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LIMITE

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CONTRIBUTION

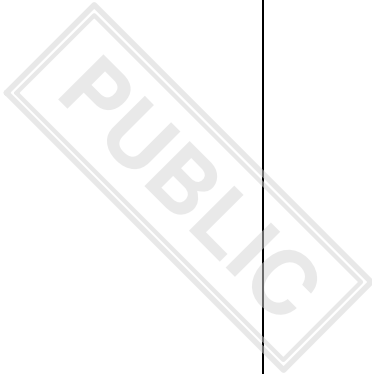
From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	WK 9322/2023
N° Cion doc.:	ST 14223/22 + ADD 1
Subject:	Urban Wastewater Treatment Directive: comments from a delegation

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

MALTA

PUBLIC

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Recitals amended:</i>		
(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. <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> Where <u>centralised collecting</u> such systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.		

(39) Directive 91/271/EEC provides for specific deadlines for Mayotte due to its inclusion in 2014 as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union. Therefore, the application of the obligations to establish collecting systems and apply secondary treatment to urban wastewater from agglomeration of 2 000 p.e. and above should be deferred with respect to Mayotte. <u>(39 bis) It is appropriate to consider the specific situation of Mayotte and the other Union's outermost regions, as listed in Article 349 of the TFEU, which provides for specific measures to support those regions. In terms of urban wastewater treatment of these territories, special attention should be given to the difficult topography and insularity.</u>		
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ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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. This Directive lays down rules on the collection, treatment, and discharge of urban wastewater, to protect the environment and human health while progressively eliminating reducing 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.		
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ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(1) 'urban wastewater' means domestic wastewater or, the mixture of domestic wastewater mixed with and either nondomestic wastewater and/or the mixture of domestic wastewater and with urban runoff or both of them ;		It is noted that this is a key definition which defines the scope of operation of this Directive on "urban wastewater" hence Malta supports the proposed text.

(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; <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>		
(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 <u>into receiving waters;</u>		
(5) 'urban runoff' means precipitation rainwater from agglomerations collected by combined or separate sewers;		The proposed definition of urban run-off is incorrect, and potentially goes beyond the remit of this Directive. Urban runoff includes rainwater runoff in streets and therefore cannot be constrained to that portion of run-off which is collected by combined or separate sewers. It is recommended that: - the definition of "urban runoff" just defines urban runoff as the "runoff generated from roofs and other hard standing areas within urban areas"; and - the classification of urban runoff as part of the wastewater stream is covered by Article 2(1) which refers to that portion of urban runoff which ends up in the sewer system (independent of this being combined or separate) and classifies it as "urban wastewater". It is only the "urban runoff" which flows to combined sewer systems which falls

		within the competence of this Directive – given that this Directive addresses “urban wastewater” – as defined under Article 2(1).
(6) ' sewer storm-water overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers caused by rainfall ;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(8) 'combined sewer' means a conduit that designed to collect s and conducts urban wastewater including urban runoff ;		Article 2(1) already defines urban wastewater and considers urban wastewater as including urban runoff. Hence, under this definition reference to urban wastewater should be sufficient. The text of the definition under Article 2(1) can be included.
(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 ;		
(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 <u>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>		
(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;		
(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;		
(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;		MT supports the Presidency's text.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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);		
(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) 'micropollutant' 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 EC ¹		
(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;		This definition does not seem to be aligned with the following definition in Regulation 1223/2009 on cosmetics: 'importer' means any natural or legal person established within the Community, who places a cosmetic product from a third country <u>on the Community market;</u> Without prejudice to Malta's position on Articles 9 and 10, should the EPR be applied to cosmetics, such differences in application at market level may create difficulties in implementation.
(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 ;		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		

¹ Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

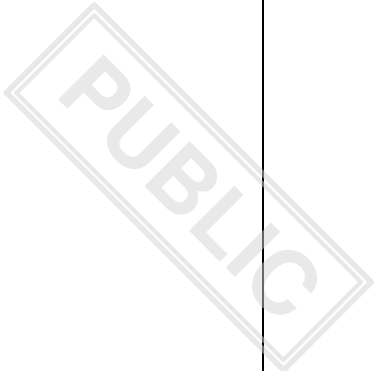
(21) 'antimicrobial resistance' means the ability of microorganisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(22) 'public concerned' means the public affected or likely to be 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;		This definition does not seem to be aligned with the following definition in Regulation 1223/2009 on cosmetics: 'placing on the market' means the first making available of a cosmetic product <u>on the Community market</u>; Without prejudice to Malta's position on Articles 9 and 10, should the EPR be applied to cosmetics, such differences in application at market level may create difficulties in implementation.
(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</u> mass unit per time (usually kilogram per day or year).		

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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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<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'		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<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.		

