulations and Commission decisions adopted pursuant to Article 23(1) of Regulation .../... of the European Parliament and of the Council³+		

REV 01_text proposal	France proposal	France comments
34. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January 2026⁵, ensure that antimicrobial resistance is monitored at least twice a year in at the inlets and outlets of urban wastewater treatment plants and, when relevant, in the collecting systems. The Commission shall may adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a harmonised methodology for measuring antimicrobial resistance in urban wastewaters.	3. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January 2026, ensure that antimicrobial resistance is monitored urban wastewater. The Commission may shall adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a harmonised methodology for measuring antimicrobial resistance in urban wastewaters.	The EU-WISH Joint Action on wastewater surveillance will address the question of AMR analysis and monitoring. Once experts agreed on the “how to”, an implementing act harmonising the measurement methodology could also precise the date to begin AMR monitoring, with the approval of Member states
45. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).		

ARTICLE 20 – SLUDGE

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(14) ‘sludge’		

Relevant recitals (please comment on recitals linked to this article)		
(28)		
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, reuse and recycling and material recovery 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, reuse , recycling and material and energetic recovery of resources and minimize the adverse effects on the environment.	The term "reuse" can be applied to objects, but seems ill-suited to sewage sludge. It is therefore proposed to delete it. The article makes no mention of energy recovery, which is covered by point d) of Directive 2008/98/EC. It is therefore proposed to add this sludge recovery route
2. The Commission is empowered to adopt delegated implementing acts in accordance with the procedure referred to in Article 27 to supplement this Directive by setting out promoting the minimum reuse and recycling rates for phosphorus and nitrogen from wastewater and sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in wastewater and sludge. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	2. The Commission is empowered to adopt implementing acts to supplement this Directive by promoting the minimum reuse and recycling rates for phosphorus and nitrogen from wastewater and sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in wastewater and sludge. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	We are in favor of an implementing act instead of a delegated act. We are also in favor of the act promoting the material recovery of sludge, but not setting a minimum recycling rate. As indicated above, it is proposed to delete the term "reuse", which is not well suited to sludge.

ARTICLE 21 - MONITORING

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor: (a) discharges from urban wastewater treatment plants in order to verify compliance with the requirements of part Part B of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I and; this monitoring shall include including loads and concentrations of the parameters listed in Part B Tables 1 and 2 of Annex I; (b) amounts, composition and destination of sludge; (c) the destination of the treated urban wastewater including the share of reused water quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater; (d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of above 10 000 p.e. and above; (e) the greenhouse gases methane methane produced and the energy used and produced by urban wastewater treatment plants of above 10 000 p.e. and above.	1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant, to verify compliance with the requirements of the directive, set up a monitoring system in order to monitor: (a) discharges from urban wastewater treatment plants to verify compliance with the requirements of Part B of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I and including loads and concentrations of the parameters listed in Tables 1 and 2 of Annex I; (b) amounts, composition and destination of sludge; Sludge composition monitoring will cover the parameters mentioned in Article I.A of Directive 86/278/EEC ; (c) the quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater; (d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of above 10 000 p.e. and above; (e) the methane produced and and the energy used and produced by urban wastewater treatment plants of 10 000 p.e. and above.	The proposed amendment to paragraph 1 is intended to specify its scope and clarify the purpose of monitoring, which is to verify compliance with the requirements of the Directive. Thus, if additional monitoring is to be provided for a purpose other than this, it should not be included in this article; this should be explicitly stated and another article with different deadlines should be provided for, especially as certain elements of self-monitoring are already covered by other directives. This directive does not set any requirements in terms of greenhouse gases or methane production, and the French authorities would like to see these references removed. This proposal should be read in conjunction with the one concerning the article on energy neutrality.
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REV 01_text proposal	France proposal	France comments
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system monitor carry out sufficient representative monitoring of sewer the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.	2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system carry out sufficient monitoring of sewer overflows and urban runoff discharged into water bodies in order to verify compliance with the requirements set up in article 5 and Annex V, on integrated urban wastewater management plans. be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.	The proposed amendment to paragraph 2 is intended to specify that this paragraph concerns wastewater discharges during rainy weather, the provisions for which are set out in Article 5 and Annex 5. In the same way as for the previous paragraph, it is proposed that the mention of micropollutants and microplastics be deleted, as there are no objectives relating to them in the integrated wastewater management plans. Finally, the deletion of the reference to the concentration and pollution load of the parameters listed in tables 1 and 2 in the annex should be read in conjunction with the changes made to article 5.

3. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the following elements: (a) pollutants listed in: (i) Annexes VIII and X to Directive 2000/60/EC, the Annex to Directive 2008/105/EC, Annex I to Directive 2006/118/EC and Part B of Annex II to Directive 2006/118/EC; (ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council¹⁰; (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹¹; (iv) Annexes I and II to Directive 86/278/EEC. (b) parameters listed in Part B of Annex III to Directive (EU) 2020/2184, where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive; (c) the presence of microplastics. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor the presence of microplastics in the sludge. The monitoring referred to in the first and second sub this paragraphs shall be carried out with the following frequencies:	3. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the substances listed in Table 3 of annex 1.D. of the following elements: (a) pollutants listed in: (i) Annexes VIII and X to Directive 2000/60/EC, the Annex to Directive 2008/105/EC, Annex I to Directive 2006/118/EC and Part B of Annex II to Directive 2006/118/EC; (ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council¹⁰; (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹¹; (iv) Annexes I and II to Directive 86/278/EEC. (b) parameters listed in Part B of Annex III to Directive (EU) 2020/2184, where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive; (c) the presence of micro-plastics. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor the presence of micro-plastics in the sludge. The monitoring referred to in this paragraph shall be carried out with the following frequencies: (a) at least two samples per year, with maximum 7 months between the samples, for agglomerations of 100 000 p.e. and above;	Still in line with the objective of self-monitoring, the French authorities propose to mention only the micropollutants listed in appendix 1.D table 3 on which the requirements for quaternary treatment are based. If this proposal were adopted, the frequency of monitoring of these substances would have to be increased. Finally, as for paragraphs 1 and 2, the French authorities propose deleting the paragraph on the act taken by the Commission to specify the methods for monitoring greenhouse gases and microplastics, as the latter are not linked to any objective in the directive. If the planned additional surveillance is to be maintained, its purpose should be clearly defined, as should any links with other legislation, to ensure, for example, that they are complementary.
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(a) at least two samples per year, with maximum 7 6 months between the samples, for agglomerations of 100 000 p.e. and more above; (b) at least one sample every 2 two years for agglomerations of between 10 000 p.e. and 100 000 p.e. [NEW] The monitoring frequency established in this paragraph may be halved in subsequent years if the monitoring results for the pollutants referred to in this paragraph are below standards under Directive 2008/105/EC or below detection limits or below limits of quantification during the first three years of the monitoring. The monitoring frequency should be reviewed at least every year. The Commission is empowered to adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a methodology for measuring greenhouse gas emissions from urban wastewater treatment plants and micro plastics in urban wastewater and sludge.	(b) at least one sample every two years for agglomerations of between 10 000 p.e. and 100 000 p.e. The monitoring frequency established in this paragraph may be halved in subsequent years if the monitoring results for the pollutants referred to in this paragraph are below standards under Directive 2008/105/EC or below detection limits or below limits of quantification during the first three years of the monitoring. The monitoring frequency should be reviewed at least every year. The Commission is empowered to adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a methodology for measuring greenhouse gas emissions from urban wastewater treatment plants and micro plastics in urban wastewater and sludge.	
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ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		

1. By [OP please insert date = the last day of the twenty third thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (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; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		

REV 01_text proposal	France proposal	France comments
2. By ...[OP: please insert the date = the last day of the thirty fifth fortieth month after the date of entry into force of this Directive], 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.		

