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General Secretariat

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**Interinstitutional files:  
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**Brussels, 20 July 2023**

**WK 10018/2023 ADD 2**

**LIMITE**

**ENV**

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## **CONTRIBUTION**

|                |                                                                  |
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| 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 HR.

## CROATIA

Please find below Croatian proposals and comments to new UWWTD text proposal, Clusters 1, 3, 5. However, Croatia is maintaining the scrutiny reservation on the entire document.

| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | HR proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | HR comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <i>Recitals amended:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of 1 000 p.e. and above should be collected in centralised collecting systems. <b><u>When delineating their agglomerations, Member States should take into account the reference threshold of 25 p.e. per hectare above which the population, possibly combined with economic activities, located in a specific area are considered sufficiently concentrated.</u></b> Where <b><u>centralised collecting</u></b> such systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.</p> | <p>(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of 1 000 p.e. and above should be collected in centralised collecting systems. When delineating their agglomerations, Member States should take into account the reference threshold of 25 p.e. per hectare above which the population, possibly combined with economic activities, located in a specific area are considered sufficiently concentrated. <b><u>By way of exception, application of a higher level of load density per hectare shall be possible in cases when the overall relevant costs, i.e., the price of water and wastewater services would exceed 3.5% of net disposable household income per year.</u></b></p> <p>Where <b><u>such</u></b> centralised collecting systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.</p> | <p>We believe that technical and financial aspects of constructing collection and treatment systems should be taken into account as well as the related investment and operation costs, which bring a risk of unaffordable tariff for users. Widening the agglomeration scope, if the obligation to fulfil the administratively defined additional criterion ("25 p.e. per hectare"), represents a potential for an uncontrolled explosion of costs which can put the sustainability of the complete system at risk. It should be further investigated if the proposed formulation that specifies the reference threshold of 25 p.e. contradicts the agglomeration definition (the part specifying "...sufficiently concentrated"...), because we believe that in certain cases (agglomerations with high costs – investment costs and operation and maintenance costs, and users with insufficient income) the agglomeration scope defined in that way will actually not represent the sufficiently concentrated area for urban wastewater to be collected and conducted to a wastewater treatment plant as it will lead to overall unaffordable costs for users. If the specified load threshold wants to be retained, it shouldn't be binding. Member States may be allowed to apply a stricter (lower) threshold, but also a less strict (higher) load threshold. A formulation should also be added that by way of exception some Member States shall be able to apply a higher level of load density per hectare, in cases when the overall costs of water services exceed 3.5% of net disposable household income per year.</p> |