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.		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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 shall be used when calculating the load expressed in p.e. entering an urban wastewater treatment plant;		
4 3. Collecting systems shall fulfil the requirements of Part A of Annex I.		

ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. By way of derogation Member States may derogate from Article 3, where exceptionally 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.		

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. <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> <u>This requirement will apply to existing individual systems six years after 2033.</u>		
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 <u>national or regional</u> registry and that regular inspections or other means of regular checks or control of those systems, <u>on the basis of a risk-based approach</u>, are carried out by the appropriate authority or other body authorised at national <u>or regional</u> level.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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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 or 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. <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		
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.		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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). <u>The Commission will provide the format by [XX months from the entry into force of this Directive].</u>		
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ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		The scope of this Directive is that of addressing 'Urban Wastewater and not Urban Runoff' – and therefore any reference to Urban Runoff goes beyond the scope of this Directive. The scope of this Directive should be limited, as per the provisions of Article 2(1) to address that part of urban runoff which enters combined sewerage systems and becomes an integral part of Urban Wastewater. Hence any reference to Urban Runoff – i.e. that portion of rainwater runoff flowing in the streets and/or in runoff management infrastructure should not be included in this Directive. There is other European Legislation pertinent to the management of Urban Runoff such as the Floods Directive and the Discharge to Surface Waters Environmental Quality Standards Directive. Hence title should read: "Integrated Urban Wastewater Management Plans".
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		Refer to MT comments on Article 2.

<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.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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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 1% 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; (ii) the requirements set out in Article 5(3) of Directive 2006/7/EC of the European Parliament and of the Council²; (iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council³; (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/EC⁴ Member States shall review the list referred to in the first subparagraph every five six years after its establishment and update it where necessary.		In line with the comments put forward by MT on related definitions in Article 2, Article 5 should focus on sewer overflow rather than urban run-off. Management of urban run-off goes beyond the scope of this directive. With reference to Article 2(b) Malta calls for a risk-based approach rather than the setting of a specific target with respect to representation of sewer overflow from the urban wastewater load. Any potential deterioration as a result of sewer overflow is considered to be adequately addressed through 2(a) and 2(c). Malta thus calls for the deletion of the quantitative target in 2(b).

² 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).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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		
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.		

³ Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84)

⁴ **Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration**

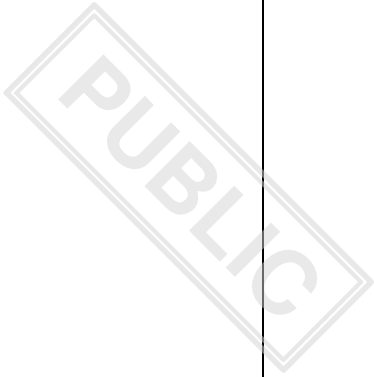
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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6. The Commission is empowered to adopt implementing acts to: (a) provide methodologies for the identification of the measures referred to in point 3 of Annex V; (b) 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). <u>The Commission will provide the methodologies and formats by [XX months from the entry into force of this Directive].</u>		
7. Member States shall ensure that integrated urban wastewater management plans are reviewed <u>at least</u> every <u>six</u> 5 years after their establishment and updated where necessary.		

ARTICLE 6 – SECONDARY TREATMENT

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<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, the 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 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].		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments

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> accordance with paragraph 3 or an equivalent treatment before discharge <u>into receiving waters</u> 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.		

ARTICLE 11 – ENERGY ~~AND CLIMATE~~ NEUTRALITY OF URBAN WASTEWATER TREATMENT PLANTS ~~AND COLLECTING~~
SYSTEMS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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 costeffective 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.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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. <u>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.</u>		The achievement of 100% energy neutrality will be difficult noting the stricter and additional treatment requirements associated with higher energy consumption. MT calls for the establishment of more realistic targets for energy neutrality. Furthermore, such targets should refer to the achievement of energy neutrality at a national scale, rather than at the level of the individual treatment plants.

ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(18)		
Member States shall ensure that the urban wastewater 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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. Member States shall ensure that the discharges of nondomestic 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 nondomestic wastewater discharge to consult the specific authorisations granted in their catchment areas on request.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. Member States shall take the appropriate measures, 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/EEC³; (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.		
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.		

³ Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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)		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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.		
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 Council⁶; (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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

(21) 'antimicrobial resistance'		

6 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334 17.12.2010, p. 17).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<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;	PUBLIC	With reference to Para (1)(a) (iii), MT suggests change of influenza virus to AMR
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(c) the organisation of an appropriate and timely communication of the monitoring results to the competent

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New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
authorities responsible for public health and to Union platforms, where such platforms are available.		
32. When a public health emergency due to SARS-CoV-2 is declared by the competent authority responsible for public health in the Member State, the presence of SARS-CoV-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. <u>Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.</u> and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until this 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 Council⁴, 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 and Commission decisions adopted pursuant to Article 23(1) of Regulation .../... of the European Parliament and of the Council⁵.		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments

⁴ Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU. (OJ L 314, 6.12.2022, p. 26–63).