3. Member States shall update their national implementation programmes at least every 5 6 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.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		
REV 01_text proposal	France proposal	France comments

5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines:

(a) the deadlines referred to in Article 3(2) and/or in Article 6(2) on the conditions that:

- (i) less than 50 % of these agglomerations are provided with collecting systems and are not subject to secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and
- (ii) the national implementation programme includes:
 - the number of agglomerations between 1 000 and 2 000 p.e. that lacks a collecting system and secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and
 - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines;

(b) the deadline for agglomerations referred to in Article 7(3) on the conditions that:

- (i) at least 50 % of these agglomerations are not applying tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and
- (ii) the national implementation programme includes:
 - the number of agglomerations referred to in Article 7(3) lacking tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and
 - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines;

The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].

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ARTICLE 25 – ACCESS TO JUSTICE

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
REV 01_text proposal	France proposal	France comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		

1. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions or acts or omissions subject to Articles 6, 7 or 8 of this Directive when at least one of the following conditions is met: (a) they have a sufficient interest; (b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition. Standing in the review procedure shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.		
2. Member States shall determine at what stage the decisions, acts or omissions referred to in paragraph 1 may be challenged.		

ARTICLE 26 – COMPENSATION

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

REV 01_text proposal	France proposal	France comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		This article needs to be harmonized with other directives currently being revised, such as those on air quality and industry.
1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.	1. Member States shall ensure that, where damage to human health or to environment has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons.	The directive aims to protect both human health and the environment. Failure to comply with the directive's provisions can result in environmental damage. It is therefore proposed to add this type of damage to those related to human health.

2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the nongovernmental organisations referred to in this paragraph.	2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the nongovernmental organisations referred to in this paragraph.	We are in favor of giving human health or environmental protection NGOs the right to bring an action for compensation. It is therefore proposed that paragraph 2 be retained.
3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.		
REV 01_text proposal	France proposal	France comments
4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.		

5. Member States shall ensure may establish that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1.		
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ARTICLE 27 – EXERCISE OF THE DELEGATION

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		

REV 01_text proposal	France proposal	France comments
2. The power to adopt delegated acts referred to in Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), and 24(3) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		
3. The delegation of power referred to in Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better LawMaking.		

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		

REV 01_text proposal	France proposal	France comments
6. A delegated act adopted pursuant to Articles 4(3), 6(3) , 7(4), 8(5), 14(3), 20(2), or 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		

ARTICLE 28 – COMMITTEE

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(36)		
1. The Commission shall be assisted by the committee for the adaptation to scientific and technical progress and implementation of the directive on urban waste water treatment.		
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		

ARTICLE 29 – PENALTIES

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

(37)		
1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, 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. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, 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.	
2. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable: (a) the nature, gravity, and extent of the violation infringement; (b) the intentional or negligent character of the violation; (c) the population or the environment affected by the violation infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment. (d) the repetitive or singular character of the infringement;	2. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable: (a) the nature, gravity, and extent and duration of the infringement; (b) the intentional or negligent character of the violation; (c) the population or the environment affected by the infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment. (d) the repetitive or singular character of the infringement; (e) economic benefits derived from that violation	We propose to maintain the intentional or unintentional nature of the infringement as a factor to be taken into account when calculating penalties, and to add any economic benefits derived from the infringement, as well as the duration of the infringement. Indeed, these elements appear to be relevant to the prevention or proportionate sanctioning of an offence, as indicated in paragraph 1.

REV 01_text proposal	France proposal	France comments
3. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.		

ARTICLE 30 – EVALUATION

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(38)		

1. By 31 December 2030 and by 31 December 2040, the Commission shall carry out an evaluation of this Directive based in particular on the following elements: (a) the experience gained through the implementation of this Directive; (b) the data sets referred to in Article 22(1); (c) relevant scientific, analytical and epidemiological data, including results from research projects funded by the Union; (d) WHO recommendations, where available; (e) an analyse of the possible need to adapt the list of products to be covered by extended producer responsibility to the evolution of the range of products placed on the market, improved knowledge on the presence of micro-		Be careful to adapt the assessment deadlines to the new deadlines
REV 01_text proposal	France proposal	France comments
pollutants in wastewaters and their impacts on public health and the environment, and data resulting from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. The Commission shall present a report on the main findings of the evaluation referred to in the first subparagraph to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.		
2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1, second subparagraph.		

