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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 delegations

Following the call for comments on the above set out with WK 9322/2023, delegations will find attached comments from BE, BG, CZ, DK, DE, EE, IE, CY, LV, LU, HU, NL, AT, PL, PT and FI.

BELGIUM

New text proposal_Clusters1,3,5	BE proposal	BE 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>		

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	BE proposal	BE 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.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	BE proposal	BE 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	BE proposal	BE comments
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u>;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> 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~~ <u>or economical</u> 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>	(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~~ <u>or economical</u> 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> Wastewater that comes only and exclusively from toilets, showers or kitchens with food preparation from the above activities are entitled as domestic wastewater.	In our legislation, if domestic wastewater and non-domestic wastewater are discharged in the same time, we consider it as non-domestic wastewater.
(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>;		We prefer that the reference to 10 or 25 pe /hec is kept in the definition in light of a maximum harmonisation. We could support the current 10 p.e. per hec as proposed by COM.
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		

New text proposal_Clusters1,3,5	BE proposal	BE comments
(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;		
(8) 'combined sewer' means a conduit ~~that~~ that designed to collect_s and conduct_s urban wastewater <u>including urban runoff</u>;		
(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 <u>non-domestic wastewater</u>;~~ (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 <u>per day</u> having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day~~ per day;		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		We accept the new definition but consider it not appropriate to include the % of reduction in the definition. If we do this, we should do it also for definition 11 – 12 and 13?
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes <u>most of</u> biodegradable organic matter in urban wastewater;		

New text proposal_Clusters1,3,5	BE proposal	BE comments
(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;		
(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;~~		

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).

New text proposal_Clusters1,3,5	BE proposal	BE comments
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(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 BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient in urban wastewater, expressed in p.e. or mass unit per time (usually kilogram per day or year).		

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

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. Unless they justify a derogation under paragraph 1 of Article 4 , Member States shall ensure that all agglomerations ~~with a p.e.~~ of 2 000 p.e. and above comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to the collecting system.		Support

New text proposal_Clusters1,3,5	BE proposal	BE comments
2. Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030 ~~2033~~, Member States shall ensure that all agglomerations ~~with a p.e. of~~ between 1000 and 2000 ~~p.e.~~ comply with the ~~following~~ requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to ~~a the~~ collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		Support
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;~~		Support
4 ~~3~~. Collecting systems shall fulfil the requirements of Part A of Annex I.		Support

ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		
1. By way of derogation 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.		Support

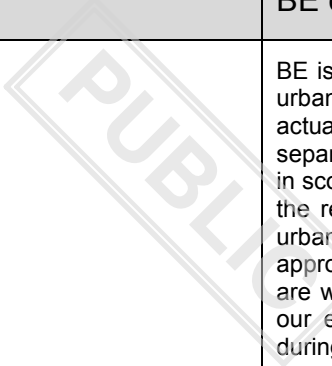
New text proposal_Clusters1,3,5	BE proposal	BE comments
2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of environmental protection treatment as the secondary and tertiary treatments referred to in Articles 6 and 7. <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>	2. Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, 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~~ area sensitive to eutrophication as identified under Article 7(2) or a catchment area for abstraction points for water intended for human consumption.</u> <u>This requirement will apply only to individual systems installed after the period for transposition included in article 33. ~~existing individual systems six years after 2033.~~</u>	We don't favour the proposals as they stand. We have highlighted from the start our concern from a technical and practical point of view to demand that individual systems comply with the requirements for secondary and especially tertiary treatment. We have asked to assure that if such provisions are kept in, they should only account for newly installed systems. To assure clarity, we added a reference to areas sensitive to eutrophication under art 7(2) and made use of the wording in the drinking water directive with regard to catchment area.
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 <u>or other means of regular checks or control</u> of those systems, <u>on the basis of a risk-based approach</u>, are carried out by the appropriate authority <u>or other body authorised at national or regional level.</u>		Support

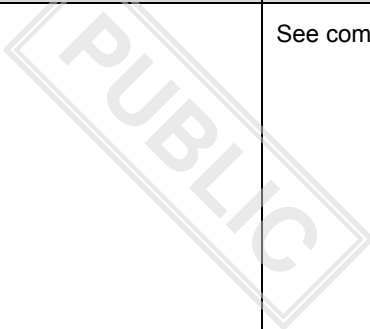
New text proposal_Clusters1,3,5	BE proposal	BE comments
~~34.~~ The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		We support the change to an ‘implementing act’ – this is more appropriate but in general BE is not very supportive for the additional provisions on inspections. Assuring that individual systems able to reach the target for tertiary treatment are on the market and readily available across the EU, seems a crucial precondition for the introduction of art 4 (2). In this light, we would encourage the development of EU-standards etc.
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.		Support

New text proposal_Clusters1,3,5	BE proposal	BE 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>		Support

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		

New text proposal_Clusters1,3,5	BE proposal	BE comments
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.		BE is of the opinion that the main focus of the integrated urban wastewater management plan should be on the actual urban wastewater. A focus on urban runoff in separate systems 'as such' should preferably not be taken in scope of article 5 and annex 5. We however recognize the relevance to further evaluate the impact of separate urban runoff on receiving waters but consider a watch list approach more appropriate and feasible at this stage. We are working on concrete textproposal taking into account our earlier proposals and concerns of other MS raised during the WPE of the 5th of July.

New text proposal_Clusters1,3,5	BE proposal	BE comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~4%~~ 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather flow conditions; (c) ~~sewer storm water~~ overflow or urban runoff discharges prevents the fulfilment of any of the following: (i) the requirements established under Article 5 of Directive (EU) 2020/2184; (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.		See comment above

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	BE proposal	BE 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)

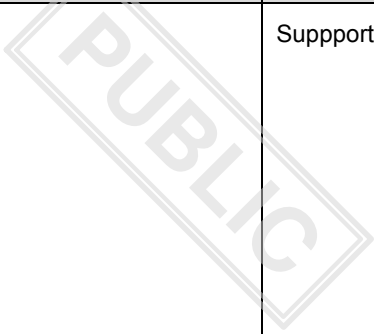
⁴ **Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration**

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

New text proposal_Clusters1,3,5	BE proposal	BE 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].~~		Support

New text proposal_Clusters1,3,5	BE proposal	BE 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.		Support
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.		Support
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.		Support

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

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		Support

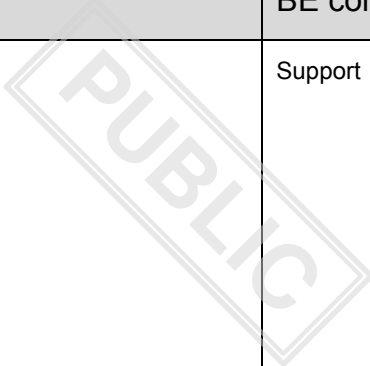
New text proposal_Clusters1,3,5	BE proposal	BE comments
2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level, on or off-site, by urban wastewater treatment plants treating a load of 10 000 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>	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, by their owners or their operators, or bought from external sources, 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 potential for on-site production of renewable energy, 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>	We support the addition 'on or off-site' but miss here the option to buy in green energy from external sources. We are not in favour of the 80 % and we wonder how this would function when the audit demonstrates that such a % is not achievable? We notice that in the last paragraph only 'energy produced from urban wastewater resources' is mentioned. This rules out the production of solar energy, wind energy in our reading. We are not in favour if it is the case. We prefer a rewording here.

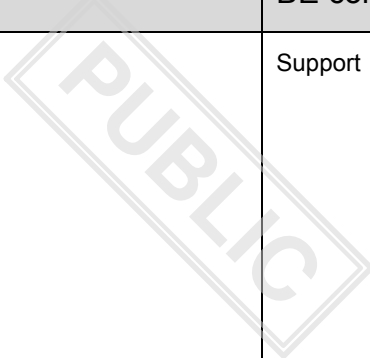
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(18)		
Member States shall ensure that the urban 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	BE proposal	BE 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	BE proposal	BE comments
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		Support

New text proposal_Clusters1,3,5	BE proposal	BE comments
2. Member States shall take the appropriate measures, a review of the <u>general binding rules regulations and/or</u> 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/EEC⁵; (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.		Support
3. The <u>general binding rules regulations and</u> 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.		Support

5 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	BE proposal	BE 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 these conditions remain fulfilled.		Support

ARTICLE 16 – BIODEGRADABLE NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	BE proposal	BE 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)		

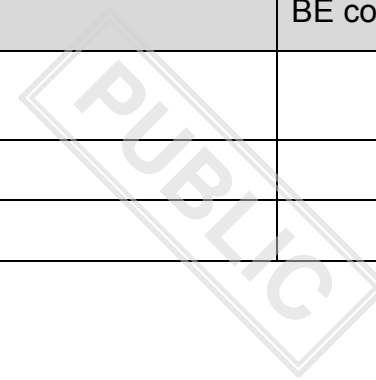
New text proposal_Clusters1,3,5	BE proposal	BE comments
1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental protection as the requirements 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	BE proposal	BE 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	BE proposal	BE 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 4(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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union platforms, where such platforms are available.	~~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 4(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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union platforms, where such platforms are available.	We ask to delete 'contaminants of emerging concern' from the scope of art 17 since they can not be considered as public health parameters and can not be linked to epidemiological risk. We support the changes.

New text proposal_Clusters1,3,5	BE proposal	BE comments
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 Council⁷, 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 Council⁸±.~~		Support

⁷ 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).

⁸ ± 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.

New text proposal_Clusters1,3,5	BE proposal	BE comments
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	BE proposal	BE 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	BE proposal	BE 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, re-use, ~~and~~ recycling and material recovery of resources and minimize the adverse effects on the environment.	1. Member States shall, without prejudice to the possibility not to reuse sludge on the basis of the precautionary principle for the protection of the environment and human health, 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, re-use and recycling of resources and minimize the adverse effects on the environment.	We still miss the option not the reuse sludge for soil purposes based on the precautionary principle. This is important for us. Art 20. 1 states that the waste hierarchy should be respected. However, taken local conditions into account, MS should have the possibility f.e. not to allow reuse of sludge for agricultural use based on the precautionary principle in connection with the protection of soil and groundwater. The coherence with other EU-policy such the environmental quality standards for groundwater and surface water should assured. The call for active reuse of sludge seems unbalanced taken into account the provisions in f.e. the sludge directive or the requirements under Regulation 2020/741 water reuse (concept of risk assessment).
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>		We support the shift to an implementing act but have problems understanding the text. What would the implementing act exactly be on? An act on promotion? A rewording seems needed to clarify this. “To adopt implementing acts to supplement this directive by promoting the minimum reuse” As explained before, we do not see any added value for recycling nitrogen and do not support minimum reuse of sludge or material recovery requirements in general. Recovery of N and P should be done in relation to mainly national and local valorization options. The recovery of N is rather senseless in our view. P-recovery on the other hand can be very interesting.

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

New text proposal_Clusters1,3,5	BE proposal	BE 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 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.	1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor by means of analysis, calculations or modelling where appropriate: (a) discharges from urban wastewater treatment plants ~~in order to verify compliance with the requirements of part B of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I~~ and; 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.	We would suggest to make more clear that monitoring does not always mean actual analyses or measurements. For some aspects it likely that calculations or the outcome of models are used to 'monitor' We already expressed our concern on a overlap with the EU-regulation on water reuse in 21. 1 c) 21. 1 d) We are not supportive on the requirement to monitor greenhouse gases since they can not be avoided in the wastewater treatment and a systematic monitoring seems disproportionate. We miss the aim of the monitoring since climate neutrality is no longer included. Furthermore, we think this a typical point where the monitoring could be based on calculations rather than actual analyses. We are working on concreter textproposals.

New text proposal_Clusters1,3,5	BE proposal	BE comments
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies~~ in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.	PUBLIC	21. 2 – We don't favour the text as is. Changes are needed with respect to urban runoff. We are not supportive of the reference to microplastics and relevant micropollutants. At this point, we have no clear view on which compound should be taken into account. Given the challenge both on sampling and analysis and the costs, we prefer introducing a monitoring concept similar to the watch list approach under the new drinking water directive including a reporting. Under such an approach we could accept both a monitoring in sewer overflows and urban runoff in relevant areas and an obligation to report to COM. We will send in a text proposal in writing.

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~~ 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. <u>[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</u>	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 Council¹¹; (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹²; (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 when sludge is reused in the environment. The monitoring referred to in ~~the first and second sub-paragraphs~~ 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. <u>[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</u>	21.3 – We consider that a monitoring of micro-plastics in the sludge is only needed when the sludge is reused in the environment. What is the relevance for it when sludge is used as bio-fuel for example. We will send in a text proposal in writing.

New text proposal_Clusters1,3,5	BE proposal	BE 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	BE proposal	BE 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)		

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- 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).
 - 11 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).
 - 12 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	BE proposal	BE comments
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.	1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning, or at least an indication, 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.	We support the amended timings. 23. 1 b) – We think that this requirement is not fully feasible within the timing. For example, the integrated urban waste water treatment plans won't all be ready after 35 months. It is in our view very difficult to include all investments including a planning in the national implementation programme. Such information can only be 'indicative'. We therefore suggest to include in point b) a rewording in line with the wording in c) and d):
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	BE proposal	BE 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	5. Member States may once 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; (c) the deadlines referred to in Article 8 on the condition that the Member State duly justifies such an extension to the Commission.	We asked the further to explore the relevance for having a derogation option for art 8 as well given the complexity, the timings foreseen and the required smooth implementation of the EPR-system. We do not see a specific reason not to foresee such a derogation since art 8 and the EPR are the real new parts of the directive. A derogation can only be included in the first national implementation plan. We think it is relevant to allow MS to make use of the derogation in a later stage as well when f.e. the national implementation plans are updated / revised.

New text proposal_Clusters1,3,5	BE proposal	BE 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)].	The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].	

ARTICLE 25 – ACCESS TO JUSTICE

New text proposal_Clusters1,3,5	BE proposal	BE 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	BE proposal	BE 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	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	BE proposal	BE 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 non-governmental 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.		
~~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.~~		

New text proposal_Clusters1,3,5	BE proposal	BE comments
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	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		

New text proposal_Clusters1,3,5	BE proposal	BE comments
2. The power to adopt delegated acts referred to in Articles 4(3), ~~6(3)~~, 7(4), 8(5), 14(3), 20(2), and 24(3) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		
3. The delegation of power referred to in Articles 4(3), ~~6(3)~~, 7(4), 8(5), 14(3), 20(2), and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		

New text proposal_Clusters1,3,5	BE proposal	BE comments
6. A delegated act adopted pursuant to Articles 4(3), ~~6(3)~~, 7(4), 8(5), 14(3), 20(2), or 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(36)		
1. The Commission shall be assisted by the committee for the adaptation to scientific and technical progress and implementation of the directive on urban waste water treatment.		
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		

ARTICLE 29 – PENALTIES

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(37)		
1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		
2. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable: (a) the nature, gravity, and extent of the ~~violation~~ infringement; ~~(b) the intentional or negligent character of the violation;~~		

New text proposal_Clusters1,3,5	BE proposal	BE comments
~~(c)~~(b) the population or the environment affected by the violation infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; <u>(c) 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.		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(38)		
1. By 31 December 2030 and by 31 December 2040, the Commission shall carry out an evaluation of this Directive based in particular on the following elements: (a) the experience gained through the implementation of this Directive; (b) the data sets referred to in Article 22(1);		

New text proposal_Clusters1,3,5	BE proposal	BE comments
(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	BE proposal	BE 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	BE proposal	BE comments
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	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(42); (43)		
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall		

New text proposal_Clusters1,3,5	BE proposal	BE comments
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	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Articles [...] and Annexes [...] [refer to the articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].		

ARTICLE 35 – ADDRESSEES

New text proposal_Clusters1,3,5	BE proposal	BE 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	BE proposal	BE 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	BE proposal	BE comments
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	BE proposal	BE 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.		

New text proposal_Clusters1,3,5	BE proposal	BE comments
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.		
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.		

New text proposal_Clusters1,3,5				BE proposal	BE comments
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.					
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.					
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴³	Reference method of measurement		
Biochemical oxygen demand (BOD5 at 20 °C) without nitrification (see Note 1)	25 mg/l O ₂	70-90 ~~40 under Article 4 (2)~~	Homogenized, unfiltered, undecanted sample. Determination of dissolved oxygen before and after five-day incubation at 20 °C ± 1 °C, in complete darkness. Addition of a nitrification inhibitor		
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic	37 mg/l	75	EN 1484		

⁴³ — Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				BE proposal	BE comments
Carbon (See Note 2)					
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 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	BE proposal	BE 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. The ~~prior general binding rules~~ **regulations** and/or specific authorisations referred to in Article 14(1) shall ensure the following:

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

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

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

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

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

~~2. The specific authorisation shall include an annex, which documents the fulfilment of all the conditions set out in point 1. The provisions of the specific authorisations shall be updated in the cases where the characteristics of the non-~~

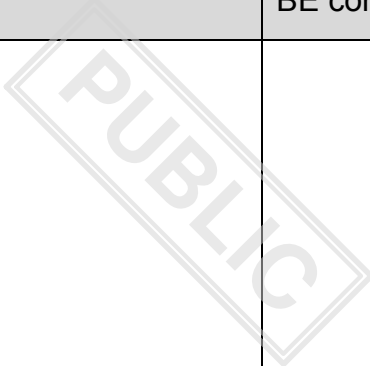
PUBLIC

New text proposal_Clusters1,3,5	BE proposal	BE comments
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	BE proposal	BE 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	BE proposal	BE 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over</u> to <u>99 999 p.e.</u>:</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over</u> to <u>99 999 p.e.</u> :	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		Support
— 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 <u>99 999 p.e.</u> :	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									
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	BE proposal	BE comments
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		BE proposal	BE 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		BE proposal	BE comments
269-284	20	PUBLIC	
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		BE proposal	BE 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	BE proposal	BE 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	BE proposal	BE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage catchment~~ area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in	1. An analysis of the initial situation of the drainage catchment collection area of the collecting systems in areas at risks ~~in urban wastewater treatment plant of~~ in the concerned agglomeration, including at least the following (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the	The detailed and the dynamic analysis are challenging but needed in order to analyse the situation. Given this, it seems relevant to emphasise that such analysis need to be performed only on the relevant part of the collecting system of agglomerations 'at risk and thus on the list of art 5.2'. Referring to our earlier position, we can except the text of annex V with respect to urban runoff from separate systems. We propose a differentiated approach where the aspect of pollution in urban runoff and its management is addressed more proportionally to its risk and thus different from the approach taken for sewer overflows by which we loose a load of pollution that we aim to treat under this directive.

New text proposal_Clusters1,3,5	BE proposal	BE comments
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;	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;	We are working on a textproposal for such a more differentiated approach taken into account the approach of art 13 of the drinking water directive (watch list approach). We are as well concerned on the wording ‘ microplastics and relevant micropollutants’. Which mircopollutants are envisaged here? Clarity is needed in our view.
2. Objectives for the reduction of pollution from ~~storm water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water~~sewer overflow; represents ~~only no more than 1 %~~ a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	2. Objectives for the reduction of pollution from ~~storm water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water~~sewer overflow; represents ~~only no more than 1 %~~ a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 sewers collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters;~~ (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff	See remark above. Point b) is not welcome. We consider it crucial that the wording ‘indicative target’ is kept in the text as originally foreseen by COM. This allows us to keep the ambition in the text while acknowledging the MS-specific situations and difficulties.

New text proposal_Clusters1,3,5	BE proposal	BE comments
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the ~~implementation~~implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

BULGARIA

COMMENTS from Bulgaria on the proposals for provisions, subject of the meeting held on 05.07.2023 of the Presidency on the regulations of the Proposal for a Directive of the European Parliament and of the Council concerning urban wastewater treatment (recast)

Working Party on the Environment on 05 July 2023

Document: WK 8853/2023 INIT, ST 14223/22 + ADD 1

Subject: Urban Wastewater Treatment Directive: WPE on 5 July 2023: Presidency steering note with its Annexes and CALL FOR COMMENTS

Cluster 1: Recital 5; Recital 39; Article 1-Subject matter; Article 3-Collecting systems; Article 4- Individual systems; Article 5-Integrated urban wastewater management plans; Article 6 -Secondary treatment make up the cluster 1.

Cluster 3: Article 11 – Energy neutrality of UWWTP; Article 13 – Local climate conditions; Article 14 – Discharges of non-domestic wastewater; Article 16 – biodegradable non-domestic wastewater; article 17 – urban wastewater surveillance; article 20 sludge; article 21 – Monitoring make up the cluster 3.

Cluster 5: Article 25 - access to justice; Article 26 – compensation; Article 27 – Exercise of delegation; Article 28 – Committee; Article 29 – penalties; Article 30 – evaluation; Article 31 – review; Article 33 – transposition; and Article 34 – entry into force.

Bulgaria maintains its scrutiny reservation on the entire file and reserves the right to come back with more comments at a later stage of the process on the entire file.

Bulgaria would like to make the following preliminary comments, regarding the proposals for provisions of the Presidency on the regulations of the Directive, subject of the meeting held on 05.07.2023.