## ARTICLE 2 - DEFINITIONS

| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | HR proposal                                                                                                                                                                                                                                                                                                                                                                                     | HR comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| (1) 'urban wastewater' means domestic wastewater <del>or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and</del> <u>with</u> urban runoff <u>or both of them</u> ;                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (2) 'domestic wastewater' means wastewater from residential settlements, <del>and</del> services <u>and institutions</u> which originates predominantly from the human metabolism and <u>or</u> from household activities;                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>(3) 'non-domestic wastewater' means <del>any</del> wastewater, <b>other than domestic wastewater and urban runoff</b>, which is discharged into collecting systems from premises used for <del>either of the following</del>:</p> <p>(a) <del>the exercise of a trade</del>;</p> <p>(b) <del>activities carried out by an institution</del>;</p> <p>(c) <del>or industrial</del> <u>or economical</u> activities;</p> <p><b><u>The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.</u></b></p> | <p>(3) 'non-domestic wastewater' means any wastewater, other than domestic wastewater and urban runoff, which is discharged from premises used <u>for the exercise of a trade or industrial activities.</u></p> <p>The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation etc.) are entitled as domestic wastewaters.</p> | <p>We believe that the formulation "economic activities" is extremely wide and vague and may lead to wrong interpretation. Therefore our opinion is that term "the exercise of trade" should not be deleted. Namely, definition should include both industrial wastewater and wastewater from crafts generating wastewater which cannot be classified as domestic wastewater. We think that wastewater from trade activities shall be clearly excluded with the term "exercise of a trade".</p> <p>We are of the opinion that the definition should be specified using the NACE classification of activities which is straightforward and universally used.</p> |
| (4) 'agglomeration' means an area where the <b>population combined or not with and/or economic activities</b> <del>pollution load of urban wastewater is sufficiently concentrated (taking as a reference 10 p.e. per hectare or above)</del> for urban wastewater to be collected and conducted to <b>one or more</b> <del>an</del> urban wastewater treatment plants <del>or to a one or more</del> final discharge points <u>into receiving waters</u> ;                                                                                                                                                       | 'agglomeration' means an area where the population combined or not with economic activities is sufficiently concentrated for urban wastewater to be collected and conducted to one or more urban wastewater treatment plants or to a one or more final discharge points <u>into receiving waters</u> ;                                                                                          | We think that the additional wording "into receiving waters" should be left out as redundant, since there are cases of discharge into the ground or watercourses which occasionally run dry.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (5) 'urban runoff' means <b>precipitation</b> <del>rainwater</del> from agglomerations collected by combined or separate sewers;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| (6) <del>'sewer storm water overflow'</del> means discharge of untreated urban wastewater into receiving waters from <b>separate or</b> combined sewers <del>caused by rainfall</del> ; | 'sewer overflow' means discharge of untreated urban wastewater into receiving <b>areas</b> <del>waters</del> from separate or combined sewers | We think that the wording "into receiving waters" should be left out as redundant, since there are cases of discharge into the ground or watercourses which occasionally run dry. The proposal is to use e.g. the wording "into receiving areas". |
| (7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;                                                                                        |                                                                                                                                               |                                                                                                                                                                                                                                                   |

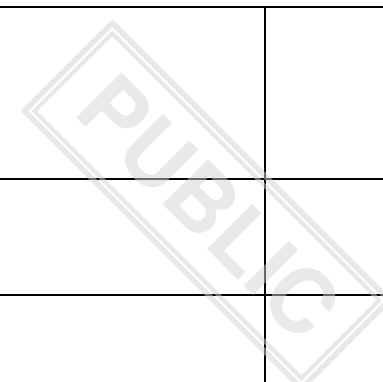
| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                           | HR proposal | HR comments                                                                                                                                                                                                                                                                                                                                |
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| (8) 'combined sewer' means a conduit that <del>that designed to collect</del> s and conducts urban wastewater <del>including urban runoff</del> ;                                                                                                                                                                                                                                                                         |             |                                                                                                                                                                                                                                                                                                                                            |
| (9) 'separate sewer' means a conduit that separately collects and conducts <b>either urban runoff or</b> <del>either of the following</del> :<br>(a) <del>domestic urban wastewater not including urban runoff</del> ;<br>(b) <del>non-domestic wastewater</del> <b>non-domestic wastewater</b> ;<br>(c) <del>a mixture of domestic and non-domestic wastewater</del> ;<br>(d) <del>rainwater from agglomerations</del> ; |             |                                                                                                                                                                                                                                                                                                                                            |
| (10) '1 population equivalent' or '(1 p.e.)' means <del>the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load</del> <b>per day</b> having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen <del>per day</del> <b>per day</b> ;                                                                                         |             |                                                                                                                                                                                                                                                                                                                                            |
| <b><u>(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%.</u></b>                                                   |             | We support restoring the definition of primary treatment because we find it justified to apply primary treatment in certain cases in smaller agglomerations that discharge their wastewater into coastal waters in good status, and where the application of secondary or higher treatment is not essential from the environmental aspect. |

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| (11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process <b>which removes <u>most of biodegradable organic matter in urban wastewater</u></b> ; | (11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which <del>removes most of</del> <b>reduces</b> biodegradable organic matter in urban wastewater; | Definitions 11, 12 and 13 differ in the usage of the term "remove most of", with the part "reduces" used only in definition 13: We suggest that the formulation is harmonised – that the wording "most of" is either used in all the three definitions or in none of them. |
| (12) 'tertiary treatment' means treatment of urban wastewater by a process which removes <del>most of by a process which removes</del> nitrogen and/or phosphorus from the urban wastewaters;                                                              | (12) 'tertiary treatment' means treatment of urban wastewater by a process which <del>removes most of</del> <b>reduces</b> nitrogen and/or phosphorus from urban wastewaters;                                                                                         | Definitions 11, 12 and 13 differ in the usage of the term "remove most of", with the part "reduces" used only in definition 13: We suggest that the formulation is harmonised – that the wording "most of" is either used in all the three definitions or in none of them. |
| (13) 'quaternary treatment' means treatment of urban wastewater by a process which <del>removes</del> <b>reduces</b> a broad spectrum of micro-pollutants <del>in from the</del> urban wastewaters;                                                        |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                            |

| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                         | HR proposal                                                                                                                                                                                                                                      | HR comments                                                                                                                                                         |
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| (14) 'sludge' means <del>any solid, semisolid, or liquid waste</del> <b>organic <u>residue</u> and inorganic <u>sludge</u></b> resulting from the treatment of urban wastewater <b>in an urban wastewater treatment plant (excluding <u>debris, grit, grease and any other screenings-residues</u> from the first treatment step)</b> ; | 'sludge' means organic and inorganic <b><u>residue sludge</u></b> 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); | We suggest to use a harmonised formulation which uses the term "residue" instead of "sludge" in the first part of the sentence in order to avoid misinterpretation. |
| (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;           |                                                                                                                                                                                                                                                  |                                                                                                                                                                     |

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| (16) 'micropollutant' means a substance, including its breakdown products, <del>that is usually present in the environment and urban wastewaters</del> <b>in low concentrations below milligrams per litre</b> and which can be considered hazardous to human health or the environment based on any of the <b>relevant</b> criteria set out in Part 3 and Part 4 of Annex I to Regulation EC <sup>1</sup> |                                                                                                                                                                                                                                                                |                                                                                                                                                                        |
| (17) 'dilution ratio' means the ratio <del>of between the last five years average volume</del> of annual flow of the receiving waters at the point of discharge <del>and to the last five years average of the annual discharge volume of urban wastewater into surface waters; discharged from a treatment plant;</del>                                                                                   | (17) 'dilution ratio' means the ratio of the <b>last</b> five years average of annual flow of the receiving waters at the point of discharge and to the <b>last</b> five years average of the annual discharge volume of urban wastewater into surface waters; | We don't support widening the fomulation by adding "...the last ..." since its use would require the calculation of a 5-year average every year, which is unnecessary. |
| (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 <del>a</del> <b>nationally recognised</b> organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 <b>and 10</b> ;                                                                                                                                                                             |                                                                                                                                                                                                                                                                |                                                                                                                                                                        |

| New text proposal_Clusters1,3,5                                                                                                                                                                                                             | HR proposal | HR comments |
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| (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;                                                                                                                                                                             |                                                                                                                                                                                       |                                                                                                                                         |
| (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 <u>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</u> (usually kilogram per day or year).                                                                                                    | 'load' means the amount of <del>BOD5 in urban wastewater, expressed in p.e., or</del> any pollutant or nutrient <u>in urban wastewater</u> , expressed in p.e. or mass unit per time. | We find it unnecessary to modify the definition, since the one proposed earlier (SE PRES) was straightforward and comprehensive enough. |

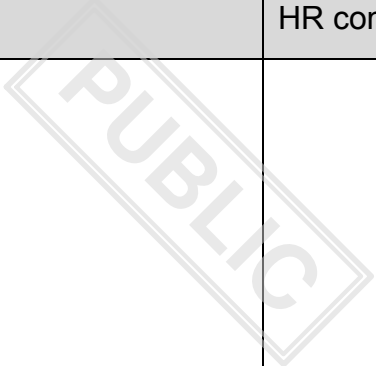
## ARTICLE 3 - COLLECTING SYSTEMS AND **CALCULATION OF THE LOAD EXPRESSED IN P.E**

| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | HR proposal | HR comments                                                                                                                                                                                                                              |
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| <p>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 load <del>shall be used when calculating the load expressed in p.e. entering an urban wastewater treatment plant;</del></p> |             | <p>Even though the existing formulation of the load calculation is retained, in our view this is a too strict approach for specific situations in agglomerations with a highly seasonal character with a short period of peak loads.</p> |