ARTICLE 31 – REVIEW

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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.		

ARTICLE 33 – TRANSPOSITION

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

(42); (43)		
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission. When Member States adopt those measures they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official		
REV 01_text proposal	France proposal	France comments
publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.		
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.		

ARTICLE 34 – ENTRY INTO FORCE

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Articles [...] and Annexes [...] [refer to the articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].		

ARTICLE 35 – ADDRESSEES

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

<i>Relevant recitals (please comment on recitals linked to this article)</i>		
This Directive is addressed to the Member States. Done at Brussels, For the European Parliament For the Council The President The President		

ANNEX I4– REQUIREMENTS FOR URBAN WASTEWATER

A. COLLECTING SYSTEMS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

Collecting systems shall take into account wastewater treatment requirements. The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding: - volume and characteristics of urban wastewater, - prevention of leaks of wastewater, - prevention of inflow and infiltration into the collecting systems, - limitation of pollution of receiving waters due to storm water sewer overflows considering the relevant requirements in Article 5 and annex V.	Collecting systems shall take into account wastewater treatment requirements. The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding: - volume and characteristics of urban wastewater, - prevention of leaks of wastewater, - prevention of inflow and infiltration into the collecting systems, - limitation of pollution of receiving waters due to sewer overflows considering the relevant requirements in Article 5 and annex V. The commission is empowered to adopt implementing acts to provide methodology to assess and justify any excessive costs.	With regard to "excessive costs", it seems important to take into account the economic consequences of setting up a collecting system (particularly with regard to reducing direct wastewater discharges in wet weather). However, in addition to the principle of not entailing excessive costs, it would be appropriate to provide elements of method and reference to guide the Member States, in a uniform manner, in the assessment of a possible excessive cost. It is therefore proposed that provision be made for an implementing act on the subject.

B. DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Wastewater treatment plants shall be designed or modified so that representative samples of the incoming wastewater and of treated effluent can be obtained before discharge to receiving waters.		
2. Discharges from urban wastewater treatment plants serving agglomerations referred to in subject to treatment in accordance with Articles 6, 7 and 8 shall meet the requirements shown in Table 1 of this Annex .		
3. Discharges from urban wastewater treatment plants referred to in paragraph 1 and 3 Article 7(1) or serving agglomerations referred to in Article 7(3) and in Article 8 in accordance with those Articles shall, in addition to the requirements referred to in point 2 , meet the requirements shown in Table 2 of this Annex.		
4. Discharges from urban wastewater treatment referred to in Article 8(1) or serving agglomerations and included in the list referred to in Article 8(24) shall, in addition to the requirements referred to in points 2 and 3 , meet the requirements set out in Table 3 of this Annex .		

REV 01_text proposal	France proposal	France comments
5. Authorisations for discharges from urban wastewater treatment plants using plastic biomedica shall include an obligation to permanently monitor and prevent all unintentional such biomedica from being released in to receiving waters the environment .		
6. More stringent requirements than those set out in Tables 1, 2 and 3 shall be applied where necessary to ensure tha the receiving waters fulfil the requirements laid down in Directives 2000/60/EC, 2008/56/EC, 2008/105/EC and 2006/7/EC.		
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.		

rements for discharges subject to Article 4 (2) shall apply.				r e n	
Parameters	Concentration	Minimum percentage of reduction (see Note 4)*	Reference method of measurement		
Biochemical oxygen demand (BOD5 at 20 °C) without nitrification	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		

Parameters	Concentration	Minimum percentage of reduction (see Note 4)	Reference method of measurement
Biochemical oxygen demand (BOD5 at 20 °C) without nitrification	25 mg/l O ₂	70-90 40 under Article 6 paragraph 3	Homogenized, unfiltered, undecanted sample. Determination of dissolved oxygen before and after five-day incubation at 20 °C ± 1 °C, in complete darkness. Addition of a nitrification inhibitor

(Article 6.3 : "Urban waste water discharges to waters situated in high mountain regions (over 1 500 m above sea level) where it is difficult to apply an effective biological treatment due to low temperatures may be subjected to treatment less stringent than that prescribed in paragraph 1, provided that detailed studies indicate that such discharges do not adversely affect the environment")