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria 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>		

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)</i>		

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

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:		
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ with urban runoff or both of them ;		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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;		
(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;		
(8) 'combined sewer' means a conduit ~~that~~ that designed to collect and conducts urban wastewater <u>including urban runoff;</u>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(9) 'separate sewer' means a conduit that separately collects and conducts either urban runoff or ~~either of the following:~~ (a) ~~domestic~~ urban wastewater not including urban runoff; (b) ~~non-domestic wastewater~~ non-domestic wastewater; (c) ~~a mixture of domestic and non-domestic wastewater;~~ (d) ~~rainwater from agglomerations;~~		
(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;		
<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>		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes <u>most of</u> 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;		

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;		
(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 ;		

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).

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;		
(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;		
(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</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	Bulgaria proposal	Bulgaria 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'		

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, 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. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, ~~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.		The proposed deadline, 2033, with the possibility of extension by another 6 years, is extremely insufficient for Bulgaria to provide a sewage system with secondary treatment in the agglomerations of 1000+2000 population. We retain concerns about extending the range to include agglomerations from 1000 to 2000 CE. We support our proposal, expressed in previous debates, that for Bulgaria, the deadlines set under Art. 3 are unfulfillable, as we propose a period not shorter than 2050. In relation to what is stated in Report 10 to the Impact Assessment (SWD(2022) 541 final of 26.10.2022) of the proposal for a Directive, we encourage to further study the possibility of an individual approach for agglomerations under 2000 population. depending on the condition of the water intakes. In this way, it will be possible for a more flexible approach to these agglomerations so that the measures are maximally effective and, taking into account the benefit-cost ratio, does not fall below 1. We support our already expressed proposal.

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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)		

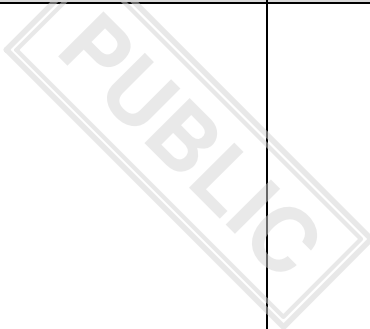
New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
1. By way of derogation Member States may derogate from Article 3, ~~where exceptionally~~ if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental or health benefit, 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~~ national or regional 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 or regional level.		

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
34. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		Despite the Presidency's proposal, the delegated act in Art. 4.4 to be changed to an implementation act we still remain concerned about the "design, operation and maintenance" included in the scope of this act. We note again that the technical requirements for the design, operation and maintenance of systems and facilities that are part of the constructions have always been entirely within the powers of the member countries, which are responsible for ensuring the basic requirements for the constructions, tied to the specific national and local conditions of application. The requirements for "design, operation and maintenance" are completely dependent on the national conditions of application (climatic, geographical, seismic, social, etc.), which differ between countries.
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	Bulgaria proposal	Bulgaria 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>		

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>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~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.		

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
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 5</u> years after their establishment and updated where necessary.		

ARTICLE 6 – SECONDARY TREATMENT

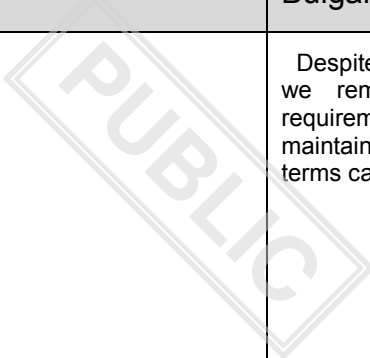
New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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 <u>urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033</u> ~~urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I~~ ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ <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.		The proposed deadline, 2033, with the possibility of extension by another 6 years, is extremely insufficient for Bulgaria to provide a sewage system with secondary treatment in the agglomerations of 1000÷2000 p.e. We retain concerns about extending the range to include agglomerations from 1000 to 2000 p.e. We support our proposal, expressed in previous debates, that for Bulgaria, the deadlines set under Art. 3 are unfulfillable, as we propose a period not shorter than 2050. In relation to what is stated in Report 10 to the Impact Assessment (SWD(2022) 541 final of 26.10.2022) of the proposal for a Directive, we encourage to further study the possibility of an individual approach for agglomerations under 2000 p.e. depending on the condition of the water intakes. In this way, it will be possible for a more flexible approach to these agglomerations so that the measures are maximally effective and, taking into account the benefit-cost ratio, does not fall below 1. We support our already expressed proposal.
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	Bulgaria proposal	Bulgaria comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria 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. <u>~~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> <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>		Despite the lowering of ambition and extended deadlines, we remain concerned about the flexibility of the requirements given the implementation timelines. We maintain our proposal of 5/5/2023 that for Bulgaria these terms cannot be shorter than 2050.

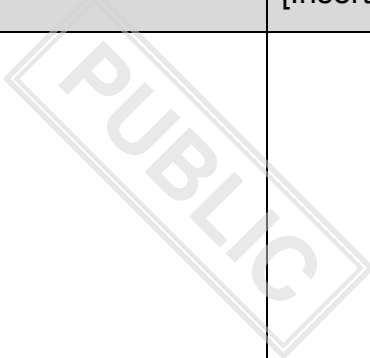
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

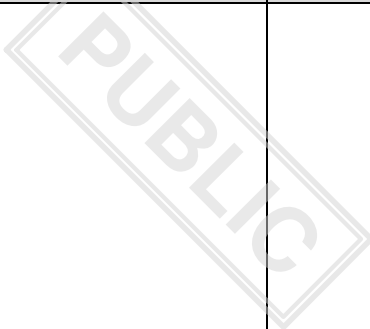
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		

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/EEC⁵; (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.		

⁵ 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)		

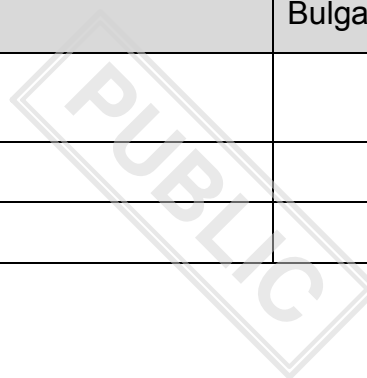
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental 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').		

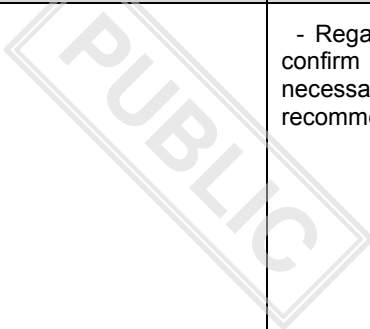
ARTICLE 17 – URBAN WASTEWATER SURVEILLANCE

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(22)		



New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
~~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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union platforms, where such platforms are available.		- Regarding the monitoring system under Art. 17(1) we confirm the previously expressed position that it is necessary that these provisions be merely a recommendation;

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
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. Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population. and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until ~~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 Council⁷, 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 Council⁸.~~		

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
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.		Regarding the term under Art. 17(4), in order to take into account the implementation period, it is necessary to clarify the details of the monitoring of antimicrobial resistance. Given the fact that the monitoring parameters for antimicrobial resistance are not clear, we propose a deadline of 01.01.2028.
54. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).		

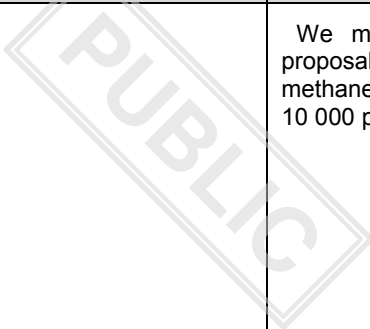
ARTICLE 20 – SLUDGE

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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, re-use, ~~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>		We welcome the Presidency's compromise to change the delegated act to an implementing act to 'encourage' levels of reuse and recycling of nutrients rather than setting percentages.

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria 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 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.~~		We maintain a general scrutiny reservation on the proposal for the monitoring of greenhouse gases and methane emitted by urban treatment plants for more than 10 000 p.e., as well as for the monitoring of microplastics.
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		

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~~ **this** paragraphs 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 monitoring. The monitoring frequency should be reviewed at least every year.

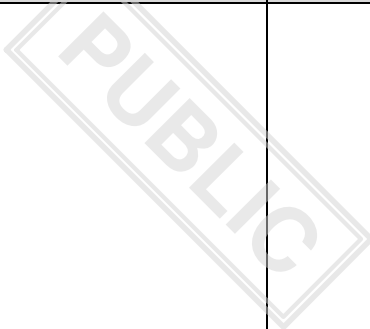
The Commission is empowered to adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a methodology for measuring **greenhouse**

PUBLIC

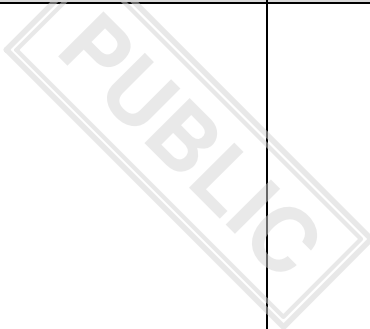
ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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).		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines: (a) the deadlines referred to in Article 3(2) and/or in Article 6(2) on the conditions that: (i) less than 50 % of these agglomerations are provided with collecting systems and are not subject to secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and (ii) the national implementation programme includes: - the number of agglomerations between 1 000 and 2 000 p.e. that lacks a collecting system and secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; (b) the deadline for agglomerations referred to in Article 7(3) on the conditions that: (i) at least 50 % of these agglomerations are not applying tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and (ii) the national implementation programme includes: - the number of agglomerations referred to in Article 7(3) lacking tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].		

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)		
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.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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	Bulgaria proposal	Bulgaria 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. 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.~~		Bulgaria expressed an opinion on the need for some of the provisions in Cluster 5 to be revised to reflect the discussions already held and the common approach reached, in March this year regarding similar provisions of the proposal for a Directive amending Directive 2010/75/EU on industrial emissions. We believe that with the new proposal of the Presidency, these requests have been fulfilled.

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
~~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 non-governmental 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.		
~~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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		
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.		

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

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 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	Bulgaria proposal	Bulgaria 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)		

New text proposal_Clusters1,3,5	Bulgaria proposal	Bulgaria comments
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.~~		Bulgaria expressed an opinion on the need for some of the provisions in Cluster 5 to be revised to reflect the discussions already held and the common approach reached, in March this year regarding similar provisions of the proposal for a Directive amending Directive 2010/75/EU on industrial emissions. We believe that with the new proposal of the Presidency, these requests have been fulfilled.
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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(c)(b)~~ the population or the environment affected by the <u>violation 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 environment;: <u>(c) 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.		

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>		
(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.		

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

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>		
(42); (43)		
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official 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>		

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>		
This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Articles [...] and Annexes [...] [refer to the articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].		

ARTICLE 35 – ADDRESSEES

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.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)⁴⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40 under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

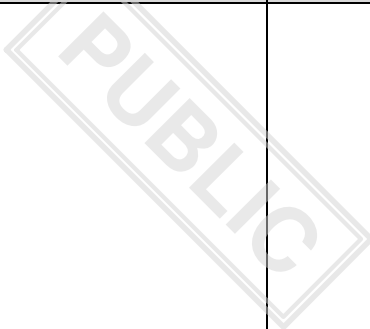
⁴⁴ ~~Reduction in relation to the load of the influent.~~

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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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 demand (TOD) if a relationship can be established between BOD5 and the substitute parameter.					

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

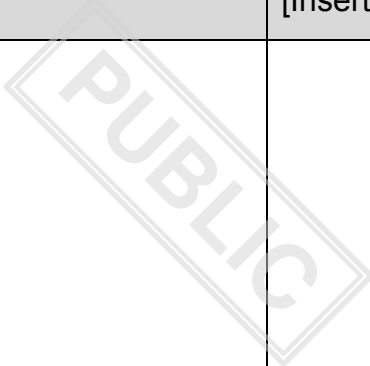
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. The ~~prior general binding rules~~ regulations and/or specific authorisations referred to in Article 14(1) shall ensure the following: (a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of sludge; (b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants; (c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant <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 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 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.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments								
3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p.e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u>:</td><td>One sample per week For micropollutants, two samples per ~~week~~ month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>~~One~~ Two samples per day ~~week~~ ~~For micropollutants, two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p.e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over to 99 999 p.e.</u> :	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	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 to 99 999 p.e.</u> :	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									
4. The treated wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1, a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal										

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments										
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.	PUBLIC											
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> <table><tr><td>Series of samples taken in any year</td><td>Maximum permitted number of samples which fail to conform</td></tr><tr><td>4-7</td><td>1</td></tr><tr><td>8-16</td><td>2</td></tr><tr><td>17-28</td><td>3</td></tr><tr><td>29-40</td><td>4</td></tr></table>	Series of samples taken in any year	Maximum permitted number of samples which fail to conform	4-7	1	8-16	2	17-28	3	29-40	4		
Series of samples taken in any year	Maximum permitted number of samples which fail to conform											
4-7	1											
8-16	2											
17-28	3											
29-40	4											

New text proposal_Clusters1,3,5		[Insert MS name] proposal	[Insert MS name] comments
41-53	5		
54-67	6		
68-81	7		
82-95	8		
96-110	9		
111-125	10		
126-140	11		
141-155	12		
156-171	13		
172-187	14		
188-203	15		
204-219	16		
220-235	17		
236-251	18		
252-268	19		
269-284	20		
285-300	21		
301-317	22		
318-334	23		
335-350	24		
351-365	25		

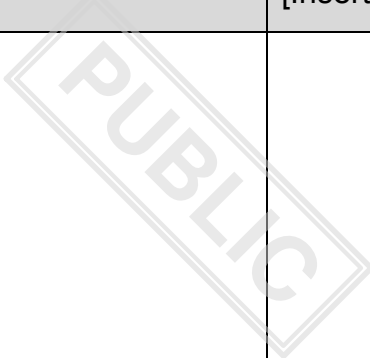
ANNEX 4 IV – INDUSTRIAL SECTORS

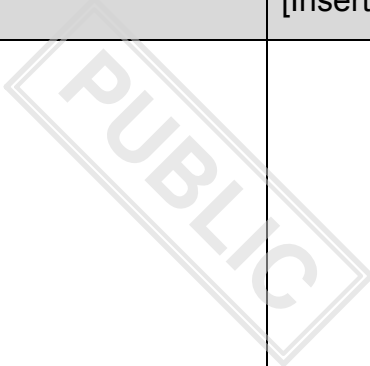
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Milk-processing 2. Manufacture of fruit and vegetable 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 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

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. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in 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 water~~ sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~ indicative objective that ~~storm water~~ sewer overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
load calculated in dry weather conditions; This indicative ~~target 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 ~~sewers collection networks~~, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.		
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the ~~implantation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize		

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

CZECH REPUBLIC

New text proposal_Clusters1,3,5	CZ proposal	CZ 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.		The Czech Republic agrees with the newly proposed text.
(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>		The Czech Republic agrees with the newly proposed text. The specific situation in the outermost regions of the EU must be taken into account accordingly.

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	CZ proposal	CZ 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.		The Czech Republic agrees to the modification of the text that corresponds to the physical laws. It requires this adjustment to be made in similar contexts throughout the directive.

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	CZ proposal	CZ 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	CZ proposal	CZ comments
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and with~~ urban runoff or both of them ;		The Czech Republic recommends replacing the term "urban wastewater" with the term "communal wastewater" in the entire directive, which corresponds much better to the issue regulated by the revised legal regulation.
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services and institutions which originates predominantly from the human metabolism and/or from household activities;		The Czech Republic agrees to the modification of the text.
(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>		The Czech Republic agrees with the revised and newly proposed text.
(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 ~~a~~ final discharge points into receiving waters ;		The Czech Republic agrees to the modification of the text.
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		The Czech Republic agrees to the modification of the text.
(6) 'sewer storm water overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~ ;		The Czech Republic agrees to the modification of the text.
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		The Czech Republic agrees with the text.

New text proposal_Clusters1,3,5	CZ proposal	CZ comments
(8) 'combined sewer' means a conduit ~~that~~ that designed to collect and conducts ~~urban wastewater~~ including urban runoff ;		The Czech Republic agrees to the modification of the text.
(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 ;		The Czech Republic agrees to the modification of the text.
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes most of biodegradable organic matter in urban wastewater ;		
(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;		The Czech Republic agrees to the modification of the text.
(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;		The Czech Republic agrees to the modification of the text.

New text proposal_Clusters1,3,5	CZ proposal	CZ 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);		The Czech Republic agrees to the modification of the text. The Czech Republic proposes to add other types of sludge to the definition, divided according to their origin during the secondary, tertiary and quaternary steps of treatment.
(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;		The Czech Republic agrees with the text.
(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		The Czech Republic agrees to the modification of the text.
(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;	'dilution ratio' means the ratio between the volume of annual flow of the receiving waters at the point of discharge and the annual volume of urban wastewater into surface waters.	The Czech Republic prefers the original definition of the dilution ratio. The dilution ratio indicator based on the five-year average will be significantly affected by the alternation of drought periods with average or above-average rainfall periods.
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means ~~an~~ nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		The Czech Republic agrees to the modification of the text.

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).

New text proposal_Clusters1,3,5	CZ proposal	CZ comments
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		The Czech Republic agrees to the modification of the text.
(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;		The Czech Republic agrees with the text.
(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;		The Czech Republic agrees with the text.
(23) 'plastic biomedica' means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;		The Czech Republic agrees with the text.
(24) 'placing on the market' means the first making available of a product on the market of a Member State;		The Czech Republic agrees with the text.
(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).		

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
<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'		The Czech Republic agrees with the text.

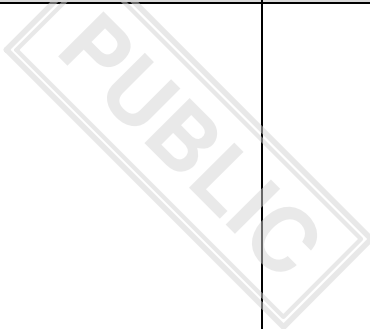
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, Member States shall ensure that all agglomerations ~~with 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.		The Czech Republic agrees to the modification of the text.
2. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, ~~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 <u>of paragraph 1 by 31 December 2033</u>: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to ~~a the~~ collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	2. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, ~~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 <u>of paragraph 1 by 31 December 2033</u>: (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.	Justification Considering the demographic situation and the number of affected agglomerations, the Czech Republic requires a longer period for meeting the requirements of this article.

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.		The Czech Republic agrees to the modification of the text.

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'		The Czech Republic agrees to the modification of the text.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		

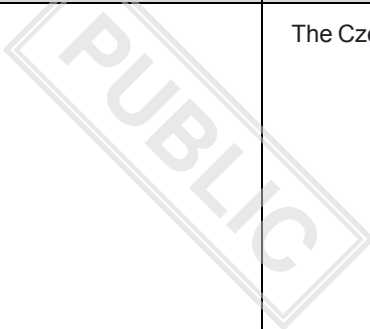
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. By way of derogation Member States may derogate from Article 3, ~~where exceptionally~~ if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental 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.		The Czech Republic agrees to the modification of the text. However, it requires the terms "no environmental benefit" and "excessive costs" to be specified in more detail directly in the text.
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>		The Czech Republic generally agrees. Individual systems are required to have the same level of secondary and tertiary treatment as WWTPs above 10,000 p.e. This is especially unrealistic in the case of nitrogen and phosphorus removal requirements (N – 8 mg/l, P – 0.5 mg/l). The Czech Republic proposes to set realistic limits for individual systems. Considering the demographic situation and the number of affected agglomerations, the Czech Republic would need a longer deadline for the fulfillment of this article.
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, ~~where individual systems are used~~ are registered in a ~~public~~ national or regional registry and that regular inspections or other means of regular checks or control of those systems, <u>on the basis of a risk-based approach,</u> are carried out by the appropriate authority or other body authorised at national or regional level.		The Czech Republic agrees with the newly proposed text.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
34. The Commission is empowered to adopt ~~delegated~~ implementing acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3,~~ on the basis of a risk-based approach ~~second subparagraph.~~ <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.		The Czech Republic agrees to the modification of the text.

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>		

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>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		The Czech Republic agrees with the text.
<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.		The Czech Republic agrees to the modification of the text.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~4%~~ 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather flow conditions; (c) ~~sewer storm water~~ overflow or urban runoff discharges prevents the fulfilment of any of the following: (i) the requirements established under Article 5 of Directive (EU) 2020/2184; (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.		The Czech Republic agrees to the modification of the text.

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		The Czech Republic agrees to the modification of the text.
4. Integrated urban wastewater management plans shall be made available to the Commission on request.		The Czech Republic agrees with the text.
5. Integrated urban wastewater management plans shall include at least the elements set out in Annex V.		The Czech Republic agrees with the text.

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)

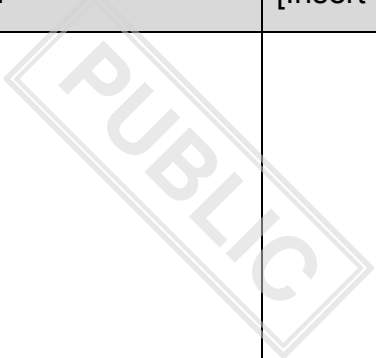
⁴ **Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration**

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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.		The Czech Republic agrees to the modification of the text.