## ARTICLE 4 - INDIVIDUAL SYSTEMS

| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | HR proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | HR comments                                                                                                                                                                                                                                                    |
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| <p>1. By way of derogation <b>Member States may derogate</b> from Article 3, <del>where exceptionally if</del> the establishment of <b>or the connection to</b> a collecting system is not justified either because it would produce no environmental <b>or health</b> benefit, <b>it is not technically feasible</b> or because it would involve excessive cost.</p> <p><b>If derogating from Article 3</b>, Member States shall ensure that individual systems for the <b>collection, storage and, when applicable,</b> treatment of <del>urban-domestic</del> <b>urban</b> wastewaters ('individual systems') are used <b>for agglomerations of 1 000 p.e. and above.</b></p> | <p>If derogating from Article 3, Member States shall ensure that individual systems for the collection, storage and, when applicable, treatment of <b>urban domestic</b> wastewaters ('individual systems') are used for agglomerations of 1 000 p.e. and above.</p>                                                                                                                                                                                                                                                                                   | <p>We suggest to use the term "...domestic wastewater" in this specific paragraph in order to avoid encouraging the connection of storm water and non-domestic wastewater to individual systems, for which we believe there is no technical justification.</p> |
| <p>2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of <b>environmental protection</b> <del>treatment</del> as the secondary and tertiary treatments referred to in Articles 6 and 7. <b><u>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.</u></b></p> <p><b><u>This requirement will apply to existing individual systems six years after 2033.</u></b></p>                                                                                                        | <p>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 as for agglomeration. <del>as the secondary and tertiary treatments referred to in Articles 6 and 7.</del> <b><u>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.</u></b> This requirement will apply to existing individual systems six years after 2033.</p> | <p>We don't support widening the requirement for tertiary treatment since the level of environmental protection derives from the requirements for an individual agglomeration depending on its size and sensitivity of the receiving area.</p>                 |
| <p>3. <b>[NEW]</b> Member States shall ensure that <b>individual systems</b> in agglomerations <b>of 1 000 p.e. and above,</b> <del>where individual systems are used</del> are registered in a <b>public national or regional</b> registry and that regular inspections <b>or other means of regular checks or control</b> of those systems, <b><u>on the basis of a risk-based approach,</u></b> are carried out by the appropriate authority <b>or other body authorised at national or regional level.</b></p>                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                |
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| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | HR proposal                                                                                                                                                                                                                                       | HR comments                                                                                                                                                                                                   |
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| <p><del>34.</del> The Commission is empowered to adopt <del>delegated implementing</del> acts in accordance with the procedure referred to in Article 27 to supplement this Directive <del>that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for</del> by establishing minimum requirements <del>on</del> for:</p> <p>(a) the design, operation, and maintenance of individual system; and</p> <p>(b) <del>by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.</del></p> <p><b><u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u></b></p>                   |                                                                                                                                                                |                                                                                                                                                                                                               |
| <p>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 <del>detailed</del> justification for the use of individual systems in each of the agglomerations. That justification shall:</p> <p>(a) demonstrate <b>for each of those agglomerations</b> that the conditions for using individual systems set out in paragraph 1 are fulfilled;</p> <p>(b) describe the measures taken in accordance with paragraph 2 <b>and 3</b>;</p> <p>(c) demonstrate compliance with the minimum requirements referred to in paragraph 34 where the Commission has exercised its <del>delegated</del> <b>implementing</b> power under that paragraph.</p> | <p><b><u>(d) The load collected in cesspits that are emptied at urban wastewater treatment plants shall be excluded from the specified 2% of the urban wastewater load from agglomerations that can be treated in individual systems.</u></b></p> | <p>We suggest to add another paragraph at the end specifying that the cesspits that are emptied at central wastewater treatment plants shall be excluded from the permitted load from individual systems.</p> |
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| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                            | HR proposal | HR comments |
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| <p>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). <b><u>The Commission will provide the format by [XX months from the entry into force of this Directive].</u></b></p> |             |             |