⁵ ± OP: Please insert in the text the number of the Regulation contained in document PE-CONS 40/22 (2020/0322(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

43. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January 2025 2026, 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 an a uniform application of this Directive by establishing a harmonised methodology for measuring antimicrobial resistance in urban wastewaters.		
54. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).		

ARTICLE 20 – SLUDGE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(14) 'sludge'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(28)		

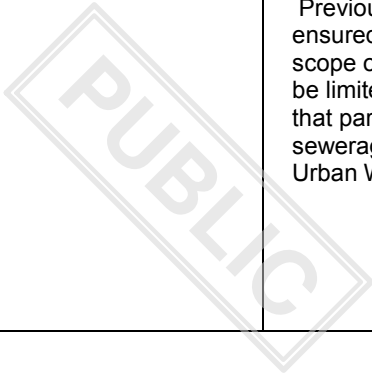
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. Member States shall take the necessary measures to ensure that sludge management routes are conform to the waste hierarchy provided for in Article 4 of Directive 2008/98/EC. Such routes shall maximize prevention, reuse, and recycling and material recovery of resources and minimize the adverse effects on the environment.		
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. <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</u>		

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		As a general comment on Article 21, Malta highlights the additional financial and administrative implications associated with the more ambitious monitoring processes.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

(29)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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 produced and the energy used and produced by urban wastewater treatment plants of above 10 000 p.e and above.	(c) The quantities per year and per month of urban wastewater reused in agriculture subject to a derogation referred to in Article 15(2); the average annual and average monthly nutrient content of the fraction reused for agricultural irrigation and how this has been integrated in the nutrient management frameworks required under Directive 91/676/EEC.	With reference to the new provision in Article 21 (1)(c), the amended text is being proposed to reflect the suggested amendments to Article 15(2).

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 <u>sufficient representative monitoring of sewer</u> 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.		Previous comments on urban run-off refer. It must be ensured that the monitoring requirements are within the scope of the directive. The scope of this Directive should be limited, as per the provisions of Article 2(1) to address that part of urban runoff which enters combined sewerage systems and becomes an integral part of Urban Wastewater.
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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 Council⁹;

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹⁰;

(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-paragraphs~~ **this** 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	[Insert MS name] proposal	[Insert MS name] comments
<u>monitoring. The monitoring frequency should be reviewed at least every year.</u> 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 microplastics in urban wastewater and sludge.		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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)		

- 9 Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (Text with EEA relevance) (OJ L 331, 15.12.2001, p. 1).
- 10 Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) (OJ L 33, 4.2.2006, p. 1).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. By [OP please insert date = the last day of the twentythird 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.		
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.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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).		

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;

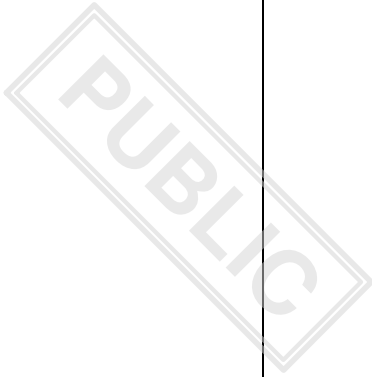
The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if

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New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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)].		

ARTICLE 25 – ACCESS TO JUSTICE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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>		
(34)		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments

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. <u>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.</u> 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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

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New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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.		
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.		

3 2. 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.		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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 4. Member States shall ensure that may establish 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.		

ARTICLE 27 – EXERCISE OF THE DELEGATION

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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Relevant definitions (please comment on definitions linked to this article)		
Relevant recitals (please comment on recitals linked to this article)		
(35)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		
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.		Malta highlights the importance for Member States to be involved in processes which will lead to changes in the Directive's requirements.

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.		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		

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.		
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ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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

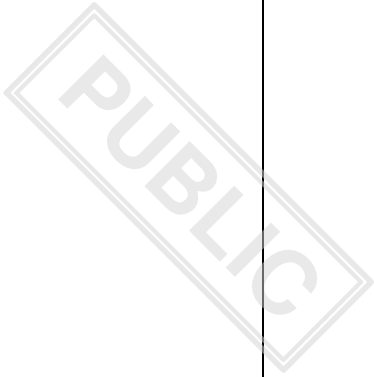
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(37)		

1. <u>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</u>, 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.		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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 <u>infringement</u>; (b) the intentional or negligent character of the violation; (c)(b) the population or the environment affected by the violation <u>infringement</u>, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment²¹; (c) <u>the repetitive or singular character of the infringement.</u>		

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.		
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ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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>		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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 micropollutants in wastewaters and their impacts on public health and the environment, and data resulting from the new monitoring obligations on micropollutants 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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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<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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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 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 measures of national law which they adopt in the field covered by this Directive.		