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'		The Czech Republic agrees with the text.

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].~~		The Czech Republic agrees to the modification of the text.

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 meet the relevant requirements for secondary treatment ~~or an equivalent treatment~~ set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		
3. ~~Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.~~		The Czech Republic agrees to the modification of the text.
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.~~		The Czech Republic agrees to the modification of the text.

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>		Recommendation At the same time, the requirement for the use of renewable sources in WWTPs should be relaxed in countries with a shortage of organic matter for application to agricultural land.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and of 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.		The Czech Republic agrees to the modification of the text.

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. <u>~~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> <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>	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 2040; (b) ~~75~~ 60% of the total annual energy used by such plants by 31 December 2035 2045; (c) 100% of the total annual energy used by such plants by 31 December 2040 2050. <u>~~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> <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> When calculating the total amount of energy produced per year from renewable sources as referred to in the first subparagraph, Member States may take into account the energy produced in urban wastewater treatment plants that treat a load of 10,000 p.e. and more by their owners or their operators or purchased from external sources. Renewable energy produced in the wastewater treatment plant will be taken into account for the energy neutrality balance, regardless of whether it is used to ensure the operation of the wastewater treatment plant or for other purposes outside the wastewater treatment plant.	The Czech Republic therefore strongly supports the consideration of renewable energy used by the WWTP regardless of its origin, i.e. the WWTP or other elements of the disposal system and wastewater treatment (biogas, solar or wind power, hydraulic power (turbines); thermal energy taken from wastewater flows inside or outside the WWTP and collection systems; heat and electricity obtained from sewage sludge outside the WWTP; renewable energy purchased externally or produced in within the renewable energy community. In addition, the energy neutrality balance sheet should also include any method of industry contribution to renewable energy production, even if it is used outside the wastewater facility (as possible examples of renewable energy produced on-site at the WWTP but used off-site: WWTP supplying thermal energy for district heating; WWTPs converting biogas into biomethane and selling it to the grid as a way to contribute to the REPowerEU plan), because otherwise these practices would be penalized by current draft of the Proposal by obliging WWTPs to use only the renewable energy they can produce for themselves. The investment required to achieve energy neutrality with only locally produced renewable energy sources would be significant and would divert the investment allocation to meet the new processing requirements, thereby compromising the protection of the environment and health. Achieving energy neutrality should not be at the expense of the main objective of wastewater operators: collection and treatment of wastewater to ensure the protection of the environment and health, and should contribute to the achievement of the Green Deal's climate neutrality goals and the objectives of the REPowerEU Plan. Regarding the new energy needs resulting from the new cleaning requirements, the Czech Republic requests an extension of the deadlines.

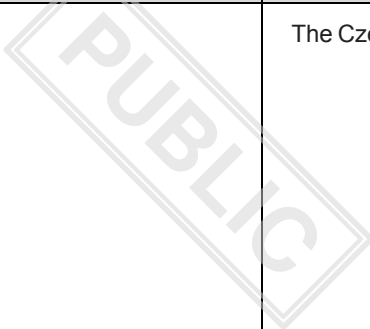
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

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>		
<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.		The Czech Republic agrees with the text.

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>		Recommendation As part of measures to optimize the discharge of non-domestic wastewater, the Czech Republic proposes in the directive to regulate the discharge of wastewater from hospitals and other facilities where drug residues occur (e.g. hospitals for long-term patients, homes for the elderly, etc.). The measure should ensure a clear obligation to clean these wastewaters before they are discharged into collection systems.
<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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules regulations~~ and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules regulations~~ and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules regulations~~ and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.	1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules regulations~~ and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules regulations~~ and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules regulations~~ and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~ (c) allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater to monitor those discharges before entering collecting systems and urban wastewater treatment plants. (d) informs the operators of collecting systems and urban wastewater treatment plants of accidents and incidents that may affect collecting systems and urban wastewater treatment infrastructure, and of the measures taken to prevent and/or restore compliance.	Competent authorities should not only consult with the operator before granting permission to discharge industrial wastewater, but should obtain their consent to such discharge, since it is the operators who know best the impact of pollutants on sewage systems and WWTPs, as well as the feasibility of their reduction to ensure compliance with the thresholds set out in this Directive. The Czech Republic believes that owners and operators of sewage systems and WWTPs should be able to monitor all wastewater before it is discharged into the sewers or WWTPs as a necessary measure to ensure their good operation. The new subparagraph d) is aimed at better alignment with the revision of the IED, specifically Articles 7 and 8.

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 <u>general binding rules regulations and/or</u> 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/EEC⁵; (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.		The Czech Republic agrees to the modification of the text.
3. The <u>general binding rules regulations and</u> 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.		

⁵ 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.		The Czech Republic agrees with the revised and newly proposed text.

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.		The Czech Republic agrees to the modification of the text.
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 Council ⁶ ; (b) the wastewater does not enter an urban wastewater treatment plant before it is discharged to receiving waters ('direct discharge').		The Czech Republic agrees to the modification of the text.

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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent		The Czech Republic agrees to the modification of the text.

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 Council⁷, 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 Council⁸.~~		The Czech Republic agrees to the modification of the text.

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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).		The Czech Republic agrees to the modification of the text.

ARTICLE 20 – SLUDGE

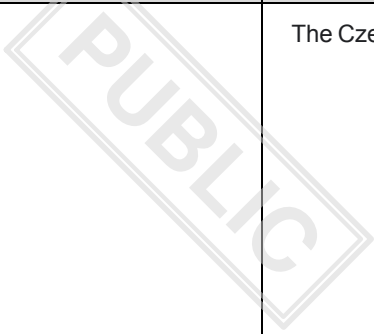
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(14) 'sludge'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(28)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
	NEW 1a. When calculating the minimum reuse and recycling rates of nitrogen and phosphorus, the use of sludge in agriculture shall be considered as reused and recycled phosphorus and nitrogen.	The Czech Republic is convinced that if the sludge complies with the existing or revised sludge directive in the future, its direct application to agricultural land will be the optimal way to recycle phosphorus and nitrogen. CZ therefore proposes to add a new paragraph to Article 20.
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, re-use, ~~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>		

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>		
(29)		
1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor: (a) discharges from urban wastewater treatment plants in order to verify compliance with the requirements of ~~part~~ Part B of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~and; this monitoring shall include~~ including loads and concentrations of the parameters listed in ~~Part B~~ Tables 1 and 2 of Annex I; (b) amounts, composition and destination of sludge; (c) ~~the destination of the treated urban wastewater including the share of reused water~~ quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater; (d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of <u>above</u> 10 000 p.e. and above; (e) ~~the greenhouse gases methane~~ energy used and produced by urban wastewater treatment plants of <u>above</u> 10 000 p.e and above.		The Czech Republic generally agrees. However, it requests an extension of the deadlines in relation to Article 22.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		The Czech Republic agrees to the modification of the text.

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 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

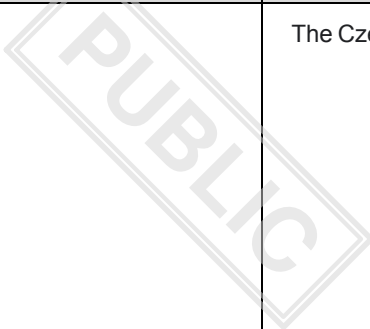
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New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<u>monitoring. The monitoring frequency should be reviewed at least every year.</u> The Commission is empowered to adopt implementing acts in accordance with the procedure 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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		The Czech Republic agrees to the modification of the text.
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.		The Czech Republic agrees to the modification of the text.
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.		The Czech Republic agrees to the modification of the text.

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

PUBLIC

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.		It is not clear what specific decisions or acts or omissions are meant in relation to this article. In general, the Czech Republic does not support the expansion of a specific approach to justice beyond the current legal framework and will demand the deletion of this article.
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>		

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.~~		The Czech Republic agrees to the modification of the text.
~~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 non-governmental organisations referred to in this paragraph.~~		The Czech Republic agrees to the modification of the text.
~~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.		The Czech Republic agrees to the modification of the text.

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.~~		The Czech Republic agrees to the modification of the text.
~~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.		The Czech Republic agrees to the modification of the text.

ARTICLE 27 – EXERCISE OF THE DELEGATION

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>		
(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.		The Czech Republic would prefer that this issue be regulated by relevant articles directly in the directive.
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.		The Czech Republic would prefer that this issue be regulated by relevant articles directly in the directive.
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.		The Czech Republic would prefer that this issue be regulated by relevant articles directly in the directive.
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 Law-Making.		The Czech Republic demands that this issue be regulated by relevant articles directly in the directive.

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.		The Czech Republic would prefer that this issue be regulated by relevant articles directly in the directive.
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.		The Czech Republic would prefer that this issue be regulated by relevant articles directly in the directive.

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		The Czech Republic would prefer that this issue be regulated by relevant articles directly in the directive.

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.		The Czech Republic would prefer that this issue be regulated by relevant articles directly in the directive.

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. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		The Czech Republic agrees to the modification of the text.

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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(e)~~(b) the population or the environment affected by the <u>violation 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 environment; <u>(c) the repetitive or singular character of the infringement.</u>		The Czech Republic agrees to the modification of the text.
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.		The Czech Republic agrees with the text.

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.		The Czech Republic agrees with the text.
2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1, second subparagraph.		The Czech Republic with the text.

ARTICLE 31 – REVIEW

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>		
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.		The Czech Republic with the text.

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		The Czech Republic with the text.

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.		The Czech Republic with the text.

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.		The Czech Republic with the text.

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		The Czech Republic with the text.

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.		The Czech Republic agrees to the modification of the text.

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.		The Czech Republic agrees to the modification of the text.
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 .		The Czech Republic agrees to the modification of the text.
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.		The Czech Republic agrees to the modification of the text.
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 .		The Czech Republic agrees to the modification of the text.

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 biomedias shall include an obligation to permanently monitor and prevent all unintentional such biomedias from being released in to receiving waters the environment.		The Czech Republic agrees to the modification of the text.								
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.		The Czech Republic agrees to the modification of the text.								
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.		The Czech Republic agrees to the modification of the text.								
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.		The Czech Republic agrees to the modification of the text.								
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)¹⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

¹⁴ — Reduction in relation to the load of the influent.

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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	[Insert MS name] proposal	[Insert MS name] comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

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

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

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

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

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

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

~~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~~

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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.		The Czech Republic agrees with the text.
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	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.	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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u></td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over to 99 999 p.e.</u>	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		The Czech Republic agrees to the modification of the text.
— 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 to 99 999 p.e.</u>	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									
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		The Czech Republic agrees to the modification of the text.								

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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.		The Czech Republic agrees with the text.
Table 4: <u>Requirements for samples</u>		The Czech Republic agrees with the text.

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	PUBLIC	
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			The Czech Republic agrees with the text.

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>		
<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		

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 water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	2. Objectives for the reduction of pollution from ~~storm water~~sewer overflows and urban runoff discharges, including the following: (a) ~~an indicative~~ indicative objective that storm water sewer overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; ~~a specific objective of reduction of pollution from sewer overflows shall be established and justified in the Integrated urban wastewater management plans, according to the local needs of environmental protection.~~ This ~~indicative~~target 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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters;	Setting specific deadlines for the fulfilment of an indicative goal makes it a mandatory goal. Setting a binding target of 1 % is extremely ambitious, in many areas even impossible to achieve, and would lead to very significant investments in buffering facilities and reductions in stormwater overflow discharges beyond what would be necessary to achieve the WFD targets. These disproportionate costs would siphon off available investment for additional wastewater treatment requirements during the dry season, which could in fact contribute most effectively to the achievement of WFD targets in all Member States. Therefore, the Czech Republic supports the adoption of a proposal that allows this local approach based on risk analysis to be applied first where it will be of greater environmental benefit by making 1 % a truly indicative target and setting and justifying specific reduction targets in the IUWWMP according to local conditions. The Czech Republic welcomes and supports the extension of the deadlines for meeting the set goals.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
	(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 of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

DENMARK

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.		Denmark prefer 10 p.e per hectar
(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>		Support

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.		

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 non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		Denmark disagree with the the proposed change. We can't see the reason taking out several fractions of wastewater from the definition, such as shower water, washing machine etc.?
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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 <u>or economical</u> 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 <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to <u>a one or more</u> final discharge points <u>into receiving waters</u> ;		
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) ~~'sewer storm water~~ overflow' means discharge of untreated urban wastewater <u>into</u> receiving waters from <u>separate or</u> 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 ~~that designed to collect~~ <u>s</u> and conducts ~~urban wastewater including urban runoff;~~ <u>urban wastewater</u> ;		
(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;		
<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>		Denmark support definition
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes <u>most of</u> 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;		

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;		
(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 ;		

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).

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;		
(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;		
(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</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
<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'		

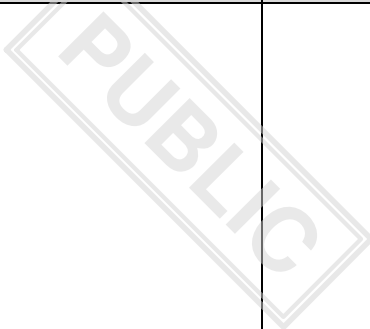
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, Member States shall ensure that all agglomerations ~~with a p.e. of 2 000 p.e.~~ and above comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to the collecting system.	1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, 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. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, ~~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 <u>of paragraph 1 by 31 December 2033</u>: (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.		Denmark disagree with the proposed change. What does 'unless justified' mean? We cannot imagine, that a city with a population of (e.g.) 1500 pe does not harm to the environment. So, why a derogation?

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~~ national or regional 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 or regional level.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
34. The Commission is empowered to adopt ~~delegated~~ implementing acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive~~ that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2~~ 3, on the basis of a risk-based approach ~~second subparagraph.~~ <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>		

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>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	1. By 31 December ~~2030~~ 2035 2033 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	Denmark want alignment with deadlines in the Water Framework Directive (WFD)

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ 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~~ 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.	2. By 31 December ~~2027~~ ~~2030~~ 2027 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ 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~~ 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 Council⁵; (iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council⁶; (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/EC⁷ Member States shall review the list referred to in the first subparagraph every ~~five~~ six years after its establishment and update it where necessary.	Denmark want alignment with deadlines in the Water Framework Directive (WFD)

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	3. By 31 December ~~2035~~ 2040 2039 , Member States shall ensure that an integrated urban wastewater management plan is established for agglomerations referred to in paragraph 2	Denmark want alignment with deadlines in the Water Framework Directive (WFD)
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**

⁵ 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).

⁶ 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)

⁷ **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
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 meet the relevant requirements for secondary treatment ~~or an equivalent treatment~~ set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		
3. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.		
4. The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the urban wastewater treatment plant during the year, excluding unusual situations due to heavy rain.		

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>		
– ENERGY ~~AND CLIMATE~~ NEUTRALITY OF URBAN WASTEWATER TREATMENT PLANTS ~~AND~~ <u>COLLECTING SYSTEMS</u>	ENERGY ~~AND CLIMATE~~ NEUTRALITY <u>AND CLIMATE GAS REDUCTION</u> OF URBAN WASTEWATER TREATMENT PLANTS <u>AND COLLECTING SYSTEMS</u>	
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.	1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants and collecting system 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 and collecting system treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.	

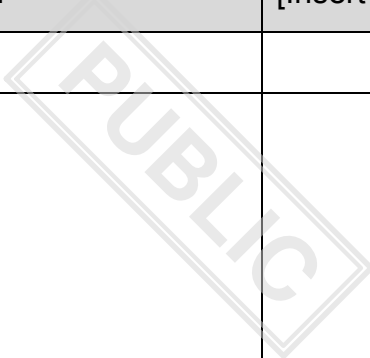
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level, on or off-site, by urban wastewater treatment plants 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. <u>~~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> <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>	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 % 50 % of the total annual energy used by such plants by 31 December 2030; (b) ~~75~~ 60 % 75 % 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. <u>~~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> <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>	Denmark find that Article 11 should be more ambitious.
	3. Initiatives to achieve energy neutrality must not lead to an increased emission of methane and nitrous oxides.	Denmark propose once more to add a paragraph 3 saying that initiatives to achieve energy neutrality must not lead to an increased emission of methane and nitrous oxides. There are often a negative tradeoff between energy efficiency and emissions of nitrous oxide. It is important that this is taken into account else ambition on energy-neutrality can be contra-productive.

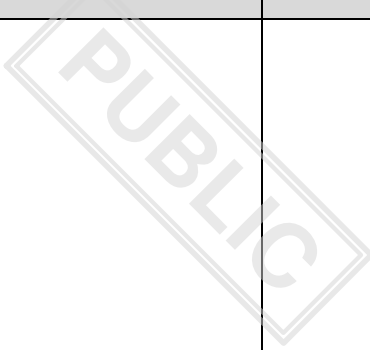
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

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>		
<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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		

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/EEC⁸; (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.		

⁸ 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 Council⁹; (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'		

⁹ 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	PUBLIC	Denmark welcomes the new changes of Article 17. The revised text gives the members states better possibilities to adapt the surveillance to specific national conditions. In general, Denmark believes that Article 17 should be a recommendation and not an actual requirement

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 Council¹⁰, 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 Council¹¹.~~		

¹⁰ 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).

¹¹ + 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.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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, re-use, ~~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>		

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>		Regarding question in the comments to article 21 paragraph 1 d, it is possible to measure nitrous oxide - and set up a measurement program for it. We are doing it in Denmark. UK, US, Netherlands, and Australia are working on it. And the member states can use national or IPCC standard emission factors to calculate the emissions until they have set up a measurement program.
(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 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.		
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		

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 Council¹²;

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹³;

(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 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)		

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- 12 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).
- 13 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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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.		We support alignment with the responding articles in IED.
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>		

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.~~		We support alignment with the responding articles in IED.
~~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 non-governmental 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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

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.		We support alignment with the responding articles in IED.
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 Law-Making.		

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.		

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. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		We support alignment with the responding articles in IED.

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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(c) the population or the environment affected by the violation infringement~~, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; <u>(c) 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.		

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
<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.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)¹⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

¹⁴ — Reduction in relation to the load of the influent.

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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	[Insert MS name] proposal	[Insert MS name] comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

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

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

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

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

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

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

~~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~~

PUBLIC

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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over</u> to <u>99 999 p.e.</u>:</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day ~~week~~ For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over</u> to <u>99 999 p.e.</u> :	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		Denmark strongly support the minimum annual number of samples is lowered for plant from 100.000 p.e or over
— 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 <u>99 999 p.e.</u> :	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									
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
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	PUBLIC	
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>		
<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		jjjjj

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 water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents ~~only no more than 1 %~~ a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target-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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	2. Objectives for the reduction of pollution from ~~storm water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % 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 ~~indicative~~target-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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	Denmark finds that the lower ambitions of the indicative objective from 1 to 2 percent Annex 5 is too unambitious. Denmark is already at 1,1 percent at national level – and we nothing to work for with an indicative goal of 2 percent.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the ~~implementation~~implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

GERMANY

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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.		DE agrees to the proposed reference threshold
(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. ~~(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.~~	Para 39 (bis) to be deleted	A difficult topography and insularity cannot be a reason for the introduction of a derogation/exemption for Mayotte. There are other (comparable) islands within the EU, such as Balearic Islands, Gotland, Greek Island, Madeira, Azores or Canary Islands without exemptions for the obligations under the UWWTD.

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] comments
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u>;	(1) 'urban wastewater' means - domestic wastewater or - <u>urban runoff or</u> - domestic wastewater mixed with non-domestic wastewater or - domestic wastewater mixed with urban runoff or - domestic wastewater mixed with non-domestic wastewater and urban runoff.	The proposed definition does not cover urban runoff and a definition that urban runoff is also wastewater is mandatory. Otherwise the definition of discharges by sewer overflows in (6) would also not cover urban runoff. It has to be kept in mind that rainwater/runoff from specific surface (except industrial sites) can be very polluted.
(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>	Suggestion: stick to COM proposal or text below (3) 'non-domestic wastewater' means any wastewater, other than domestic wastewater which is discharged into collecting systems from premises used for either of activities carried out by exercise of a trade or industrial or economical activities. Paragraph to be deleted again!	Not acceptable The addition of urban-runoff is technically wrong, as urban runoff is neither domestic wastewater nor non-domestic wastewater. Not acceptable The added para does not cover the entire of domestic wastewater, as e.g. (domestic) wastewater from dishwasher, washing-machines, showers etc. are completely missing.
(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 ~~a~~ final discharge points into receiving waters;	'agglomeration' means an area where the population (expressed in population equivalent) is sufficiently concentrated (taking as a reference 10 p.e. per hectare or above)	Reference to p.e. covers economic activities as well.
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
(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;		
(8) 'combined sewer' means a conduit ~~that~~ that designed to collect_s and conduct_s urban wastewater <u>including urban runoff</u> ;		
(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 <u>non-domestic wastewater</u>~~ ; (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 <u>per day</u> having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day~~ per day ;		
~~(10-bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.~~	To be deleted	The minimum requirement for wastewater treatment must be secondary treatment. Depending on the technique, a primary treatment is not always necessary. Thus, a definition for primary treatment is not necessary.
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes <u>most of</u> biodegradable organic matter in urban wastewater ;		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
(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;		
(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) ;	Add a new definition: 'sewage sludge ashes' means solid, mineral, carbonaceous residues resulting from thermal treatment in the form of incineration of sewage sludge.	It is necessary to add a definition for ashes from incineration of sewage sludge. The incineration of sewage sludge is an important measure of pre-treatment, since the recovery of phosphorus is particularly effective from sewage sludge incineration ashes. Additionally, organic pollutants in the sewage sludge are being completely destroyed
(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	Suggestion: stick to origin COM proposal or text below. 'Micropollutant' means a substance, including its breakdown products, that usually occurs in low concentrations (mostly µg-ng/l) in the water medium 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 .	Not acceptable. New proposal lacks reference to the water medium and "low concentrations" is not defined anymore.