The French authorities are proposing to reintroduce the provision in the current directive allowing treatment plants located at altitudes of more than 1 500 m to implement less stringent treatment, provided that the treatment is minimal and that the discharges do not harm the environment. Indeed, this provision and the associated exemption conditions appeared interesting to take into account this mountainous context where it is more difficult to set up a very efficient biological treatment due to the very low temperatures. Therefore, to ensure consistency between Article 6 and this annex, it is proposed to reintroduce the 40% BOD5 reduction percentage in such high altitude contexts.

⁴ Reduction in relation to the load of the influent.

REV 01_text proposal				France proposal	France comments
°C) without nitrification (see Note 1)			Determination of dissolved oxygen before and after fiveday incubation at 20 °C ± 1 °C, in complete darkness. Addition of a nitrification inhibitor		
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		

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Total suspended solids	35 mg/l (see Note 3)	90 (see Note 3)	– Filtering of a representative sample through a 0,45 µm filter membrane. Drying at 105 °C and weighing – Centrifuging of a representative sample (for at least five mins with mean acceleration of 2800 to 3200 g), drying at 105 °C and weighing		
Note 1: The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen					
REV 01_text proposal				France proposal	France comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.					

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
REV 01_text proposal	France proposal	France comments

1. The ~~prior general binding rules~~ regulations and/or specific authorisations referred to in Article 14(1) shall ensure the following:

(a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of sludge;

(b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants;

(c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant **except those resulting from the natural degradation of organic matter producing toxic substances (e.g. H₂S)**;

(d) where an urban wastewater treatment plant treats discharges from an installation holding a permit referred to in Article 4 of Directive 2010/75/EU, the pollutant load from the discharges of that plant does not exceed the pollutant load that would be discharged if the discharges were released directly from the installation and were compliant with the emission limit values **applicable according to this Directive. set in accordance with Article 15(3) of that Directive and any additional measures taken in accordance with Article 18 of that Directive**;

(e) the pollutant load in the discharge from the urban wastewater treatment plant does not deteriorate the good ecological status or potential or good chemical status of the receiving water body and does not prevent that water body from achieving such status, in accordance with the objectives set out in Article 4 of Directive 2000/60/EC.

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~~2. The specific authorisation shall include an annex, which documents the fulfilment of all the conditions set out in point 1. The provisions of the specific authorisations shall be updated in the cases where the characteristics of the non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.~~

D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(12)		
1. Member States shall ensure that a monitoring method is applied which fulfils the requirements set out in points 2 to 5. Alternative methods to those referred to in points 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained. Member States shall provide the Commission with all relevant information concerning the applied monitoring method.		

2. Flow-proportional or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and, if necessary, in the inlet of the urban wastewater treatment plant. However, any time-based samples used to monitor micro-pollutants shall be 48-hour samples. Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.	2. Flow-proportional and or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and, if necessary, in the inlet of the urban wastewater treatment plant. However, any time-based samples used to monitor micro-pollutants shall be 48-hour samples. Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.	
REV 01_text proposal	France proposal	France comments

3. 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micro-pollutants, one sample per month</td></tr><tr><td>— 50 000 or over to 99 999 p.e.:</td><td>One sample per week For micro-pollutants, two samples per week-month</td></tr><tr><td>—100.000 p.e. or over:</td><td>One Two samples per day week For micro-pollutants, two one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per month	— 50 000 or over to 99 999 p.e.:	One sample per week For micro-pollutants, two samples per week-month	—100.000 p.e. or over:	One Two samples per day week For micro-pollutants, two one sample per week	3. 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: <table><tr><td>— 1000 to 1 999 p.e.:</td><td>Six samples per year.</td></tr><tr><td>— 12000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micro-pollutants, one sample per month</td></tr><tr><td>— 50 000 p.e. or over :</td><td>One sample per week For micro-pollutants, two samples per month</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 1 999 p.e.:	Six samples per year.	— 1 2000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per month	— 50 000 p.e. or over :	One sample per week For micro-pollutants, two samples per month	Given the small size of these facilities, and the expense involved in setting up this monitoring, it is proposed that the frequency be reduced for plants between 1000 and 1999 p.e.
— 1000 to 9 999 p.e.:	One sample per month (see Note 1)																	
— 10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per month																	
— 50 000 or over to 99 999 p.e.:	One sample per week For micro-pollutants, two samples per week-month																	
—100.000 p.e. or over:	One Two samples per day week For micro-pollutants, two one sample per week																	
— 1000 to 1 999 p.e.:	Six samples per year.																	
— 1 2000 to 9 999 p.e.:	One sample per month (see Note 1)																	
— 10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per month																	
— 50 000 p.e. or over :	One sample per week For micro-pollutants, two samples per month																	