## ARTICLE 6 - SECONDARY TREATMENT

| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | HR proposal | HR comments |
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| <p>1. For agglomerations of 2 000 p.e. and above, Member States shall ensure that <b>urban wastewater treatment plants serving agglomerations of 2 000 p.e. and above</b> <del>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</del> paragraph 3 or an equivalent treatment before discharge into receiving waters.</p> <p>For agglomerations of between 2 000 p.e. and 1 000 p.e. which are discharging into coastal areas, <del>the obligation set out in the first paragraph shall not apply until 31 December 2027 for:</del></p> <p><b>(a) For</b> <del>For</del> 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 <del>on</del> <b>please insert the date = date if entry into force of this directive</b>; the obligations set out in the first paragraph shall not apply until 31 December 2030.</p> <p><b>(b) For</b> agglomerations discharging into less sensitive areas as referred to in Article 6(1) of Council Directive 91/271/EEC <b>the obligations set out in the first paragraph shall apply in seven years after the</b> <del>on</del> <b>please insert the date = date if</b> entry into force of this Directive].</p> <p><b>(c)</b></p> |             |             |
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| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | HR proposal                                                                                                                                                                                                                                                                                                                                  | HR comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p>2. For agglomerations of between 1 000 p.e. and 2 000 p.e., <u>Unless they justify a derogation under paragraph 1 of Article 4,</u> 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 <u>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</u> <del>accordance with paragraph 3 or an equivalent treatment before discharge</del> <u>into receiving waters</u> by 31 December 2030.</p> <p>Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.</p> |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><u>3. For discharges into coastal waters of urban wastewater from agglomerations of less than 10 000 p.e. to water bodies which are not identified as sensitive and which fulfill environmental goals according to WFD, it is possible to adopt an appropriate level of treatment, but not less stringent than primary treatment.</u></p> | <p>Croatia believes that the possibility should be retained, as laid down by Article 7 of the valid Directive 91/271/EEC to apply "appropriate treatment before discharge", i.e., at least the possibility to apply primary treatment for discharges in smaller agglomerations into coastal waters not designated as sensitive areas, i.e., which meet the environmental objectives. This is particularly important for agglomerations with highly marked seasonal variations in load due to tourist activities (multifold increase in load compared to the permanent population over a short period). For example, an agglomeration with a total load of 1,000 p.e. defined according to Article 3, paragraph 3 of the Directive Proposal, can have approximately 100 p.e. of permanent population, meaning that the average generated daily load calculated for the entire year would be 174 p.e. in case of a 30-day peak load.</p> |
| <p><del>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.</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><u>4. In order to meet the requirements of other directives in areas where the risk analysis has shown that these exist, more advanced treatment (polishing) procedures</u></p>                                                                                                                                                           | <p>Since the current text did not identify the need to apply additional treatment procedures (disinfection, microfiltration) in order to remove additional pollutants in relation to the need</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                             | <u>should be performed after treatment, such as disinfection, microfiltration, etc.</u> | to meet the requirements of other directives (e.g. to ensure the quality of bathing water – removal of microbiological indicators by applying disinfection) , we propose that additional treatment procedures (more advanced treatment) are regulated. |
| <del>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.</del> |                                                                                         |                                                                                                                                                                                                                                                        |

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 Council<sup>9</sup>;

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council<sup>10</sup>;

(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 micro plastics in the sludge.

The monitoring referred to in ~~the first and second sub~~ **this paragraph** shall be carried out with the following frequencies:

(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**

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| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                   | HRproposal | HR comments |
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| <p><b><u>monitoring. The monitoring frequency should be reviewed at least every year.</u></b></p> <p>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 <b>greenhouse gas emissions from urban wastewater treatment plants and microplastics</b> in urban wastewater and sludge.</p> |            |             |

## ARTICLE 33 - TRANSPOSITION

| New text proposal_Clusters1,3,5                                                                                                                                                                                     | HR proposal | HR 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 |             | As for the deadline for the transposition of this directive, we believe that more than 24 months – at least 36 months – are needed for its transposition. |



| New text proposal_Clusters1,3,5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | HR proposal | HR comments |
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| <p>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.</p> <p>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 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.</p> |             |             |
| <p>2. Member States shall communicate to the Commission the text of the main <del>provisions</del> <b>measures</b> of national law which they adopt in the field covered by this Directive.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |             |

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