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).

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
(17) 'dilution ratio' means the ratio ~~of between~~ the last five years average volume of annual flow of the receiving waters at the point of discharge ~~and to the last five years average of the annual discharge~~ volume of urban wastewater into surface waters ; ~~discharged from a treatment plant;~~		
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(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;		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
(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).		
<u>(26) 'dry weather conditions' means</u>	<u>Definition needs to be added</u>	<u>Definition needs to be added with reference to Annex V Nr. 2 (a)</u>

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

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. ~~Unless they justify a derogation under paragraph 1 of Article 4,~~ Member States shall ensure that all agglomerations ~~with a p.e. of 2 000 p.e. and above~~ comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of <u>domestic urban</u> wastewater are connected to the collecting system.	Derogation to be deleted.	A justification for not serving an agglomeration with sewers to protect the environment cannot be seen and is not acceptable.

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
~~2. Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030~~ 2033, Member States shall ensure that all agglomerations with a p.e. of between 1000 and 2000 p.e. comply with the following requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to a the collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	Derogation to be deleted.	
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;		Accepted – clear definition, also technical standards for the design and construction of wwtp may vary from MS to MS.
~~4~~ 3. Collecting systems shall fulfil the requirements of Part A of Annex I.		

ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		
1. ~~By way of derogation 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.	Derogation to be deleted.	As soon as a city serves their citizens with a public system, a connection to the sewer must be mandatory. Only this way a re-investment of the city for a sewer network (by public money) can be guaranteed. In case a sewer system would technically not be feasible, it can also not belong to the agglomeration. Thus, a derogation is not necessary.
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>~~	Last sentence to be deleted	Intention of the added text is unclear and not acceptable.

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, ~~where individual systems are used~~ are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, ~~on the basis of a risk-based approach,~~ are carried out by the appropriate authority or other body authorised at national or regional level.	Risk based approach to be deleted.	Not acceptable. Any IAS should meet minimum requirements, independent of the size of the agglomeration. <u>The way to control these systems can be left to MS and needs no derogation.</u>
~~34.~~ The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach~~ ~~second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
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.		
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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

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

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ 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~~ 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.	(a) sewer storm water overflow discharges ... (b) 2%	Urban runoff must be covered by the definition of wastewater. Thus, it is not necessary to mention urban runoff separately. See Austrian study provided

² 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).

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	[DE] proposal	[DE] 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	[DE] proposal	[DE] comments
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 ~~six~~ 5 years after their establishment and updated where necessary.		

ARTICLE 6 – SECONDARY TREATMENT

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

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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 meet the relevant requirements for secondary treatment ~~or an equivalent treatment~~ set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	Derogation to be delete.	
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	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level, on or off-site, by urban wastewater treatment plants treating a load of 10 000 p.e. and above, is equivalent to at least: (a) ~~50~~ 20% of the total annual energy used by such plants by 31 December 2030; (b) ~~75~~ 60% of the total annual energy used by such plants by 31 December 2035; (c) 100% of the total annual energy used by such plants by 31 December 2040. ~~In the calculation of the total annual energy produced from renewable sources as referred to in the first subparagraph, Member States may take into account a maximum of 10 % of renewable energy neither produced by urban wastewater treatment operators nor produced within a 5 kilometer radius from an urban wastewater treatment plants.~~ ~~Member States shall ensure that the potential for energy produced from urban wastewater resources, as demonstrated by the energy audit as referred in paragraph 1, is used to its full extent, representing at least 80% of the energy used by urban wastewater treatment plants referred to in points (a), (b) and (c) of the first subparagraph.~~	Delete added para	Intention of added para unclear and maybe a doubling of (1) ?

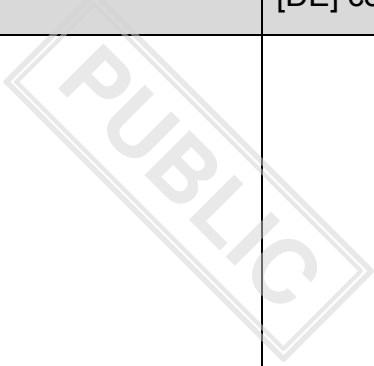
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

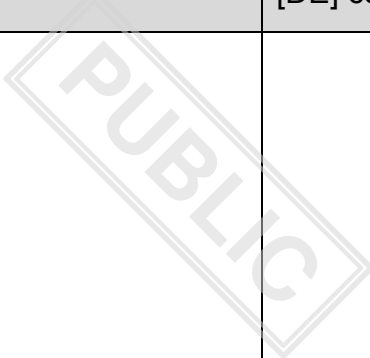
New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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	[DE] proposal	[DE] comments
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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/EEC⁵; (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.		

⁵ 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	[DE] proposal	[DE] 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 these conditions remain fulfilled.		

ARTICLE 16 – BIODEGRADABLE NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>	<u>Votum: delete whole Article 17.</u> <u>If not accepted, please implement the following porposals.</u>	<u>DE considers Article 17 not in line with the Treaty of the European Union</u>
(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	[DE] proposal	[DE] 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	~~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 ~~may~~ set up a national system for permanent ~~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 considered relevant by the competent authorities of the Member States for monitoring 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
authorities responsible for public health and to Union platforms, where such platforms are available.	authorities responsible for public health and to Union platforms, where such platforms are available, in accordance with data protection law	

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
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. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until 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 Council⁷, 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 Council⁸.~~	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 and where the monitoring of urban wastewater is suitable means, the presence of SARS-CoV-2 and its variants ~~relevant public health parameters shall~~ may be monitored in urban wastewaters from a representative distribution at least 70 % of the national population. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until 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 Council⁹, 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 Council¹⁰.~~	There is both no scientific evidence for a strict threshold (regardless if it is 70% or 50%) and no need for COVID-specific regulations. Delete sentence. It can be usefull to continue with the monitoring for a longer period.

⁷ 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).

⁸ + 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.

⁹ 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).

¹⁰ + 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.

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
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.	To be deleted completely ~~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.~~	Para to be deleted, as there are strong doubts that the proposal can be implemented at all.
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	[DE] proposal	[DE] 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>		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
(28)	Add the following: “The recovered nutrients are to be used as substitutes for primary nutrients, for example in the production of fertilizers.” “The thermal treatment of sewage by incineration is considered a measure of preparation prior to recovery and recycling in accordance with Article 3 (15a) of the Directive 2008/98/EC.”	1. The recovery of resources itself does not offer any environmental benefit. A regulation on the aimed use of recyclates must be included in the recitals. 2. Incineration (thermal treatment) of sewage sludge is an important measure of pre-treatment. The recovery of phosphorus is particularly effective from sewage sludge incineration ashes. Additionally, organic pollutants in the sewage sludge are being completely destroyed. In accordance with Article 3 (15a) of the Waste Framework Directive (2008/98/EC), the thermal treatment must be considered a measure of preparation prior to recovery and recycling.
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, re-use, ~~and~~ recycling ~~and including material recovery~~ of resources and minimize the adverse effects on the environment.	Amendmend as suggested.	The recovery of resources itself does not offer any environmental benefit. Only through reuse or recycling, the recovered (secondary) resources will be used in order to substitute primary resources.
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 sludge and sludge ashes , in order to take into account available technologies for phosphorus and nitrogen recovery in wastewater-, sludge and sludge ashes . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	Amendmend as suggested.	Incineration (thermal treatment) of sewage sludge is an important measure of pre-treatment for the recovery of phosphorus from sewage sludge. The recovery of phosphorus is particularly effective from sewage sludge incineration ashes. Additionally, organic pollutants in the sewage sludge are being completely destroyed.

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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 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.	Delete derogation for nutrient content. Change into: (d) CO₂ equivalents emitted from ...	Nutrients in wastewater are not necessarily plant available. Thus, a divided treatment level for agricultural purposes and discharges into waters are not necessary. In addition, it is hardly manageable in a waste water treatment plant. N₂O (produced in the biological processes) and CH₄ losses can neither be captured nor measured. Thus, the reporting should focus on CO₂. In case an estimation for CH₄ or N₂O can be made, the CO₂ equivalent shall be relevant.
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~	... Annex I. Microplastics and relevant micropollutants shall be monitored in case they can be expected in discharges.	

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 Council¹¹;

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹²;

(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 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

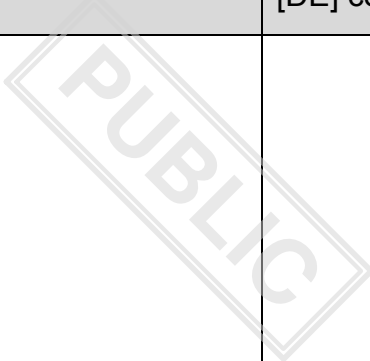
PUBLIC

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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)		

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- 11 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).
 - 12 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	[DE] proposal	[DE] comments
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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	[DE] proposal	[DE] 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~~

Delete 5.

No extension of deadlines. A clear regulation is necessary.

PUBLIC

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		The entire provision of Article 26 should be deleted.

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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.~~	To be deleted	The entire provision of Article 26 should be deleted. We welcome the deletion of official liability. Nonetheless, the proposed liability cannot be estimated. Liability should only occur when a provision is violated that is aimed to protect third parties. Article 26 (1) links liability to any violation of national measures that were adopted pursuant to this Directive. Therefore, the liability proposed in this provision is unclear und too broad in this regard.
~~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 non-governmental 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.~~	To be deleted	Still unclear – see above

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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.~~		We welcome the deletion of Article 26 (4).
~~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.	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.	We welcome that it is not mandatory anymore to establish special limitation periods for bringing actions for compensation referred to in paragraph 1. The amendment to paragraph 4 sentence 2 ("or can reasonably be expected to know") is also welcomed, but the words "the violation has ceased and" shall be deleted in this sentence.

ARTICLE 27 – EXERCISE OF THE DELEGATION

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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.		
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 Law-Making.		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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.		

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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.~~		We welcome and strongly support the deletion of the second sentence of this paragraph. With a view to the system of our national law, this deletion is of particular importance for us,

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(c)~~(b) the population or the environment affected by the <u>violation 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 environment; <u>(c) the repetitive or singular character of the infringement.</u>		We welcome and strongly support the deletion of (b) ("the intentional or negligent character of the violation"). With a view to the system of our national law, this deletion is of importance for us, With regard to the wording "as applicable" we can accept the new letter (c), but we would like to point out that the restriction "as applicable" is really necessary from DEU's point of view. Because: - Previous violations can initially only be taken into account if they have also led to a sanction. Therefore, the focus here must be on "sanctions for previous comparable violations". - In addition, in this case, previous sanctions only increase the charge if it is a comparable violation. Only here it becomes clear that the person was not impressed by the previous penalty. - Finally, it must be taken into account that previous convictions entered in a register must be deleted at some point. Register entries that have already been deleted or are pending deletion (or fictitious entries if there were a corresponding register) due to comparable offenses must not be considered as an aggravating circumstance. The member states therefore need to have appropriate leeway here.
3. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(38)		
1. By 31 December 2030 and by 31 December 2040, the Commission shall carry out an evaluation of this Directive based in particular on the following elements: (a) the experience gained through the implementation of this Directive; (b) the data sets referred to in Article 22(1); (c) relevant scientific, analytical and epidemiological data, including results from research projects funded by the Union; (d) WHO recommendations, where available; (e) an analyse of the possible need to adapt the list of products to be covered by extended producer responsibility to the evolution of the range of products placed on the market, improved knowledge on the presence of 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.		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
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	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.		

ARTICLE 33 – TRANSPOSITION

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

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(42); (43)		
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official 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	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Articles [...] and Annexes [...] [refer to the articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].		

ARTICLE 35 – ADDRESSEES

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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.		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
Done at Brussels, For the European Parliament For the Council The President The President		

ANNEX I 4– REQUIREMENTS FOR URBAN WASTEWATER

A.COLLECTING SYSTEMS

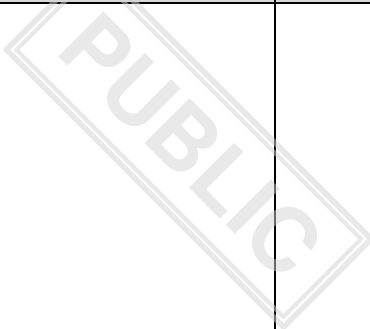
New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Collecting systems shall take into account wastewater treatment requirements. 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		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
relevant requirements in Article 5 and annex V.		

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] comments
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 .		
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.		
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.		

New text proposal_Clusters1,3,5				[DE] proposal	[DE] comments
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹³	Reference method of measurement		
Biochemical oxygen demand (BOD5 at 20 °C) without nitrification (see Note 1)	25 mg/l O ₂	70-90 ~~40 under~~ Article 4 (2)	Homogenized, unfiltered, undecanted sample. Determination of dissolved oxygen before and after five-day incubation at 20 °C ± 1 °C, in complete darkness. Addition of a nitrification inhibitor		
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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		

¹³ — Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				[DE] proposal	[DE] comments
			– Centrifuging of a representative sample (for at least five mins with mean acceleration of 2800 to 3200 g), drying at 105 °C and weighing	PUBLIC	
Note 1: The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen 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	[DE] proposal	[DE] 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. The ~~prior general binding rules~~ **regulations** and/or specific authorisations referred to in Article 14(1) shall ensure the following:

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

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

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

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

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

~~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~~

PUBLIC

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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	[DE] proposal	[DE] 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over</u> ~~to 99 999 p.e.~~</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For 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		
— 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									
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	[DE] proposal	[DE] comments
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		[DE] proposal	[DE] 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		[DE] proposal	[DE] comments
269-284	20	PUBLIC	
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		[DE] proposal	[DE] 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	[DE] proposal	[DE] 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	[DE] proposal	[DE] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the		

New text proposal_Clusters1,3,5	[DE] proposal	[DE] 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 water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.		
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	[DE] proposal	[DE] comments
of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

ESTONIA

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.	(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of ~~1-000~~ 2000 p.e. and above should be collected in centralised collecting systems. When delineating their agglomerations, Member States should take into account the indicative reference threshold of 25 p.e. per hectare above which the population, ~~possibly combined with~~ and/or economic activities, located in a specific area are considered sufficiently concentrated. Where such centralised collecting systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.	We find it important that the existing scope of the current Directive of 2000 p.e remains in order to better manage the investment needs (the reasons are discussed in more detail below under Article 3 comments). We also believe that in smaller agglomerations (below 2000 p.e) it is more reasonable to leave the discretion on deciding environmental protection intervention to the Member States by taking into account the environmental protection characteristics of the specific agglomeration at national level. We prefer that the proposed 'population possibly combined with economic activities' should be replaced with 'population and/or economic activities' to provide Member States with the flexibility to also consider only economic activities in the formation of agglomeration as is also provided in the current Directive. We support moving the numerical reference threshold of formation of agglomeration to recital 5 together with increasing this non-binding/indicative threshold from 10 to 25 p.e. per hectare.
(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</u>		The introduction of recital 39 bis is suitable.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<u>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>		

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.		The proposed change in wording is suitable.

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either~~ non-domestic wastewater ~~and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		The proposed changes in wording are suitable.
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/or from household activities;		We are pleased that wastewater from institutions which also originates predominantly from the human metabolism is now included in the scope of this definition.
(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~~ <u>or economical</u> 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>	(3) 'non-domestic wastewater' means wastewater, other than domestic wastewater and urban runoff, which is discharged from premises used for the exercise of a trade or industrial ~~or economical~~ activities; <u>The wastewaters Wastewater</u> from the above <u>premises activities</u> , that <u>is only of are only</u> domestic wastewater <u>origin (from toilets or kitchens with food preparation) are is</u> entitled as domestic wastewaters.	We do not support including economical activities under the scope of this definition as it is very broad term which makes it difficult to draw a line regarding the exact activities that fall within the scope of economical activities as well as non-domestic wastewater. We in general prefer to return to the previous wording of the definition proposed by Swedish Presidency (REV 01_text proposal) to narrow the scope of this definition to a more reasonable and limited extent. With regard to the added new last phrase, we propose to amend it and rather move it to recitals as it seems to be redundant here.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
(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>;	(4) 'agglomeration' means an area where the population ~~combined or not with and/or~~ economic activities is sufficiently concentrated for urban wastewater to be collected and conducted to one or more urban wastewater treatment plants or to one or more final discharge points or for treated effluent to be discharged into a recipient receiving waters;	We prefer that the proposed 'population combined or not with economic activities' should be replaced with 'population and/or economic activities' as it is in the current Directive because the text proposed by the Presidency always assumes sufficiently concentrated population but the wording of the current Directive also provides flexibility to consider only economic activities. We support the deletion of the numerical reference threshold of 10 p.e. per hectare from this definition and moving it to recital 5 together with increasing this non-binding threshold to 25 p.e. per hectare. As in some cases treated effluent could also be, for example, discharged into the soil, we see the need that in the last sentence 'receiving waters' should be replaced with 'recipient' which is a broader term and includes also receiving waters.
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;	(5) 'urban runoff' means precipitation storm water from agglomerations collected by combined or separate sewers;	We still see that 'storm water' is more appropriate term here.
(6) '~~sewer storm-water~~ overflow' means discharge of untreated urban wastewater <u>into</u> receiving waters from separate or combined sewers ~~caused by rainfall~~;		Text proposal is acceptable.
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a conduit ~~that that designed to collect and conducts~~ urban wastewater <u>including urban runoff</u>;	(8) 'combined sewer' means a conduit that collects and conducts urban wastewater including urban runoff;	As according to the definition of 'urban wastewater' only domestic wastewater or domestic wastewater mixed with non-domestic wastewater that do not contain urban runoff could also be considered as urban wastewater, it is important that urban runoff is separately mentioned under this definition.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
(9) 'separate sewer' means a conduit that separately collects and conducts either urban runoff or ~~either of the following:~~ (a) ~~domestic urban wastewater not including urban runoff;~~ (b) ~~non-domestic wastewater non-domestic wastewater;~~ (c) ~~a mixture of domestic and non-domestic wastewater;~~ (d) ~~rainwater from agglomerations;~~		The proposed changes in wording are suitable.
(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) '1 population equivalent' or '(1 p.e.)' means the unit of average potential organic biodegradable load caused by one person per day expressed through organic-biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day;	We still believe that this definition could be more precise.
<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>		The introduction of the definition of primary treatment from the current Directive is suitable.
(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;		The proposed change in wording is suitable in general.
(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;		Text proposal is suitable.
(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;		Text proposal is suitable.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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);	(14) 'sludge' means mainly organic and inorganic sludge biodegradable waste resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding grit and other debris, grit , grease and any other residues from the first preliminary treatment step);	The scope of the new proposed 'sludge' definition is quite good but could be improved a bit.
(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	(16) 'micropollutant' means a substance, including its breakdown products, that is usually present in the environment and urban wastewaters in very low concentrations, usually in micrograms per litre or below, and in low concentrations 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 ²	We still believe that the definition of micropollutant should include a reference to the concentration. There should be specified what exactly is meant by 'relevant criteria' set out in Part 3 and Part 4 of Annex I to Regulation EC.
(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;~~		The proposed changes in wording are suitable.
(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;		

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).

² 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).

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
(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 ;		Text proposal is suitable.
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;	'sanitation' means facilities (including flush toilets and dry toilets) and services for the safe management and disposal of human urine, faeces, and menstrual blood;	As we have already commented and proposed before, wording of this definition should be more precise.
(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;		
(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 BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient in urban wastewater, expressed in p.e. or mass unit per time (usually kilogram per day or year).	(25) 'load' means the amount of BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient in urban wastewater , expressed in p.e. or mass unit per time.	We prefer to return to the previous wording of the definition proposed by Swedish Presidency (REV 01_text proposal) as the loads of other pollutants in addition to BOD5 and nutrients can also be expressed in p.e.