4. The treated wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way:

(a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions , is specified in Table 4;

(b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric

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REV 01_text proposal	France proposal	France comments				
values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall be conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the loca situation. The values for concentration or for the minimum percentage of reduction shall apply; (d) for the parameters specified in Table 3, each sample taken shall be conform to the parametric values set out in that table.						
5. The samples shall be taken so that they reflect the pollution during dry weather flowconditions. Extreme values for the water quality in question shall not be taken into consideration when they are the result of unusua situations due to heavy rain.						
6. Analyses concerning discharges from lagooning shall be carried out on filtered samples; however, the concentration of total suspended solids in unfiltered water samples of such discharges shall not exceed 150 mg/L.	6. Analyses concerning discharges from lagooning shall be carried out on filtered samples; however, the concentration of total suspended solids in unfiltered water samples of such discharges shall not exceed 150 mg/L and the 150% deviation mentioned in 4 (b) does not apply.	The French authorities would like clarification of the scope of the 150% difference provided for in 4 (b) concerning lagoons and propose that this difference should not apply to unfiltered samples.				
Table 4 <table><tr><td>Series of samples taken in any year</td><td>Maximum permitted number of samples which fail to conform</td></tr><tr><td>4-7</td><td>1</td></tr></table>		Series of samples taken in any year	Maximum permitted number of samples which fail to conform	4-7	1	
Series of samples taken in any year	Maximum permitted number of samples which fail to conform					
4-7	1					

8-16	2
17-28	3
29-40	4

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REV 01_text proposal			France proposal	France comments
41-53	5			
54-67	6			
68-81	7			
82-95	8			
96-110	9			
111-125	10			
126-140	11			
141-155	12			
156-171	13			
172-187	14			
188-203	15			
204-219	16			
220-235	17			
236-251	18			
252-268	19			
269-284	20			
285-300	21			
301-317	22			
318-334	23			

335-350	24		
351-365	25		

ANNEX IV4– INDUSTRIAL SECTORS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

1. Milk-processing 2. Manufacture of fruit and vegetable products 3. Manufacture and bottling of soft drinks 4. Potato-processing 5. Meat industry 6. Breweries 7. Production of alcohol and alcoholic beverages 8. Manufacture of animal feed from plant products 9. Manufacture of gelatine and of glue from hides, skin and bones 10. Malt-houses 11. Fish-processing industry		
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ANNEX 5V – CONTENT OF THE INTEGRATED URBAN WASTEWATER MANAGEMENT PLANS

REV 01_text proposal	France proposal	France comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

1. An analysis of the initial situation of the drainage catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in Tables 1 and 2 of Annex I as well as microplastics and relevant micropollutants released in receiving waters in case of rainfall;	1. An analysis of the initial situation concerning collection and treatment of the catchment area of the urban wastewater treatment plant of the in the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a detailed description of the operation of the collecting system and the treatment plant in case of rainfall (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in Tables 1 and 2 of Annex I as well as microplastics and relevant micropollutants released in receiving waters in case of rainfall;	
2. Objectives for the reduction of pollution from storm water sewer overflows and urban runoff discharges, including the following: (a) an indicative indicative objective that storm water sewer overflow, represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions;	2. Objectives for the reduction of pollution from sewer overflows and urban runoff discharges, including the following: (a) an indicative objective that sewer overflow, represents only a small percentage, preferably below one 2% 5% percent, of the annual collected urban wastewater volume load calculated in dry weather conditions;	The French authorities consider that the target proposed by the Commission for direct wastewater discharges during rainy weather is very ambitious and will, in many cases, lead to excessive expenditure for the competent authorities. Furthermore, the pollution flows discharged during rainy weather are technically difficult to assess and therefore present high uncertainties. The estimation of the volumes discharged or the number of calendar days of discharge seem to present less uncertainty. In view of these elements, the French authorities propose to retain as a target 5% of the volumes produced by the wastewater agglomeration. If the objective were to be maintained at 2% in terms of pollution flows, it would be necessary to shift the deadline