ARTICLE 34 – ENTRY INTO FORCE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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.		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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 I 4– REQUIREMENTS FOR URBAN WASTEWATER

A. COLLECTING SYSTEMS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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.		

B. DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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 .		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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 that 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.		

Requirements for discharges subject to A concentration or for other purposes shall apply.				PUBLIC	
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁶	Reference method of measurement		
Biochemical oxygen demand (BOD ₅ at 20 °C)	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		

New text proposal_Clusters1,3,5				[Insert MS name] proposal	[Insert MS name] comments
°C) without nitrification (see Note 1)			Determination of dissolved oxygen before and after five day 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		

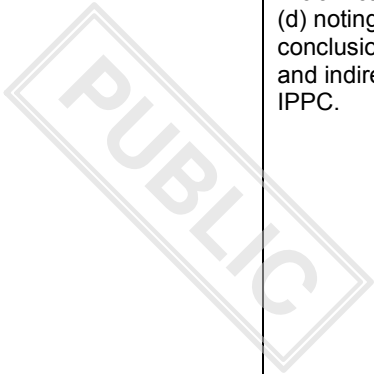
⁶ Reduction in relation to the load of the influent.

Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484
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			
New text proposal_Clusters1,3,5			
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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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<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. 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 nondomestic 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 nondomestic 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 nondomestic wastewater can be abated by the urban wastewater treatment plant <u>except those resulting from the natural degradation of organic matter producing toxic substances (e.g. H₂S)</u>; (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 <u>applicable according to this Directive</u>, 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. 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		A clarification is being sought on the application of point (d) noting that the Best Available Techniques (BAT) conclusion document already distinguishes between direct and indirect discharges for different sectors within scope of IPPC.
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New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
treatment plant. However, any time-based samples used to monitor micropollutants shall be 48-hour samples. Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.		

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:		PUBLIC	
— 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 micropollutants, one sample per month		
— 50 000 <u>or over</u> to 99 999 p.e. :	One sample per week For micropollutants, two samples per week month .		
—100.000 p.e. or over:	One Two samples per day week For micropollutants, two one sample per week		
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.			
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			

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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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 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 local 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 flow conditions. Extreme values for the water quality in question shall not be taken into consideration when they are the result of unusual 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.		
Table 4: <u>Requirements for samples</u>		

New text proposal_Clusters1,3,5		[Insert MS name] proposal	[Insert MS name] comments
Series of samples taken in any year	Maximum permitted number of samples which fail to conform	PUBLIC	
4-7	1		
8-16	2		
17-28	3		
29-40	4		
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		
New text proposal_Clusters1,3,5		[Insert MS name] proposal	[Insert MS name] comments
269-284	20		
285-300	21		
301-317	22		
318-334	23		
335-350	24		
351-365	25		

ANNEX 4 IV – INDUSTRIAL SECTORS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] 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		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
9. Manufacture of gelatine and of glue from hides, skin and bones 10. Malt-houses 11. Fish-processing industry		

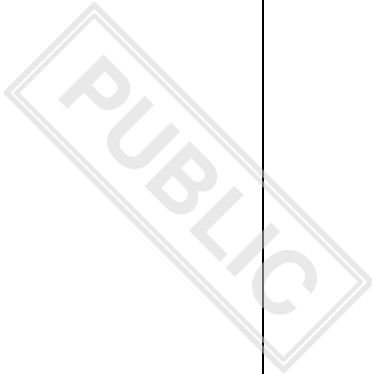
ANNEX 5 V– CONTENT OF THE INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		Previous comments on urban run-off refer. It must be ensured that the requirements of Annex V are within the scope of the directive. The scope of this Directive should be limited, as per the provisions of Article 2(1) to address that part of urban runoff which enters combined sewerage systems and becomes an integral part of Urban Wastewater.
<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		The newly proposed term “catchment” instead of “drainage” is not acceptable since this term carries a different meaning under Directive 2000/60/EC. The use of the term “collection” is therefore proposed.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
pollution loads of the parameters referred to in Table 1 and, where relevant, Table 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 watersewer overflows and urban runoff discharges, including the following: (a) an indicativeindicative objective that storm watersewer 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; This indicativetarget objective shall should 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 Article 5(2); (b) the progressive reduction of pollution load from elimination of untreated discharges of urban runoff through separate sewerscollection 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.		
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification		
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
of the actors involved and their responsibilities in the implementationimplementation 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; (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.		
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