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

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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'	Wording proposals for the definitions, if necessary, are given above in the section of Article 2 – Definitions.	
<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.~~ 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.		We support replacing 'domestic wastewater' with 'urban wastewater'.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
2. Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030 ~~2033~~, Member States shall ensure that all agglomerations with a p.e. of between 1000 and 2000 p.e. comply with the following requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to ~~a~~ the collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	~~2. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that all agglomerations between 1000 and 2000 p.e. comply with the requirements of paragraph 1 by 31 December 2033:~~ ~~(a) they are provided with collecting systems;~~ ~~(b) all their sources of urban wastewater are connected to a collecting system.~~ ~~Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.~~	We in general support the idea of applying risk-based approach, but we still consider it as a major problem that this Article 3 applies also to agglomerations between 1000 and 2000 p.e. We see that extending the deadline and exceptional derogation from the deadline for maximum 6 years in the context of fulfilling the requirements set out in Article 23(5) is not sufficient for Estonia considering that there is still a need to build more than 120 km sewerage on the territories of smaller local governments (in addition, the residents of the local governments have to build pipelines inside their property to connect to the collecting system). To fulfil the Proposal's requirements, it would mean a direct investment need of more than 100 M€ for building collecting systems. The latter is not cost-effective and in these smaller local governments these large-scale investments for building sewerage would not be proportional to accompanying environmental benefits. Estonian water undertakings and local governments do not have enough financing capacity to make the required investments for building sewerage to agglomeration below 2000 p.e even when the deadline is extended (and derogation from the deadline for maximum six years could be applied) as proposed by the Presidency (subsidies would be necessary). We find it important that the existing scope of the current Directive of 2000 p.e remains in order to better manage the investment needs. We also believe that in smaller agglomerations (below 2000 p.e) it is more reasonable to leave the discretion on deciding environmental protection intervention to the Member States by taking into account the environmental protection characteristics of the specific agglomeration at national level.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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;~~		Text proposal is suitable.
4 ~~3~~ . Collecting systems shall fulfil the requirements of Part A of Annex I.		

ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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'	Wording proposals for the definitions, if necessary, are given above in the section of Article 2 – Definitions.	
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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~~ urban ~~domestic~~ urban wastewaters ('individual systems') are used for agglomerations of 1 000 p.e. and above.	1. ~~By way of derogation~~ Member States may derogate from Article 3, if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental or health benefit, it is not technically feasible or because it would involve excessive cost. If derogating from Article 3, Member States shall ensure that individual systems for the collection, storage and, when applicable, treatment of urban wastewaters ('individual systems') are used for agglomerations of ~~1-000~~ 2000 p.e. and above.	As already mentioned in Estonian comments on the previous Article 3, we support replacing 'domestic wastewater' with 'urban wastewater'. Related to the Estonian text proposal/comments made on the previous Article 3, we find it important that this requirement would also not apply to agglomerations below 2000 p.e. The existing scope of the current Directive of 2000 p.e must remain.
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>	2. Member States shall ensure that individual systems for the treatment of urban wastewater are designed, operated and maintained in a manner that ensures at least the same level of environmental protection as the secondary and tertiary treatments referred to in Articles 6 and 7. Member States shall ensure that urban wastewater that is pumped out from a wastewater collection tank is subject to secondary and tertiary treatments referred to in Articles 6 and 7. Tertiary treatment for individual ~~systems~~ wastewater treatment plants will only be required in those cases that individual wastewater treatment plants ~~systems~~ are discharging in an area a-sensitive to eutrophication area ~~or a catchment area~~. This requirement for individual systems for the treatment of urban wastewater will only apply to existing newly planned individual systems six years after 2033.	As individual systems include individual wastewater treatment plants as well as collection tanks, we still believe that in this paragraph a clear distinction should be made between the requirements for individual wastewater treatment plants and collection tanks. Wastewater that is collected into a leak-proof wastewater collection tank and discharged into sewer discharge stations shall be subject to secondary and tertiary treatment (together with urban wastewater that enters collecting systems). The sentence about discharging in a sensitive area should be specified for clarity. There should also be clearly specified that the requirement for individual systems for the treatment of urban wastewater will only apply to new individual wastewater treatment plants as was also noted by the Commission.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, where individual systems are used are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, on the basis of a risk-based approach, are carried out by the appropriate authority or other body authorised at national or regional level.	3. [NEW] Member States shall ensure that individual systems in agglomerations of ~~4-999~~ 2000 p.e. and above, are registered in a national or regional registry and that regular inspections or other means of regular checks or control of those systems, on the basis of a risk-based approach, are carried out by the appropriate authority or other body authorised at national or regional level.	Related to the Estonian text proposal/comments made on the previous Article 3, we find it important that this requirement would also not apply to agglomerations below 2000 p.e. The existing scope of the current Directive of 2000 p.e must remain. We support adding risk-based approach and providing Member States with a possibility to choose between applying a national or regional registry.
34. The Commission is empowered to adopt ~~delegated~~ implementing acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach~~ ~~second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		We are pleased that delegated acts are replaced with implementing acts. We also agree on providing risk-based approach in (b).

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
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.	5. Member States that use individual systems to collect and/or treat more than 2% of the urban wastewater load from agglomerations of 2 000 p.e. and above shall provide the Commission with a justification for the use of individual systems. 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 4 where the Commission has exercised its implementing power under that paragraph.	As individual systems include individual wastewater treatment plants and collection tanks, this requirement should be applied to both of them.
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>		The proposed changes in wording are suitable.

ARTICLE 5 - INTEGRATED URBAN WASTEWATER **AND URBAN RUNOFF** MANAGEMENT PLANS

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'	Wording proposals for the definitions, if necessary, are given above in the section of Article 2 – Definitions.	
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	1. By 31 December 2035, Member States shall ensure that an integrated urban wastewater management plan is established for ~~each agglomeration~~ agglomerations of 100 000 p.e. and above.	We support extending the deadline. We believe that preparing a separate integrated urban wastewater management plan for each agglomeration is not reasonable as the boundaries of agglomerations are not directly related to the boundaries of the storm water catchment areas. With regard to collection and management of storm water it would be more reasonable to apply a storm water catchment area-based approach for the whole territory of respective local government in order to ensure a comprehensive solution to storm water problems (for example to reduce pollution caused by storm water through urban runoff discharges and sewer overflow). Preparation of one urban wastewater management plan per one local government is sufficient and comprehensive.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~4%~~ 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather ~~flow~~ conditions; (c) ~~sewer storm water~~ overflow or urban runoff discharges prevents the fulfilment of any of the following: (i) the requirements established under Article 5 of Directive (EU) 2020/2184; (ii) the requirements set out in Article 5(3) of Directive 2006/7/EC of the European Parliament and of the Council³; (iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council⁴; (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/EC⁵ Member States shall review the list referred to in the first subparagraph every ~~five~~ six years after its establishment and update it where necessary.		We support extending the deadline. The methodology for calculating the proportion of sewer overflow from the annual collected urban wastewater load of the referred parameters should be provided by the Commission as soon as possible and it should also be given in the Directive. If the methodology is known, only then it is possible to assess whether this 3% in (b) is reasonable or should be even higher. Other proposed changes are suitable.

³ 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	Estonian proposal	Estonian 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		We support extending the deadline.
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.		

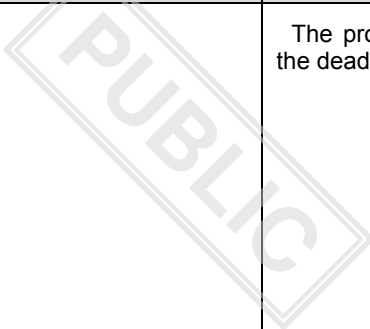
⁴ Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84)

⁵ **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	Estonian proposal	Estonian comments
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>		Text is suitable if the objective of pollution reduction in (b) is not mandatory as was confirmed by the Commission as fixed size for all overflows is not a reasonable solution, considering that achieving compliance with this criterion can be very costly, while the effect obtained from it is not very big (especially if the water quality of the receiving waters meets the criteria of good condition). Moreover, more precise criteria could be set for a specific overflow taking into account the local environmental condition of the specific receiving waters.
7. Member States shall ensure that integrated urban wastewater management plans are reviewed at least every six 5 years after their establishment and updated where necessary.	7. Member States shall ensure that integrated urban wastewater management plans are reviewed at least every six years after their establishment and updated where necessary. 8. [NEW] Member States can replace the obligation to establish separate integrated urban wastewater managements plans referred to in paragraph 1 and 3 with other nationally established plan(s) which include at least the same elements as it is set out for integrated urban wastewater management plans in Annex V.	We are pleased with this change in paragraph 7 as it gives flexibility for Member States to decide on which reviewing interval best fits their national system. We still find it necessary to add a new paragraph to Article 5. In Estonia there are several existing nationally established plans which match the scope of the integrated urban wastewater management plans and already include the same elements as it is set out in the Proposal for integrated urban wastewater management plans in Annex V. Thus, we do not see the need for the preparation and establishing new separate integrated urban wastewater managements plans. In order to optimize administrative burden we see the need that Member States should have an option to use other nationally prepared and established plans which include at least the same elements as it is set out for integrated urban wastewater management plans to fulfill this obligation.

ARTICLE 6 – SECONDARY TREATMENT

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'	Wording proposals for the definitions, if necessary, are given above in the section of Article 2 – Definitions.	
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(12)		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
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].~~		The proposed changes in wording (including extending the deadlines) are suitable in general.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.	~~2. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033 meet the relevant requirements for secondary 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 before discharge into receiving waters.~~ ~~Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.~~	In relation to Estonian proposal/comments made to Article 3(2), this paragraph should also be deleted.
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.		The deletion is acceptable.
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.		The deletion is acceptable.

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

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		We support extending the deadlines.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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>	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~~ used by urban wastewater treatment plants treating a load of 10 000 p.e. and above is produced from carbon neutral energy sources at national level on or off site: (a) 20% of the total annual energy used by such plants is produced from carbon neutral energy sources by 31 December 2030; (b) 60% of the total annual energy used by such plants is produced from carbon neutral energy sources by 31 December 2035; (c) 100% of the total annual energy used by such plants is produced from carbon neutral energy sources by 31 December 2040. 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.~~ In the calculation of the total annual energy produced from carbon neutral energy sources at national level, Member States may also take into account carbon neutral energy that is purchased from electricity market.	We in general agree with the aim to move towards climate neutral energy in wastewater treatment sector but we see that there must also be possible to purchase 100% not only 20% carbon-neutral electricity from the market as an alternative choice to self-production. If certified carbon-neutral electricity is purchased from the market to operate the WWTP, then its contribution to climate neutrality is equivalent to self-production of carbon-neutral electricity. We believe that professional electricity producers are more effective and more sustainable. According to the new proposal by Presidency at least 80% of the energy used by urban wastewater treatment plants have to be produced from urban wastewater sources (promoting the production of biogas is primarily intended here). This is a problem for us as in Estonia it has been estimated that the potential of biogas produced from sludge is on average 20% of WWTPs' total electricity consumption. The wording of this new requirement by Presidency would also mean that energy from solar power plants located on the territories of WWTPs could not be considered in this context. If this was not the idea, the wording of this new requirement should be improved. We also believe that climate neutrality target can also be achieved with other carbon neutral energy sources (e.g nuclear energy, etc) in addition to energy from only renewable sources.

ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(18)		
Member States shall ensure that the urban 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.	1. 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. 2. [NEW] By way of derogation from paragraph 1 Member States may take into account that the requirements for total nitrogen removal in tertiary treatment set out in Article 7 and Table 2 of Annex I may not be achieved when the temperature in the biological reactor is at or below 12 °C.	As nitrogen removal technology is sensitive to cold, we consider it important that this would also be taken into account in this Article.

ARTICLE 14 – DISCHARGES OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		We are pleased that 'general binding rules' have been replaced with 'regulations'. There should be specified which other Union legislation is meant under this paragraph.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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/EEC⁶; (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.		The proposed changes in wording are suitable.
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. The regulations and/or 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.	If an annex could not be changed through an implementing act, we would like to better define the power or functions that have been delegated to the Commission.

⁶ 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	Estonian proposal	Estonian 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.	4. The specific authorisations and/or regulations referred to in paragraph 1 shall be reviewed and, where necessary, adapted ~~at least every ten years~~ on a risk basis. ~~The 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 specific authorisations shall be reviewed and adapted to these changes.	Reviewing all of the specific authorisations at least every ten years without no significant reason is unnecessary and burdensome. Therefore, we propose to replace this ten-year requirement with a risk-based approach and apply this for both the specific authorisations and for regulations.

ARTICLE 16 – BIODEGRADABLE NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'	Wording proposals for the definitions, if necessary, are given above in the section of Article 2 – Definitions.	
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(21)		

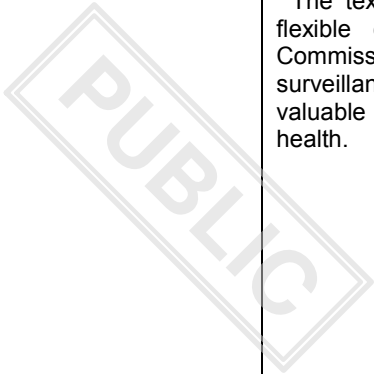
New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental protection 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 Council ⁷ ; (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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(21) 'antimicrobial resistance'	Wording proposals for the definitions, if necessary, are given above in the section of Article 2 – Definitions.	

⁷ 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	Estonian proposal	Estonian 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent		The text proposal is suitable in general as it is more flexible compared with the initial Proposal by the Commission. We find that setting up urban wastewater surveillance system should be mandatory as it provides valuable information for making decisions related to public health.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and ~~more~~. This monitoring shall continue until ~~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 Council⁸, 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 Council⁹~~.		The proposed changes in wording are suitable.

⁸ 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).

⁹ + 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.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
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.		We in general support extending the deadline. However, this deadline of 1 January 2026 is probably too early due to the transposition period of the Directive. There should be specified whether the monitoring frequency of AMR can be decided by Member States. If not, then the monitoring frequency of AMR should still be included in the Directive.
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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(14) 'sludge'	Wording proposals for the definitions, if necessary, are given above in the section of Article 2 – Definitions.	
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(28)		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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, re-use, ~~and~~ recycling and material recovery of resources and minimize the adverse effects on the environment.		The proposed changes in wording are suitable.
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>	2. The Commission is empowered to adopt implementing acts to supplement this Directive by promoting setting out the minimum reuse and recycling rates for phosphorus and nitrogen from wastewater and sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in wastewater and sludge. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	We are pleased that delegated acts are replaced with implementing acts. We agree that reuse and recycling of phosphorus and nitrogen from sludge should be promoted in order to enhance the utilization of phosphorus and nitrogen contained in the sludge. We in general are not against to replacing 'setting out' with 'promoting'. However, if implementing acts can not be adopted in case of using 'promoting' as was noted by the Commission, then we would rather change 'promoting' back to 'setting out'. Reuse and recycling of phosphorus and nitrogen from wastewater is a completely new topic in the context of this article which significantly broadens the scope, thus we do not support inclusion of wastewater in this article of sludge.

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		
1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor: (a) discharges from urban wastewater treatment plants in order to verify compliance with the requirements of ~~part~~ Part B of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~and; this monitoring shall include~~ including loads and concentrations of the parameters listed in ~~Part B~~ Tables 1 and 2 of Annex I; (b) amounts, composition and destination of sludge; (c) ~~the destination of the treated urban wastewater including the share of reused water~~ quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater; (d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of <u>above</u> 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.	1. Member States shall ensure that ~~competent authorities, appropriate bodies or~~ the operator ~~and/or the owner~~ of the urban wastewater treatment plant monitor: (a) discharges from urban wastewater treatment plants to verify compliance with the requirements of Part B of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I and; including loads and concentrations of the parameters listed in Tables 1 and 2 of Annex I; (b) amounts, composition and destination of sludge; (c) the quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater; (d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of 10 000 p.e. and above; (e) the methane produced and the energy used and produced by urban wastewater treatment plants of 10 000 p.e and above.	We believe that the operators and/or owners of the collecting systems rather than competent authorities and appropriate bodies have the respective competence and should bear this obligation to monitor their wastewater treatment plant. The required monitoring frequency of greenhouse gases emissions should be given in the Directive. We in general believe that updating the monitoring system is important, but the costs associated with an increase in monitoring frequency should not cause a significant economic burden and not be disproportionately high.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system monitor ~~monitor~~ carry out ~~sufficient~~ representative monitoring of sewer the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.	2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that ~~competent authorities,~~ ~~appropriate bodies or~~ operators ~~and/or owners~~ of the collecting ~~system~~ systems carry out representative monitoring of sewer 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.	We believe that the operators and/or owners of the collecting systems rather than competent authorities and appropriate bodies have the respective competence and should bear this obligation to monitor sewer overflows and urban runoff. With regard to monitoring of the content of relevant micropollutants, it is important to specify which micropollutants are considered 'relevant' or how to assess this relevance. What is meant by representative monitoring of sewer overflows and urban runoff discharged into water bodies?

3. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the following elements: (a) pollutants listed in: (i) Annexes VIII and X to Directive 2000/60/EC, the Annex to Directive 2008/105/EC, Annex I to Directive 2006/118/EC and Part B of Annex II to Directive 2006/118/EC; (ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council¹⁰; (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹¹; (iv) Annexes I and II to Directive 86/278/EEC. (b) parameters listed in Part B of Annex III to Directive (EU) 2020/2184, where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive; (c) the presence of microplastics. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor the presence of micro-plastics in the sludge. The monitoring referred to in the first and second sub-paragraphs 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 <u>more above</u>; (b) at least one sample every 2 two years for agglomerations of between 10 000 p.e. and 100 000 p.e. <u>[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</u>	3. For all agglomerations of above 10 000 p.e., Member States shall ensure that ~~competent authorities, appropriate bodies or~~ the operator and/or owner 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 Council¹²; (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹³; (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.~~ [NEW] The specific list of pollutants and parameters listed in (a) and (b) to be monitored in Member States will be decided at a national level on a basis of a risk assessment and/or on the basis of the results of national monitoring. For all agglomerations of above 10 000 p.e., Member States shall ensure that ~~competent authorities, appropriate bodies or~~ the operator and/or owner of the wastewater treatment plant monitor the presence of microplastics at the inlets and outlets of urban wastewater treatment plants and in the sludge. The monitoring referred to in this paragraph shall be carried out with the following frequencies: (a) at least two samples per year, with maximum 7 months between the samples, for agglomerations of 100 000 p.e. and above; (b) at least one sample every two years for agglomerations of between 10 000 p.e. and 100 000 p.e.	We believe that the costs associated with adding a large number of mandatory pollutants and parameters that require monitoring should not cause a significant economic burden and not be disproportionately high. We find that the proposed possibility to reduce the monitoring frequency of the pollutants referred to in this paragraph by half is not sufficient as it still requires monitoring of all of the pollutants and parameters listed in (a) and (b) (including full monitoring during the first three years). The list of pollutants (a) and parameters (b) that need to be monitored at the inlets and outlets of urban wastewater treatment plants contain hazardous substances which are not contained in domestic wastewater and are rather industry-specific substances. Moreover, the list of pollutants in (a) include quite a lot of hazardous substances that are not even used in Estonian industry and therefore they are not found at the inlets and outlets of Estonian urban wastewater treatment plants as well as in water bodies. It is not cost-effective and reasonable to monitor those pollutants that are not considered as a problem to water bodies at a national level and that are not even used in Estonia. We find that the total list of pollutants (a) and parameters (b) to be monitored should not automatically apply to all urban wastewater treatment plants. The specific list of pollutants and parameters to be monitored should be decided at a national level and should contain primarily substances that are considered as a risk to local water bodies. The competent authorities of the Member States should have the possibility to set the monitoring obligation for these pollutants and parameters for each specific wastewater treatment plant on a basis of a risk assessment or on the basis of the results of national monitoring. For example, Estonia is currently in the process of renewing national regulations on hazardous substances that are discharged into public sewage system as well as effluent limit values of hazardous substances. The list of pollutants that will be involved in these national regulations will be based on hazardous substances that are regulated in surface water bodies. Monitoring of the entire list of hazardous substances involved in national regulations will not be mandatory for all urban wastewater treatment plants, but the competent authorities will decide depending

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.	~~[NEW] The monitoring frequency established in this paragraph may be halved in subsequent years if the monitoring results for the pollutants referred to in this paragraph are below standards under Directive 2008/105/EC or below detection limits or below limits of quantification during the first three years of the monitoring. The monitoring frequency should be reviewed at least every year.~~ The Commission is empowered to adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a methodology for measuring greenhouse gas emissions from urban wastewater treatment plants and microplastics in urban wastewater and sludge.	on the specific situation which substances exactly will be monitored in a specific urban wastewater treatment plant (this system has also functioned effectively in the current national regulations).

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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>		

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- 10 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).
 - 11 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).
 - 12 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).
 - 13 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	Estonian proposal	Estonian comments
(31)		
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		We in general support extending the deadline for establishing a national implementation programme.
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.		We in general support extending the deadline for submitting a national implementation programme to the Commission.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
3. Member States shall update their national implementation programmes at least every <u>5</u> 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.		We are pleased with the change regarding updating interval of national implementation programme.
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	5. Member States may include in their first national implementation programmes an extension of maximum six years of the following ~~deadlines~~ deadline: ~~(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~~ extension of this deadline shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP	In relation to Estonian proposal/comments made to Articles 3(2) and 6(2), the subparagraph of (a) should also be deleted. An extension of the deadline described in subparagraph (b) is acceptable but it is still crucial that derogations for nitrogen removal for wastewater treatments plants located in cold climate areas are added to Table 2 of Annex I.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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)].	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	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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.		With regard to this article we support applying the same wording as in the general approach to the industrial emissions directive.
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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.~~		With regard to this article we support applying the same wording as in the general approach to the industrial emissions directive.
~~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 non-governmental 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	Estonian proposal	Estonian 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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		With regard to this article we in general support applying the same wording as in the general approach to the industrial emissions directive.
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.	2. The power to adopt delegated acts referred to in Articles ~~4(3)~~ , 7(4), 8(~~5~~ ~~6~~), ~~9(2)~~ , 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.	These changes are related to Estonian text proposals/ comments previously made on Articles 4(4), 9(2) and 20(2) or text proposals for Article 8(6) made by the SE Presidency.
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.	3. The delegation of power referred to in Articles ~~4(3)~~ , 7(4), 8(~~5~~ ~~6~~), ~~9(2)~~ , 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.	These changes are related to Estonian text proposals/ comments previously made on Articles 4(4), 9(2) and 20(2) or text proposals for Article 8(6) made by the SE Presidency.
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 Law-Making.		