and set intermediate objectives and deadlines to achieve it, and to specify at least the procedures for monitoring these discharges and the procedures for evaluating the pollution flows involved in order to allow harmonised and uniform application of these provisions between all the Member States.

The French authorities question the legal scope of an objective “preferably below on percent”. It is therefore proposed, in combination with the amendments proposed in the previous point, to delete it. This deletion seems consistent with the will to reinforce the treatment requirements (especially tertiary and quaternary) which can only be fully effective if, at the same time, it is ensured that most of the wastewater produced during rainfall is actually treated to the level required by the directive. Otherwise, the health and environmental benefits of installing more efficient treatment plants would be greatly diminished.

REV 01_text proposal	France proposal	France comments
This indicative target Indicative objective shall be met by: (i) 31 December 2035 2040 for all agglomerations of 100 000 p.e. and above; (ii) 31 December 2040 2045 for agglomerations of 10 000 p.e. and above referred to and above identified in accordance with paragraph 2 of in Article 5(2); (b) the progressive reduction of pollution load from elimination of untreated discharges of urban runoff through separate sewers collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	This Indicative objective shall be met by: (iii) 31 December 2040 for all agglomerations of 100 000 p.e. and above; (iv) 31 December 2040 for agglomerations of 10 000 p.e. and above referred to in Article 5(2); (b) the progressive reduction of pollution load from discharges of urban runoff through separate sewers, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation (c) the progressive reduction of macroplastics waste in sewer overflow and discharges of urban runoff.	The French authorities propose that the reduction of macro-waste should be integrated into the management plans, as wastewater discharges during rainfall are a major source of macro-waste in the aquatic environment. The French authorities would like to have a harmonised date for the end of the implementation of the action plans. Allowing 10 years for implementation will give all local authorities the time they need to make the structural changes required, based on green and sustainable solutions. This 10-year timeframe also corresponds to the timeframe for updating the plans that we want.
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the implantation implementation of the integrated plan.		

4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised;	4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems (combined or separate sewer), including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that , in case of rainfall, urban wastewater polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised;	The French authorities propose modifications to paragraph 4 of Annex V, in order to clearly differentiate between measures concerning stormwater discharges and those concerning wastewater discharges in wet weather. In any case, the reuse of treated wastewater is not an element to be taken into account in wastewater management plans, as these aim at reducing direct wastewater discharges (therefore untreated) during rainy weather and the reuse of treated wastewater does not contribute to this objective.
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REV 01_text proposal	France proposal	France comments
(c) finally, where necessary to achieve the objectives referred to in point 2, additional mitigation measures including the adaptation of the infrastructure for the collection, storage and treatment of urban wastewater or the creation of new infrastructures with a priority to green infrastructure such as vegetated ditches, treatment wetlands and storage ponds designed in order to support biodiversity. Where relevant, water reuse shall be considered in the context of the development of the integrated urban wastewater management plans referred to in Article 5.	(c) finally, where necessary to achieve the objectives referred to in point 2, additional mitigation measures including, for wastewater, the adaptation of the infrastructure for the collection, storage and treatment of urban wastewater or, for rainwater, the creation of new infrastructures with a priority to green infrastructure such as vegetated ditches, treatment wetlands and storage ponds designed in order to support biodiversity. Where relevant, water reuse shall be considered in the context of the development of the integrated urban wastewater management plans referred to in Article 5.	