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.	6. A delegated act adopted pursuant to Articles ~~4(3)~~ , 7(4), 8(~~5~~ 6), 9(2) , 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.	These changes are related to Estonian text proposals/ comments previously made on Articles 4(4), 9(2) and 20(2) or text proposals for Article 8(6) made by the SE Presidency.

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(37)		
1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		With regard to this article we support applying the same wording as in the general approach to the industrial emissions directive.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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~~ infringement; ~~(b) the intentional or negligent character of the violation;~~ ~~(c) the population or the environment affected by the violation~~ infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; <u>(c) 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.		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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.	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.	With regard to deletion in (e), we find that Member States shall have a right to decide at a national level on implementation and extent of extended producer responsibility system taking into account local conditions (including product categories on which this system applies to).
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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.		

ARTICLE 33 – TRANSPOSITION

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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		The transposition period should be at least 24 months.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.		This correction is suitable.

ARTICLE 34 – ENTRY INTO FORCE

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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.		Text proposal is suitable.

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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 .		Text proposal is suitable.
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.		Text proposal is suitable.
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 .	4. Discharges from urban wastewater treatment plants referred to in Article 8(1) or serving agglomerations referred to in Article 8(4) shall meet the requirements set out in Table 3 of this Annex.	As we have previously proposed to delete Article 8(1), the reference to Article 8(1) should also be deleted here.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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.	5. Authorisations and/or regulations for discharges from urban wastewater treatment plants using plastic biomedica shall include an obligation to monitor and prevent such biomedica from being released into receiving waters.	These changes are related to previous Estonian comments on Article 15. Discharges from urban wastewater treatment plants should be subject to regulations and/or specific authorisations.								
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.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.		Text proposal is acceptable.								
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)¹⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

¹⁴ — Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				Estonian proposal	Estonian 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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	Estonian proposal	Estonian comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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. The ~~prior general binding rules~~ regulations and/or specific authorisations referred to in Article 14(1) shall ensure the following: (a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of sludge; (b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants; (c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant <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~~		We are pleased that 'general binding rules' have been replaced with 'regulations' as it is in the current Directive. We are also pleased that the second paragraph is deleted in the Proposal as it would have increased the administrative burden. Changes made to (d) and (c) are suitable.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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	Estonian proposal	Estonian 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u></td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day ~~week~~ For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over to 99 999 p.e.</u>	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	3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year: <table><tr><td>— ~~1000~~ 2000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 p.e. or over:</td><td>One sample per week For micropollutants, two samples per month.</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— ~~1000~~ 2000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 p.e. or over:	One sample per week For micropollutants, two samples per month.	We are in general pleased with the changes made and find that the new monitoring frequency is now suitable. However, as we find it important that the existing scope of the current Directive of 2000 p.e remains, we find that the first range of ‘1000 to 9 999 p.e’ must be replaced with ‘2000 to 9 999 p.e’.
— 1000 to 9 999 p.e.:	One sample per month (see Note 1)															
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month															
— 50 000 <u>or over to 99 999 p.e.</u>	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															
— ~~1000~~ 2000 to 9 999 p.e.:	One sample per month (see Note 1)															
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month															
— 50 000 p.e. or over:	One sample per week For micropollutants, two samples per month.															
4. The treated wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it	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	The addition to (d) is related to our previously submitted Proposal/comments on Table 3 of Annex I. We believe that with regard to micro-pollutants removal, Member States														

New text proposal_Clusters1,3,5	Estonian proposal	Estonian comments
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.	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. The values for concentration or for the percentage of removal shall apply.	should also have a possibility to choose between applying limit values and minimum percentage of removal.
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.		Text proposal is acceptable.
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		Estonian proposal	Estonian 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		Estonian proposal	Estonian comments
269-284	20	PUBLIC	
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		Estonian proposal	Estonian 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	Estonian proposal	Estonian 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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the		These changes are acceptable.

New text proposal_Clusters1,3,5	Estonian proposal	Estonian 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 water~~ sewer overflows and urban runoff discharges , including the following: (a) an ~~indicative~~ indicative objective that ~~storm water sewer~~ overflow; represents ~~only no more than 1%~~ a small percentage, preferably below one 2% percent , of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~ target 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 ~~sewers~~ collection networks , unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	2. Objectives for the reduction of pollution from sewer overflows and urban runoff discharges, including the following: (a) an indicative objective that sewer overflow represents only a small percentage, preferably below 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions flow; This indicative objective should be met by: (i) 31 December 2040 for all agglomerations of 100 000 p.e. and above; (ii) 31 December 2045 for agglomerations of 10 000 p.e. and above referred to in Article 5(2); (b) the progressive reduction of pollution load from discharges of urban runoff through separate sewers, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	We support extending the deadlines. Text is suitable if the objective of pollution reduction is not mandatory as was confirmed by the Commission as fixed size for all overflows is not a reasonable solution, considering that achieving compliance with this criterion can be very costly, while the effect obtained from it is not very big (especially if the water quality of the receiving waters meets the criteria of good condition). Moreover, more precise criteria could be set for a specific overflow taking into account the local environmental condition of the specific receiving waters.
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	Estonian proposal	Estonian comments
of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

IRELAND

New text proposal_Clusters1,3,5	IE proposal	IE 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>		

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.	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 to sustainable levels and improving the energy balance of urban wastewater collection and treatment activities. It also outlines objectives ~~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	

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>		
		IE proposes additional definitions for Risk and Risk based approach – see end of document

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
For the purpose of this Directive, the following definitions apply:		
(1) 'urban wastewater' means domestic wastewater ~~or; the mixture of domestic wastewater mixed with and either~~ non-domestic wastewater ~~and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/ <u>or</u> from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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 <u>or economical</u> 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 <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to a <u>one or more</u> final discharge points <u>into receiving waters</u> ;		
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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;		
(8) 'combined sewer' means a conduit ~~that~~ that designed to collect_s and conduct_s urban wastewater <u>including urban runoff</u>;		
(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~~ <u>non-domestic wastewater</u>; (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~~ <u>per day</u> having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ <u>per day</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%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes <u>most of</u> biodegradable organic matter in urban wastewater;		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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;	Alternative Definition (12) 'tertiary treatment' means treatment of urban wastewater by a process(s) which removes ~~most of~~ nitrogen and/or phosphorus from the urban wastewaters, to the standards outlined in Annex XX ;	Suggested alternative text, which might be clearer
(13) 'quaternary treatment' means treatment of urban wastewater by a process which ~~removes~~ reduces a broad spectrum of micro-pollutants ~~in from the~~ urban wastewaters;		
(14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ organic residue and inorganic sludge resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding debris, grit, grease and any other screenings residues from the first treatment step) ;		
(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		

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).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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;~~	The dilution ratio is calculated as the ratio of the average discharge volume from the wastewater treatment plant to either the average annual or (suggested amendment) 5 year average flow.	It is not clear how this aligns with Ecological Flows and the protection of receiving waters: - during their most vulnerable low flow periods (for rivers), - or other vulnerable periods (e.g. summertime in a restricted bay leading to algal/seaweed growth)? Furthermore, for restricted seawaters, Would the circulation rate would be more appropriate? For lakes, the turnover time or throughput time. For rivers, the flow, but probably the Q95, not the average
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(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;		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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</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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. <u>Unless they justify a derogation under paragraph 1 of Article 4,</u> 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. <u>Unless they justify a derogation under paragraph 1 of Article 4,</u> ~~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.		The derogation text is not clear enough It needs to be stated that where environmental benefits and risk to human health benefits accrue then the derogation timeline are required. Where there are no Environmental / Health benefits then there should be no requirement for the provision of collection systems and treatment.
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	IE proposal	IE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		
1. By way of derogation 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.		

New text proposal_Clusters1,3,5	IE proposal	IE comments
2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of environmental protection treatment as the secondary and tertiary treatments referred to in Articles 6 and 7. <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 national or regional 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 or regional level.		
~~34.~~ The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3,~~ on the basis of a risk-based approach ~~second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		

New text proposal_Clusters1,3,5	IE proposal	IE comments
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.	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 where there is a risk to the environment or human health from the use of the individual systems in 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.	
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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	IE proposal	IE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	IE proposal	IE comments
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		

New text proposal_Clusters1,3,5	IE proposal	IE comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~4%~~ 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather flow conditions; (c) ~~sewer storm water~~ 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.	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, using a risk based approach to analyse ~~considering~~ historic data 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 does represents a deterioration in environmental conditions using a risk based approach more than 3 % of the annual collected urban wastewater load of the parameters referred to in Table 1 of Annex I, 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 Council ; (iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council ; (iv) the environmental objectives set out in Article 4 of Directive 2000/60/EC. (v) the requirements established under Article 3 of Directive 2006/118/EC . Member States shall review the list referred to in the first subparagraph every ~~five~~ six years after its establishment and update it where necessary.	

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	IE proposal	IE 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)

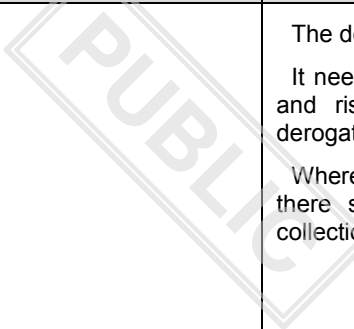
⁴ **Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration**

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

New text proposal_Clusters1,3,5	IE proposal	IE 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	IE proposal	IE 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 meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		The derogation text is not clear enough It needs to be stated that where environmental benefits and risk to human health benefits accrue then the derogation timeline are required. Where there are no Environmental / Health benefits then there should be no requirement for the provision of collection systems and treatment.
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	IE proposal	IE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		

New text proposal_Clusters1,3,5	IE proposal	IE 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. <u>~~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> <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>	(a) 50 20 % of the total annual energy used by such plants by 31 December ~~2030~~; 2035 (b) 75 60 % of the total annual energy used by such plants by 31 December ~~2035~~; 2040 (c) 100% of the total annual energy used by such plants by 31 December ~~2040~~ 2045 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%~~ 40% of the energy used by urban wastewater treatment plants referred to in points (a) and (b) ~~and (c)~~ of the first subparagraph.	IE would like to clarify that paragraph 2 allows for purchasing of green renewal energy Timelines for this article are challenging, due to the potential requirement for major infrastructural work, local planning legislation and land availability IE have indicated before that the maximum energy recovery from the production of biogas is 30%, therefore 80% level here is seen as too high.

ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

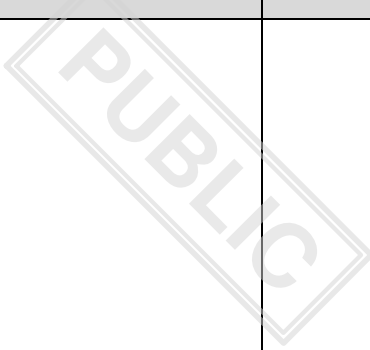
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules regulations~~ and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules regulations~~ and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules regulations~~ and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.	1. Member States shall ensure by 31st December 2028 that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules regulations~~ and/or specific authorisations by the competent authority or appropriate body.	IE proposes to include a deadline for clarity

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 <u>general binding rules regulations and/or</u> 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/EEC⁵; (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 <u>general binding rules regulations and</u> 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.		The inclusion of Implementing and Delegated Acts is understood as a mechanism to develop technical aspects of the Directive. IE suggests sufficient time is left for the development of these Acts so there can be detailed technical engagement between the MS's & the Commission on the content and application of the Acts.

⁵ 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 these 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	IE proposal	IE 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	IE proposal	IE 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;

(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	IE proposal	IE 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. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and ~~more~~. This monitoring shall continue until ~~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 Council⁷, 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 Council⁸~~.		

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	IE proposal	IE comments
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.		IE notes thsat further consideration is required in relation to antimicrobial resistance (AMR), including establishing the criteria for testing, the scope of AMR testing, the laboratory capacity for this testing, and the treatments which may be required.
54. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).		

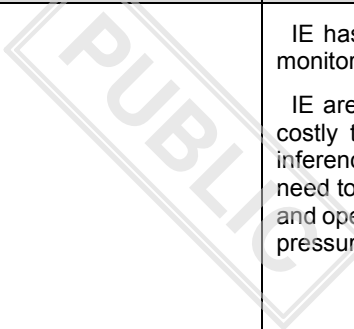
ARTICLE 20 – SLUDGE

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, re-use, ~~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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		

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>		
<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 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.		IE has requested clarification on how the GHGs will be monitored form open tanks. IE are cognisant of the fact that GHG emissions will be costly to monitor on all UWWT plants. In addition the inference of Zero Emissions is that GHG emissions may need to be eliminated which would have significant capital and operational costs covering tanks, operating at negative pressures and treatment before emission
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		IE the monitoring of microplastics, macroplastics and relevant micropollutants is acceptable in principal. However any potential future requirements for treatment to remove these would have to be based on established environmental impact and risk to human health.

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 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	[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)		

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- 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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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>		

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 non-governmental 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	IE proposal	IE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

New text proposal_Clusters1,3,5	IE proposal	IE 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.	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- ten-~~ 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.	Is 4 years 3 months (5 years less 9 months) sufficient time to deliver all to the Delegated Acts outlined in Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), and 24(3)? Consider a longer timeline of 10 years for this power to ensure adequate technical engagement of the details of these Delegate Acts
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 Law-Making.		

New text proposal_Clusters1,3,5	IE proposal	IE 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.		

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)		
<u>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law,</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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(c)(b)~~ the population or the environment affected by the <u>violation 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 environment; <u>(c) 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.		

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
<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	IE proposal	IE 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	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	The transposition process is slow and cumbersome why not let 2 full years after entry into force rather than the last day of the 23 rd month

New text proposal_Clusters1,3,5	IE proposal	IE 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.	substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-~~third~~ fourth month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.	
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 biomedias shall include an obligation to permanently monitor and prevent all unintentional such biomedias 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.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)⁴⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

⁴⁴ — Reduction in relation to the load of the influent.

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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	[Insert MS name] proposal	[Insert MS name] comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

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

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

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

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

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

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

~~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~~

PUBLIC

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.		

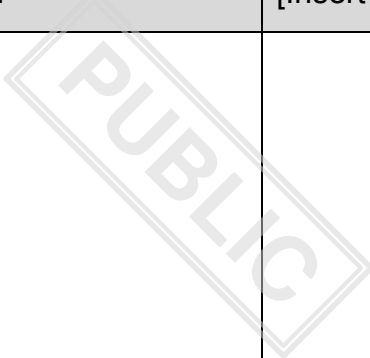
D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over</u> to <u>99 999 p.e.</u>:</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day ~~week~~ For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over</u> to <u>99 999 p.e.</u> :	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		
— 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 <u>99 999 p.e.</u> :	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									
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
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>		
<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		

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 water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.		
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 ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

CYPRUS

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.		Urban wastewater centralised collecting systems shall be constructed only in cases where the disposal of wastewater is associated with an increased environmental risk (based in a risk assessment and cost-benefit analysis). We believe that the population and / or economic activities concentration set by the directive should be further increased.
(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>		

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.		We agree with the amendment referring to reduction instead of elimination

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 non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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 <u>or economical</u> 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 <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to <u>a one or more</u> ~~a~~ final discharge points <u>into receiving waters</u> ;		
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) ~~'sewer storm water overflow'~~ means discharge of untreated urban wastewater <u>into</u> receiving waters from <u>separate or</u> 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 ~~that designed to collect~~ collects and conducts ~~urban wastewater including urban runoff;~~ urban wastewater		
(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 treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes most of biodegradable organic matter in urban wastewater;		
(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;		

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;		
(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 ;		

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).

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;		
(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;		
(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</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
<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'		

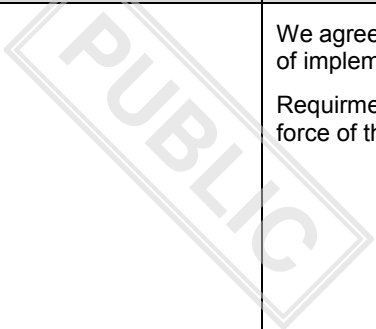
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, Member States shall ensure that all agglomerations ~~with 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. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, ~~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 <u>of paragraph 1 by 31 December 2033</u>: (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.		Collecting systems and individual systems shall only be applied in cases where the disposal of wastewater is associated with an increased environmental risk (based in a risk assessment and cost-benefit analysis). The timetable set is considered tight and we propose that this is extended

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;~~		Cyprus will comment on this article at a later stage.
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)		

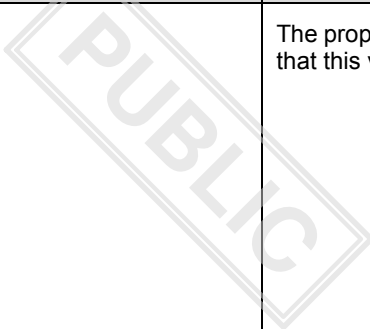
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. By way of derogation Member States may derogate from Article 3, ~~where exceptionally~~ if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental 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.		IAS for agglomerations with p.e. between 1000 and 2000 shall be constructed only in cases where the disposal of wastewater is associated with an increased environmental and health risk (based in a risk assessment and cost-benefit analysis).
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~~ national or regional 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 or regional level.		We propose that this requirement applies to agglomerations with p.e. above 2000. Furthermore risk-based approach shall be introduced for the checks and controls.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
~~34.~~ The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive~~ that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2~~ 3, on the basis of a risk-based approach ~~second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		We agree with the establishment of a date for the adoption of implementing acts. Requirments should be provided shortly after the entry into force of the Directive.
45. Member States that use individual systems to treat more than 2% of the urban wastewater load from agglomerations of 2 000 p.e. and above shall provide the Commission with a ~~detailed~~ justification for the use of individual systems ~~in each of the agglomerations~~. That justification shall: (a) demonstrate for each of those agglomerations that the conditions for using individual systems set out in paragraph 1 are fulfilled; (b) describe the measures taken in accordance with paragraph 2 and 3; (c) demonstrate compliance with the minimum requirements referred to in paragraph ~~34~~ where the Commission has exercised its ~~delegated~~ implementing power under that paragraph.		IAS shall be constructed only in cases where the disposal of wastewater is associated with an increased environmental and health risk (based in a risk assessment and cost-benefit analysis).

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>		We agree with the establishment of a date for the adoption of implementing acts. Format should be provided shortly after the entry into force of the Directive.

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>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		The timetable should be further extended

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~4%~~ 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather flow conditions; (c) ~~sewer storm water~~ 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.		The proposed value of 3% is considered low and proposed that this value is further increased

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		Cyprus - The timetable set is considered tight and we proposed that this is further extended
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)

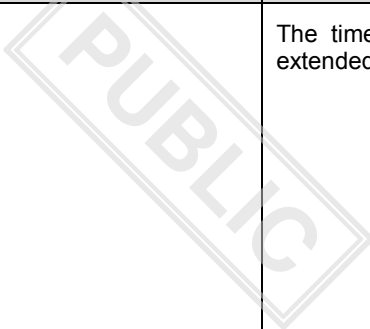
⁴ **Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration**

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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>		We agree with the establishment of a date for the adoption of implementing acts. Format should be provided shortly after the entry into force of the Directive.
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].~~		The timetable set is tight and we propose that this is further extended

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 meet the relevant requirements for secondary treatment ~~or an equivalent treatment~~ set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		The timetable set is tight and we propose that this is extended. We also propose a risk-based approach.
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 cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		The use of the term “energy neutrality” it cannot be found in the relevant energy sector Directives and should be removed. The timetable set is tight and we propose that this is further extended

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 following amendment is proposed: <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>	80% may not be feasible in some cases due to the relevant small size of our 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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules regulations~~ and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules regulations~~ and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules regulations~~ and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		Cyprus proposes to amend the term «appropriate body» including also the plant operators. We suggest that specific authorisations to connect industrial or other non-urban wastewater to the sewerage networks be granted by the operators of the plants, after informing the competent authority in advance. Treatment plant operators, knowing their obligations regarding the quality characteristics of the treated water, are in a position to estimate the quantities and quality of the (non-urban) waste water they can receive and treat without any risk. The competent authority will, in any case, have the right to intervene in each individual 'authorisation', where and when necessary. It is also noted that in Cyprus there is a large number of small craft industries which do not have the capacity to build their own waste treatment plants and therefore a flexibility in the possibility to receive their wastewater from the household waste treatment plants should be ensured.

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/EEC⁵; (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.		

5 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.		Cyprus is concerned about the increased costs as well as the increased administrative burden associated with the provisions of this Article.
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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	PUBLIC	Article 17 could be optional instead of mandatory Changes are in the right direction. Such analyses should only be carried out during pandemic periods during which the results can contribute to the national pandemic strategy, as they are associated with increased costs. Please clarify whether the procedures for carrying out the required analyses are defined and known to all. It is the position of Cyprus that there should be well established methods of analysis.

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 Council⁷, 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 Council⁸.~~		

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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.		The timetable set is tight and should be extended. It is the position of Cyprus that there should be well established methods of analysis.
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, re-use, ~~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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		It is the position of Cyprus that in order to increase the potential for reuse of reclaimed water, it should be possible in cases where it is intended for reuse purposes not to remove phosphorus and nitrogen. Noted that reuse of treated wastewater replaces chemical fertilisers

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>		
<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 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.	PUBLIC	The new requirement added in paragraph 1(c) shall be deemed to be impracticable. It is associated with high administrative costs and it is uncertain whether the requested data can be collected. In cases with many small agricultural parcels where many different crops are grown, such monitoring will be difficult. In Cyprus most agricultural parcels have these characteristics. It is proposed that the use of reclaimed water is done following a code of good agricultural practice as applied in Cyprus. Increased bureaucracy can ultimately be a strong disincentive to use reclaimed water. This will compromise the objectives of the circular economy. The reduction in the frequency of sampling is in the right direction however it is considered that there should be a further reduction. Increased frequency is associated with high costs as well as a significant additional administrative burden for the planning and execution of these tasks. 1(d) We request clarifications on how this is going to be measured
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		

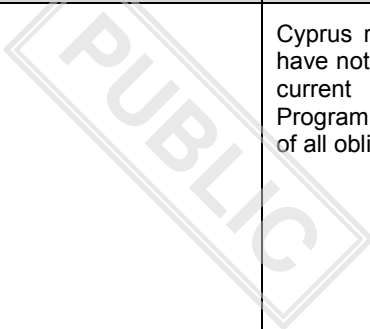
3. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the 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 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. <u>[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</u>	PUBLIC	For small agglomerations we suggest that the parameters to be analysed should be derived from the risk assessment and not from the requirements of Annex I Cyprus strongly supports that limit values should be set for micro-pollutant. It would also be better to give MSs the flexibility to optimise monitoring for parameters that are important rather than applying rules horizontally. The new paragraph is in the right direction. We consider that the reduction of the monitoring frequency can be done earlier (e.g., after two years of monitoring). We suggest to increase the range to 150.000 p.e. in order to be fair to previous terms. Furthermore, we recommend reducing the monitoring frequency in case of not detected in consecutive measurements.

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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		Cyprus requests additional time for Member States that have not yet managed to implement the obligations of the current Directive. The first National Implementation Program shall be established three years after completion of all obligations of the current Directive.
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

PUBLIC

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>		

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 non-governmental 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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

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

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.		

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. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		

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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(c) the population or the environment affected by the violation infringement~~, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; <u>(c) 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.		

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
<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.		Are there any specific standards to be followed for this monitoring?								
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.		How does this requirement relate to the provision for implementing solutions that do not impose excessive costs?								
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)⁴⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

¹⁴— ~~Reduction in relation to the load of the influent.~~

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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	[Insert MS name] proposal	[Insert MS name] comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

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

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

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

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

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

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

~~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~~

PUBLIC

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.		

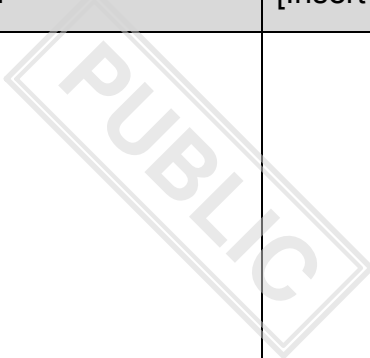
D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u></td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One Two samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over to 99 999 p.e.</u>	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	The following amendment is proposed: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u></td><td>One sample per week Two samples per month For micropollutants, two one sample per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One Two samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table>	— 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 to 99 999 p.e.</u>	One sample per week Two samples per month For micropollutants, two one sample per week month.	— 100.000 p.e. or over:	One Two samples per day week For micropollutants, ~~two~~ one sample per week	The reduction in the frequency of sampling is in the right direction however the position of Cyprus is that further reduction is required. We also suggest to reduce the monitoring frequency where micropollutnts are not detected in consecutive measurements.
— 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 to 99 999 p.e.</u>	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																	
— 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 to 99 999 p.e.</u>	One sample per week Two samples per month For micropollutants, two one sample per week month.																	
— 100.000 p.e. or over:	One Two samples per day week For micropollutants, ~~two~~ one sample per week																	
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
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>		
<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		

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 water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 ~~sewers~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.		2 % is too low and should be further increased The timetable set is tight and we proposed that this is extended
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 ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

LATVIA

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.	(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 where it would produce environmental or health benefit, is technically feasible and does not involve excessive cost.	We support moving the reference threshold to the recitals. Meanwhile we believe that the threshold should not be the only criterion for delineation of the agglomerations. Therefore, we support the wording: "Member States should take into account the reference threshold (...)". We believe that it is not reasonable to require that all sources of urban wastewater are connected to centralized collecting systems, as existing centralized collecting systems in agglomerations of between 1000 p.e and 2000 p.e. may cover only part of the agglomeration. In such cases it is not technically and financially feasible to connect wastewater sources located within the agglomeration that are distant from the centralized network; extension of the centralized network shall be subject to cost benefit analysis. Besides, there might be sources of urban wastewater (for instance, production units) that have their own wastewater treatment facilities; connection of such facilities to the centralized network is not always environmentally beneficial. Therefore, we suggest completing the last sentence of the recital in line with the derogation in Article 4.1.

(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.

(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.

PUBLIC

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.		

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 non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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~~ <u>or economical</u> 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 <u>population combined or not with and/or economic activities</u> ~~pollution load of urban wastewater~~ is sufficiently concentrated (<u>taking as a reference 10 p.e. per hectare</u> ~~or above~~) for urban wastewater to be collected and conducted to <u>one or more an</u> urban wastewater treatment plants or to <u>a one or more</u> final discharge points <u>into receiving waters</u> ;		We support moving of the threshold to the recitals.
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) ' ~~sewer storm water~~ overflow' means discharge of untreated urban wastewater <u>into</u> receiving waters from <u>separate or</u> 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 ~~that designed to collect~~ <u>s</u> and conducts ~~urban wastewater including urban runoff~~ <u>s</u> urban wastewater <u>including urban runoff</u> ;	(8) 'combined sewer' means a conduit that ~~that designed to collect~~ <u>s</u> and conducts ~~urban wastewater including urban runoff~~ <u>s</u> urban wastewater <u>including urban runoff</u> ;	As the definition in Article 2 (1) states that 'urban wastewater' means domestic wastewater or (...) , then it follows from the current definition that combined sewer may conduct only domestic wastewater that is not mixed with anything. We do not think that it correctly reflects the idea of combined sewer and overlaps with the definition of the separate sewer. We believe that reference to urban runoff shall be maintained.
(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~~ <u>per day</u> having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ <u>per day</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%.		We maintain a scrutiny reserve on this new definition until it is not clear where and how it will be used in the proposal.
(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;		

PUBLIC

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;		
(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 ;		

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).

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;		
(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;		
(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</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
<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'		

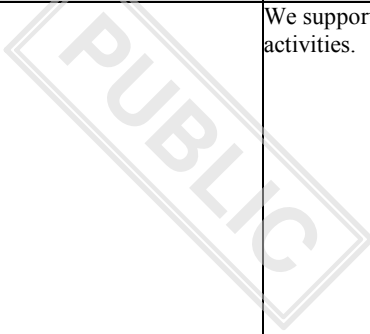
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, Member States shall ensure that all agglomerations ~~with 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.		We do not support replacing “domestic wastewater” with “urban wastewater” as proposed in Article 3 1 (b). The definition of “non-domestic wastewater” in Article 2 (3) states: “The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.” Therefore, a single industrial or economic installation may produce both domestic and non-domestic wastewater and if both streams are mixed then the installation would be defined as a source of urban wastewater. Such industrial or economic installations may have their own wastewater treatment facilities; mandatory connection of such facilities to the centralized network and municipal wastewater treatment plans is not always environmentally beneficial and technically and financially feasible. Therefore, we suggest that reference to domestic wastewater sources should be restored.
2. <u>Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030-2033</u>, Member States shall ensure that all agglomerations ~~with a p.e. of between 1000 and 2000 p.e.~~ comply with the ~~following~~ requirements <u>of paragraph 1 by 31 December 2033</u>: (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.		We do not support replacing “domestic wastewater” with “urban wastewater” as proposed in Article 3 1 (b). The definition of “non-domestic wastewater” in Article 2 (3) states: “The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.” Therefore, a single industrial or economic installation may produce both domestic and non-domestic wastewater and if both streams are mixed then the installation would be defined as a source of urban wastewater. Such industrial or economic installations may have their own wastewater treatment facilities; mandatory connection of such facilities to the centralized network and municipal wastewater treatment plans is not always environmentally beneficial and technically and financially feasible. Therefore, we suggest that reference to domestic wastewater sources should be restored.

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)		

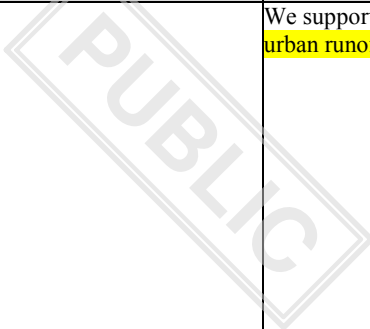
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. By way of derogation Member States may derogate from Article 3, ~~where exceptionally~~ if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental 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>	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>	We do not support inclusion of the sentence on tertiary treatment as whole Latvian territory is designated as a sensitive area. Among the other factors, this is due to natural characteristics of Latvian waters and the Baltic Sea. Wastewater discharge has a significant pressure on quite a small share (~ 7%) of surface water bodies. Therefore, the requirement for a tertiary treatment for individual systems may be applied only based on risk assessment. We also believe that the last sentence is not clear. Why is the deadline expressed as "six years after 2033" instead of 2039 (i.e. 2033 +6)?
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, ~~where individual systems are used~~ are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, <u>on the basis of a risk-based approach,</u> are carried out by the appropriate authority or other body authorised at national or regional level.		We have reservations about the reference to "regional level". Please, explain, whether registers established, and authorities identified by municipalities will be regarded as "regional level"? In Latvia, we do have national authorities and local municipalities. According to Latvian legislation, local municipalities establish and maintain registers of individual systems, as well as identify authorities responsible for their control. Reforming this system would require additional funding and create an unnecessary administrative burden.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
34. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		We support setting a specific deadline for the Commission activities.
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>		We support setting a specific deadline for the Commission activities.

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>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035, Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		We support extension of the deadline.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~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.		We support extension of the deadline. We doubt inclusion of the urban runoff in the title and text of this article.

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		We support extension of the deadline.
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)

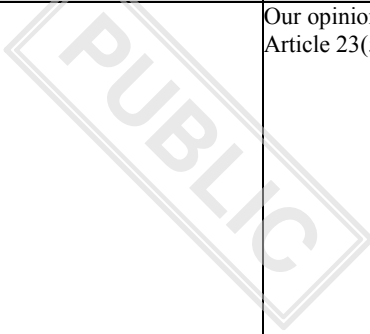
⁴ **Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration**

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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>		We support setting a specific deadline for the Commission activities.
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 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 <u>urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033</u> ~~urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment~~ <u>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.		Our opinion on Article 6 (2) depends on how the conditions in Article 23(5) will be formulated
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 cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		We support extension of the deadlines.

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, <u>on or off-site</u>, 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. <u>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> <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>	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, <u>on or off-site</u>, and used 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. <u>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> <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>	Regarding the changes in Article 11 (2): we do not support this paragraph if it is intended that the renewable energy targets shall be achieved, considering only renewable energy produced by wastewater treatment plants themselves. The reference "on or off-site" does not significantly improve the situation if off-site energy production still shall be ensured by the operators of wastewater treatment plants. We believe that it is not realistic and practical in Latvia's climatic conditions. Therefore, the possibility to purchase renewable energy from other producers shall be allowed. We do not fully understand the last paragraph. The right direction would be to demand full use of the WWTP energy production potential identified in the energy audits, but we do not support the determination of a specific achievable indicator (80% of the energy consumption of the WWTP), because it may not correspond to the conclusions of the energy audit.

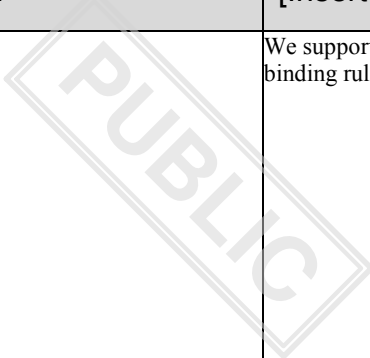
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

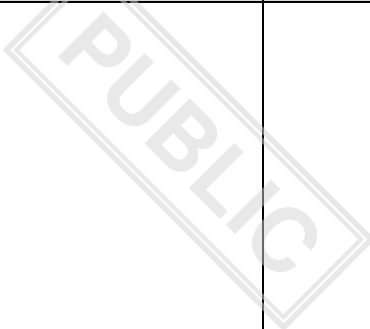
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		We support the reference to “regulations” instead of “general binding rules”.

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/EEC⁵; (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.		

⁵ 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.	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.	We support the inclusion of the last paragraph. However, in our opinion the first paragraph could be deleted to avoid duplication of administrative burden caused by mandatory review of the authorizations. Otherwise, we will be obliged to review authorizations for discharges of non- domestic wastewater into collecting systems and urban wastewater treatment plants in the situations listed in the last paragraph and, in addition to that, every 10 years.

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)		

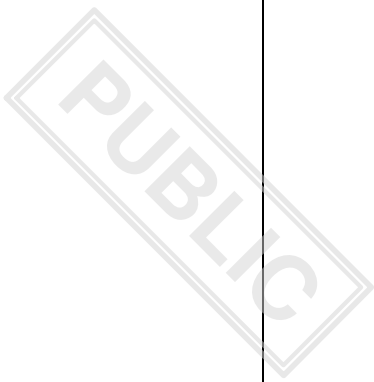
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent		

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. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and ~~more~~. This monitoring shall continue until ~~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 Council⁷, 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 Council⁸~~.		

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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.		We believe that the deadline should be extended. We cannot develop monitoring plans and allocate funding for the monitoring until this requirement becomes mandatory under national legislation. As adoption of the recast is envisaged in 2024, the transposition may continue in 2026. Meanwhile, planning of monitoring and budgeting shall take place at least a year in advance.
54. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).		

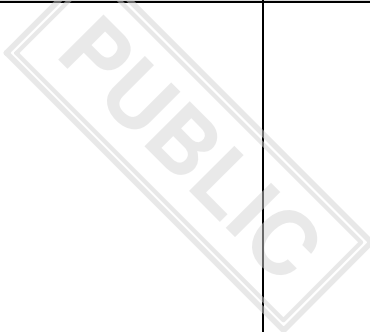
ARTICLE 20 – SLUDGE

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, re-use, ~~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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		

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>		
<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.		
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		

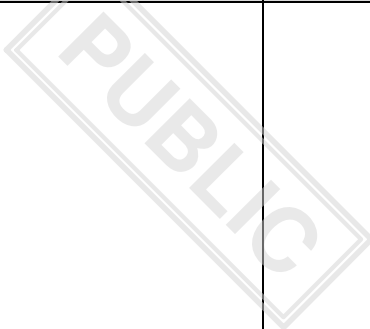
3. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the 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~~ 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. <u>[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</u>	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 relevant parameters, substances or pollutants selected from the following elements:	We believe that the provisions of this article shall be clarified. Firstly, lists of pollutants under Article 20 (3) (a) overlap and this shall be avoided. For instance, Annexes I and II to Directive 86/278/EEC require monitoring of heavy metals (Ni, Pb, Cd Hg), which are included also in the list of DECISION No 2455/2001/EC. Besides, Annex IIA to Directive 86/278/EEC requires monitoring of dry matter and organic matter. Is this applicable to wastewater monitoring? Also, Proposal for a Directive amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy 2022/0344 (COD) proposes deletion of Annex X to Directive 2000/60/EC, but Article 20 (3) (a) (i) has a reference to it. Also, a list in Part B of Annex III to Directive (EU) 2020/2184, referred to in Article 20 (3) (b) partially overlaps with the lists under Article 20 (3) (a). What is the added value of monitoring, for instance, of iron and turbidity at the inlets and outlets of urban wastewater treatment plants? In our opinion, monitoring of relevant parameters, substances or pollutants should only be required. In principle we support a new paragraph that provides for reduction of monitoring frequency. However, we believe that reduction of frequency is not sufficient, selection of relevant parameters shall be allowed like in the Article 8 (2) and 8 (5) of Directive (EU) 2020/2184

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)		

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- 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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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	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 <u>or collecting systems cover less than X% of the territory of agglomeration</u> 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;	We ask for reconsideration of the conditions set forth in Paragraph (i) of Article 23 (5) a). According to estimates there are 66 agglomerations between 1000 and 2000 p.e., but only 16 (24%) of them fully lack collecting systems. At the same time the remaining agglomerations have collecting systems that cover only part of their territory, i.e., existing collection systems shall be extended and also renewed to achieve full compliance with the requirements of Article 3 (2) and Annex I (as Annex I among the other things also requires prevention of leaks of wastewater and prevention of inflow and infiltration into the collecting systems). It is estimated that more than 900 km of collection networks and more than 600 pumping stations shall be built to ensure compliance. Both a huge amount of investment and time will be needed to establish such collection infrastructure. In our opinion it is not realistic to achieve compliance with Article 3 (2) by 2033, taking into account that investments will be needed to achieve compliance with the requirements of other articles as well. We believe that the information provided above justifies the need for extension and that the conditions under which the extension may be granted should include also reference to the situations where collection networks cover less than X% of the agglomeration. The exact % value shall be discussed with other member states. We also ask to reconsider the conditions set forth in Paragraph (i) of Article 23 (5) b) to allow extension of the deadline for agglomerations referred to in Article 7(3), which apply tertiary treatment according to requirements of Table 2 of Annex I to Directive 91/271/EEC on the date of entry into force of the new directive, but which will need both time and investments to comply with the new requirements for P and N treatment.

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>		

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 non-governmental 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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

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.		
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 Law-Making.		

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.		

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.~~		We support deletion of the last sentence.

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~~ infringement; (b) ~~the intentional or negligent character of the violation~~; ~~(c)(b)~~ the population or the environment affected by the ~~violation~~ infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; (c) the repetitive or singular character of the infringement.		
3. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.		

ARTICLE 30 – EVALUATION

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
<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.					
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.					
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹¹	Reference method of measurement		
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		

¹¹ ~~Reduction in relation to the load of the influent.~~

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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	[Insert MS name] proposal	[Insert MS name] comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

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

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

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

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

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

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

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~~

PUBLIC

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.		

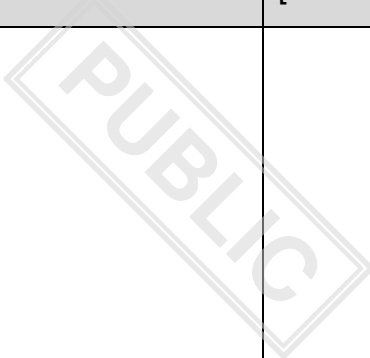
D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 or over ~~to 99 999 p.e.~~:</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, two ~~one~~ sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 or over ~~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		
— 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 or over ~~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									
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
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>		
<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		

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 water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 ~~sewer~~collection ~~networks~~, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.		In our opinion the meaning of “indicative” objective is not clear, especially if the deadlines to meet this deadline are laid down. We do not support inclusion of the indicative objective.
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 ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

LUXEMBOURG

General comment:

Luxembourg would like to reiterate its support for the Commission's proposal to recast the Urban Wastewater Treatment Directive.

In view of a Council compromise text, we take note that the Presidency's partial compromise text reduces the level of ambition of the initial proposal. As an essential resource for life and for the development of our societies, water is a precious resource subject to a multitude of pressures. These pressures will become even bigger with the challenges of climate change, whether from a quantity or quality point of view. The protection of water resources is therefore essential if we want to ensure a future for next generations in Europe. The effective protection of our water bodies is essential in order to adapt to the effects of climate change. The Wastewater Directive is therefore a key instrument, as it will set the level of treatment of our wastewater treatment plants and can significantly reduce pollution from the urban water cycle. An ambitious directive will therefore not only protect water bodies, but also the health of all Europeans, will allow our cities to grow and develop without impacting rivers and will ensure the development of our societies. Luxembourg therefore supports the ambitious approach proposed by the Commission and calls on the working group not to lose sight of the protection of this most important natural resource.

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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>		

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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 ;		

(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 ~~a~~ final discharge points <u>into receiving waters</u>;		
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) '~~sewer storm water~~ overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
(8) 'combined sewer' means a conduit ~~that~~ <u>that designed to collect_s and conducts_s urban wastewater including urban runoff;</u>		
(9) 'separate sewer' means a conduit that separately collects and conducts <u>either urban runoff or either of the following:</u> (a) ~~domestic~~ <u>urban wastewater not including urban runoff;</u> (b) ~~non-domestic wastewater~~ <u>non-domestic wastewater;</u> (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~~ <u>per day</u> having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ <u>per day;</u>		
<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>		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process <u>which removes most of biodegradable organic matter in urban wastewater;</u>		

(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;		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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		

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).

(17) 'dilution ratio' means the ratio ~~of between~~ the last five years average volume of annual flow of the receiving waters at the point of discharge ~~and to the last five years average of the annual discharge volume of urban wastewater into surface waters; discharged from a treatment plant;~~		
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means ~~an~~ nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(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;		
(25) 'load' means the amount of BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient in urban wastewater, expressed in p.e. or mass unit per time (usually kilogram per day or year).		

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

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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'		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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.		Luxembourg accepts the proposed new provision in view of a Council compromise text that would make it possible to extend the deadline for another 6 additional years (in accordance to Art. 23(5)). This provision gives more time to Member States whose initial situation is more unfavorable with regard to the percentage of agglomerations already provided with collecting systems and/or with secondary and tertiary treatment. Luxembourg however regrets that the initial ambition proposed by the Commission in Article 3 has been revised downwards with the extension of the deadlines (from 31 December 2030 to 2033). This is in LU's view at the very limit of what could be justifiable. Luxembourg is opposed to the application of a risk-based approach under this article, as was proposed by other delegations during the WPE on July 5th. If there is a possibility to connect the waste water into a collective system, this should be done. Article 4(1) allows a derogation under certain conditions, so it is not necessary to apply the risk based approach.

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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>	2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of ~~treatment~~ environmental protection as the secondary and tertiary treatments referred to in Articles 6 and 7. Tertiary treatment, where technically feasible and available, for individual systems will only be required in those cases that individual systems are discharging in a sensitive area or a catchment area or 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. This requirement will apply to existing individual systems six years after 2033.	Secondary treatment should be a minimum requirement for every individual system. Luxembourg would like to draw attention to the technical feasibility of the tertiary (and to some extent secondary treatment) as regulated by articles 6+7 and tables 1+2 of annex 1: In Luxembourg, the German norm of the <i>Deutsches Institut für Bautechnik (DIBt)</i> is used for individual wastewater treatment installations for households. (DIBt covers treatment installations of up to 50 p.e.). The lowest discharge values set in the DIBt norm for total nitrogen is 25 mg/L, total phosphorous is 2 mg/L and suspended solids is 50-75 mg/L. If IAS need to offer “same level of environmental protection” as the secondary and tertiary treatments referred to in articles 6+7” with their specific references to tables 1+2, the currently available individual waste water treatment installations, while offering a tertiary treatment, CANNOT be compliant to articles 6+7, as the 6 mg/L for nitrogen, 0.5 mg/L for phosphorous and do some extent the 35 mg/L for suspended solids cannot be achieved with the currently available waste water treatments installations. Luxembourg thus suggests the mention of “, where technically feasible and available” for the tertiary treatment step. Or Is Luxembourg mistaken and the same level of protection instead of treatment clearly means that there is no direct link between articles 6+7 and the

		respective tables and obligations of discharge limits with respect to IAS? Please note that ALL new IAS in Luxembourg need to be compliant with the DIBT norm “D”, 25 mg/L total nitrogen, though phosphorus removal is not usually required.
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	Luxembourg's proposal	Luxembourg's comments

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	Luxembourg's proposal	Luxembourg's 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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		

1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments

2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~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.		

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	Luxembourg's proposal	Luxembourg's 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**

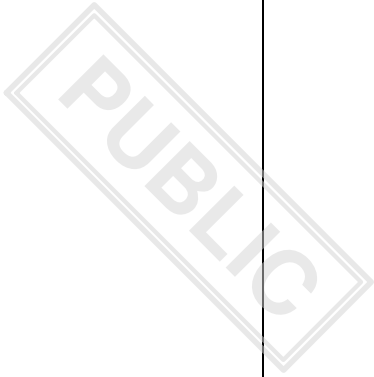
New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments

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> years after their establishment and updated where necessary.		

ARTICLE 6 – SECONDARY TREATMENT

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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 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	Luxembourg's proposal	Luxembourg's 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 <u>urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033</u> urban waste water entering collecting systems is ~~subject to meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I~~ accordance with paragraph 3 or an equivalent treatment before discharge <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.	PUBLIC	Luxembourg accepts the proposed new provision in view of a Council compromise text that would make it possible to extend the deadline for another 6 additional years (in accordance to Art. 23(5)). This provision gives more time to Member States whose initial situation is more unfavorable with regard to the percentage of agglomerations already provided with collecting systems and/or with secondary and tertiary treatment. Luxembourg however regrets that the initial ambition proposed by the Commission in Article 6 has been revised downwards with the extension of the deadlines (from 31 December 2030 to 2033). This is in LU's view at the very limit of what could be justifiable. Luxembourg is opposed to the application of a risk-based approach under this article, as -was proposed by other delegations during the WPE on July 5th. If there is a possibility to connect the waste water into a collective system, this should be done. Article 4(1) allows a derogation under certain conditions, so it is not necessary to apply the risk based approach.

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	Luxembourg's proposal	Luxembourg's 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)	(16) The evaluation has also shown that the wastewater treatment sector offers the opportunity to significantly reduce its own energy consumption and to produce renewable energy, for example by	The proposal for recital (16) reflects our proposal in Art.11 (2)

	better use of the available surfaces in urban wastewater treatment plants for solar energy production or by producing biogas from sludge. The evaluation also illustrated that, without clear legal obligations, only partial progress can be expected in this sector. In this context, Member States should be required to ensure that the total annual energy used by all urban wastewater treatment plants on their national territory treating a load of 10 000 p.e. and above does not exceed the production of energy from renewable sources as defined in Article 2(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council, by those urban wastewater treatment plants. That objective should be progressively met with interim targets by 31 December 2040. When calculating the total annual energy from renewable sources produced at national level by urban wastewater treatment plants, Member States may take into account renewable energy that is either produced on-site, within the premises of the urban waste water treatment plants, or off-site, where the renewable energy installation is installed, operated or financed by the operator of the urban wastewater treatment plants, or a third party on behalf of the operator, including by means of renewable power purchase or local energy sharing agreements. Reaching this energy neutrality target will contribute to reduce the avoidable greenhouse gas (GHG) emissions from the sector by 46 %, while supporting the achievement of the 2050 climate neutrality objectives and related national and Union objectives, [such as the objectives set out in Regulation (EU) 2018/842 of the European Parliament and of the Council. Encouraging	

	EU-based biogas or solar energy production while enhancing energy efficiency measures in line with the Energy Efficiency First principle, which means taking utmost account of cost-efficient energy efficiency measures in shaping energy policy and making relevant investment decisions, will also help reduce the Union energy dependence, one of the objectives expressed in the Commission "Repower EU" Plan.	
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.	1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas emissions. The first audits shall be carried out: (c) by 31 December ~~2025~~ ~~2030~~ 2025 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (d) by 31 December ~~2030~~ ~~2035~~ 2030 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.	Energy audits will give valuable information on which measure to implement in the short, medium and long term at the level of the treatment plants in order to achieve the energy neutrality goals set in Paragraph 2. Carrying out the audits as quickly as possible will provide valuable information to treatment plant operators. Knowing the results of audits does not necessarily mean the obligation to immediately implement all the recommendations arising from the audits. This means that the audits will not immediately generate significant costs. On the contrary, the results of the audits will make it possible to identify simple measures that could be implemented quickly in order to save energy and therefore saving money. It also provides important information for strategic planning in terms of long-term investment. Carrying out audits is therefore a cost-effective measure and should be a priority. It seems

		therefore inconceivable to us to delay the deadline for carrying out the audits and Luxembourg supports the initial Commissions' proposal.
New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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, <u>on or off-site</u>, 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. <u>~~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> <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>	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: (d) 20% of the total annual energy used by such plants by 31 December 2030; (e) 60% of the total annual energy used by such plants by 31 December 2035; (f) 100% of the total annual energy used by such plants by 31 December 2040. 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.~~ In addition to the above mentioned produced energy from urban wastewater resources, Member States may only take into account renewable energy that is produced in a renewable energy installation that is installed, operated or financed by the operators of urban wastewater treatment plants or a third party on behalf of the operator.	Luxembourg welcomes the proposed introduction of energy neutrality obligations in this Directive, as it is essential that all emitting sectors contribute their fair share to the urgently needed reduction of GHG emissions and of fossil energy import dependency. Knowing that the urban wastewater treatment sector consumes a lot of energy, there is great potential for effective GHG emission reduction. Luxembourg supports the Presidency's proposal to specify that the potential for energy produced from urban wastewater resources, as demonstrated by the energy audit must be used to its full extent. However, since this production using urban wastewater resources may in some cases not be sufficient to cover the energy needs of the wastewater treatment plant, it is important to give operators the possibility of investing off-site in installations for the production of renewable energy (e.g. wind turbines, solar...) which will be used for their needs. Knowing that the operators of wastewater treatment plants do not necessarily have the know-how to operate this type of installation, it is also necessary to allow flexibility for these installations to be financed by the operators of wastewater treatment plants but managed by a third party. Luxembourg would like to note that the increased treatment requirements and especially the quaternary treatment will significantly increase the energy needs of UWWTPs, It is thus important that any investment in renewably energy by the sector needs to be

		accounted for to achieve the aim of energy neutrality.

ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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.		
New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments

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).

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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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;~~	1. Member States shall monitor the presence of public health parameters in urban wastewater, such as those in the following list: (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. 2. 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), thus regarding the available health data and the needs in terms of public health data and, where relevant, the local epidemiological situations;~~	The commission's initial proposal made it mandatory to monitor the presence of certain parameters in urban wastewater, while the proposed PRES amendment only provides for the establishment of a national system for permanent cooperation and coordination between competent authorities responsible for public health and competent authorities responsible for urban wastewater treatment. It is only when a public health emergency is declared that monitoring should be carried out. During the COVID pandemic, LU experience showed that monitoring made it possible to detect traces of the virus in wastewater several days before a wave of contamination was triggered. This provided the authorities with precious time and the opportunity to act faster, knowing that a new wave was approaching. The Commission's initial proposal would make it possible to benefit from this information as early as possible and give the authorities the possibility to react as quickly as possible in the interest of the health of the European population. With the proposed PRES amendments, the monitoring would only have a reactive function instead of a preventive one. Luxembourg therefore pleads to revert to the Commission's initial proposal in this article.

(c) the organisation of an appropriate and timely communication of the monitoring results to the competent	(c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union platforms, where such platforms are available.	

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

(29)		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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 <u>above</u> 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.	1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, or when relevant calculate: (d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of above 10 000 p.e. and above, using the relevant IPCC guidelines used in the GHG reporting for UNFCCC ;	GHG emissions from UWWTP are currently reported in the national inventory report for the UNFCCC. These are not monitored (measured) but estimated/calculated based on the IPCC guidelines from 2006. It is important to avoid a different approach here and risk having potentially contradictory reporting. Thus, a reference to the ongoing approach for UNFCCC should be added to the text.

2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, **appropriate bodies or operators of the collecting system** ~~monitor~~ **carry out sufficient representative monitoring of sewer** ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies~~ **in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.**

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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 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. <u>[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</u>	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, or when relevant calculate, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the following elements: [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 in the receiving water at the relevant monitoring station are below standards under Directive 2008/105/EC ~~or below detection limits or below limits~~	GHG emissions from UWWTP are currently reported in the national inventory report for the UNFCCC. These are not monitored (measured) but estimated/calculated based on the IPCC guidelines from 2006.. It is important to avoid a different approach here and risk having potentially contradictory reporting. Thus a reference to the ongoing approach for UNFCCC should be added to the text. Luxembourg is of the opinion that this article should include a clear list of substances that are also considered relevant for UWWTPs With regard to the new paragraph on monitoring adaptation, It is unclear where the EQS under Directive 2008/105/EC would need to be compliant (inlet UWWTP, outlet UWWTP, receiving water body...). Since the EQS of directive 2008/105/EC are

	of quantification during the first three years of the monitoring. The monitoring frequency should be reviewed at least every year.	clearly applying to water bodies at the relevant surveillance station (operational or surveillance monitoring) and are not intended to be used as discharge values or Environmental Limit Values (ELV) Luxembourg suggests to specify this in the text. The fact that many substances may not have set EQS, the decision to reduce monitoring would then be either dependent on EQS, LOQ or LOD and hence make decision making unclear. Clarification is needed to avoid different approaches in different MS

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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.	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 calculating, modelling using the relevant IPCC guidelines used in the GHG reporting for UNFCCC or measuring greenhouse gas emissions from urban wastewater treatment plants and microplastics in urban wastewater and sludge.	GHG emissions from UWWTP are currently reported in the national inventory report for the UNFCCC. These are not monitored (measured) but estimated/calculated based on the IPCC guidelines from 2006.. It is important to avoid a different approach here and risk having potentially contradictory reporting. Thus a reference to the ongoing approach for UNFCCC should be added to the text.

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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).		

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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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's comments

<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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.		

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	Luxembourg's proposal	Luxembourg's 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.		

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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

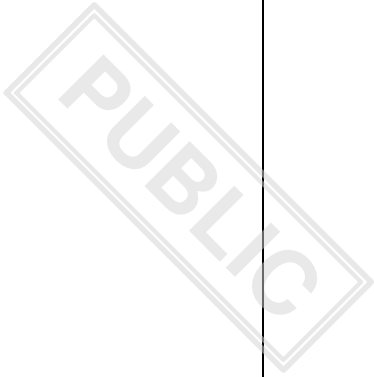
New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(37)		

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	Luxembourg's proposal	Luxembourg's 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 environment; (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.		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's comments

<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.		

ARTICLE 33 – TRANSPOSITION

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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

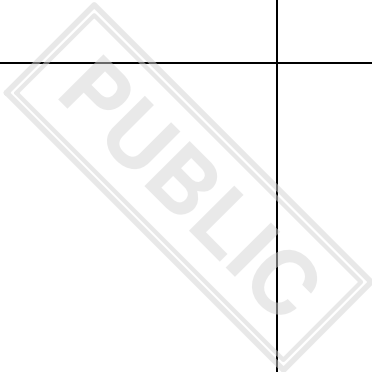
New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Collecting systems shall take into account wastewater treatment 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	Luxembourg's proposal	Luxembourg's 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.		In this table, the temperature exemptions that are present in the old directive need to be reinserted in order to account for the slower biological activity of the relevant bacteria responsible for nitrogen removal.

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	Luxembourg's proposal	Luxembourg's 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... shall apply.					
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁶	Reference method of measurement		
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		

New text proposal_Clusters1,3,5				Luxembourg's proposal	Luxembourg's 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			
Luxembourg's proposal			
Luxembourg's comments			
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter.			
Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon.			
Note 3: This requirement is optional.			
Note 4: Reduction in relation to the load of the influent.			

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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. 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 **except those resulting from the natural degradation of organic matter producing toxic substances (e.g. H₂S)**;

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

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

~~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~~

PUBLIC

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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 or over ~~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	Luxembourg's proposal	Luxembourg's comments

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.	(d) for the parameters specified in Table 3, the annual mean of the percentage of removal each sample taken shall be conform to the parametric values set out in that table.	During certain months of the year, the requirement (d) seems difficult to achieve from a technical point of view. We therefore suggest to use the annual average in order to account for the variations in discharge and efficiency, as it figures in the recommendations from the <i>the Kompetenzzentrum Spurenstoffe Baden-Württemberg</i> for quaternary treatments in UWWTPs.
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		Luxembourg's proposal	Luxembourg's 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		Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's 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	Luxembourg's proposal	Luxembourg's comments
9. Manufacture of gelatine and of glue from hides, skin and bones 10. Malt-houses 11. Fish-processing industry		

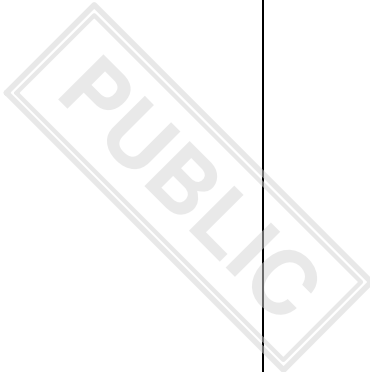
ANNEX 5 V– CONTENT OF THE INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the		

New text proposal_Clusters1,3,5	Luxembourg's proposal	Luxembourg's 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 water~~ sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~ indicative objective that ~~storm water~~ sewer overflow; represents only no more than 1% a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~ target 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 ~~sewers collection networks~~, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.		
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	Luxembourg's proposal	Luxembourg's comments
of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		

4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

HUNGARY

New text proposal_Clusters1,3,5	HU proposal	HU 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 collectingsystems 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>		

ARTICLE 1 - SUBJECT MATTER

New text proposal_Clusters1,3,5	HU proposal	HU 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.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU comments
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/ <u>or</u> 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~~ <u>or economical</u> 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>	) 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~~ <u>or economical</u> 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;		
(6) ' ~~sewer storm water~~ overflow' means discharge of untreated urban wastewater <u>into</u> 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	HU proposal	HU comments
(8) 'combined sewer' means a conduit that ~~that designed to collect~~ <u>s</u> and conducts ~~urban wastewater including urban runoff;~~ <u>s</u> urban wastewater ~~including urban runoff;~~		
(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 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%.	(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%.	There is no chemical process in primary treatment.
(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;		

New text proposal_Clusters1,3,5	HU proposal	HU 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;		
(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 ;	'Producer Responsibility Organisation' means an ~~nationally~~ organisation recognized on EU level established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10;	Because of the bureaucracy there is no need to have 27-times an extra organisation

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).

New text proposal_Clusters1,3,5	HU proposal	HU comments
(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;		
(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</u> mass unit per time (usually kilogram per day or year).		

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

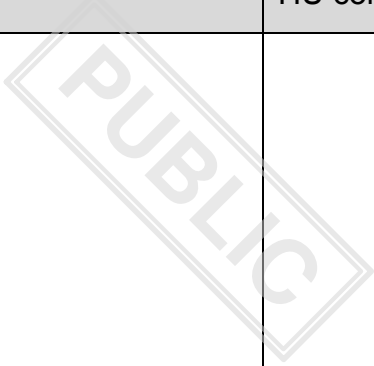
New text proposal_Clusters1,3,5	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		

New text proposal_Clusters1,3,5	HU proposal	HU comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, 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. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, ~~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 <u>of paragraph 1 by 31 December 2033</u>: (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.	Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030 2033, Member States shall ensure that ~~all~~ where there is an environmental risk and based on the RBMPs, agglomerations with a p.e. of between 1000 and 2000 p.e. comply with the following requirements of paragraph 1 by 31 ~~December 2033~~ 2035. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met. The derogation can be extended for another 6 years if the conditions of the derogation still apply.	We suggest that MSs provide collecting systems in agglomerations between 1000 and 2000 p.e based only on risk assessment and environmental benefits of the connection to the collecting system need to be taken into consideration. HU suggests applying the same logic for two derogations as it was laid down in the old DWD.

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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>	2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of environmental protection treatment as the secondary ~~and tertiary~~ treatments referred to in Articles 6 ~~and 7~~. ~~Tertiary treatment for individual systems will only be required in those cases that individual systems are discharging in a sensitive area or a catchment area.~~ This requirement will apply to ~~existing~~ individual systems designed after six years of the entry into force of this Directive. ~~six years after 2033.~~	Hungary suggests that this requirement shall be applied in IAS that will be operated after 6 years of the entry into force of this Directive because of financial costs and technical conditions.
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, ~~where individual systems are used~~ are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, <u>on the basis of a risk-based approach,</u> are carried out by the appropriate authority or other body authorised at national or regional level.		

New text proposal_Clusters1,3,5	HU proposal	HU comments
34. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.~~ <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	HU proposal	HU 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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER **AND URBAN RUNOFF** MANAGEMENT PLANS

New text proposal_Clusters1,3,5	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>	INTEGRATED URBAN WASTEWATER ~~AND URBAN RUNOFF~~ MANAGEMENT PLANS	Hungary suggests deleting the separated urban rainwater runoff from the title and from the whole article. We prefer the deletion since separated rainwater systems are significantly different from wastewater systems in terms of regulation, operation. We propose to make it clear that separated rainwater systems are excluded from the scope of the Directive.
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'	(3) non-domestic wastewater'; ~~(5) 'urban runoff'~~ ; (6) 'sewer overflow of combined system'; (8) 'combined sewer'	
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		

PUBLIC

New text proposal_Clusters1,3,5	HU proposal	HU comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~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.	(a) ~~sewer storm water~~ overflow or ~~urban runoff~~ discharges from combined systems poses a risk to the environment or humanhealth; and similarly in the following points	

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	HU proposal	HU 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	HU proposal	HU comments
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	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		

New text proposal_Clusters1,3,5	HU proposal	HU 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].	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 surface waters.	

New text proposal_Clusters1,3,5	HU proposal	HU comments
2. For agglomerations of between 1 000 p.e. and 2 000 p.e., Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033 ~~urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment~~ or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	For agglomerations of between 1 000 p.e. and 2 000 p.e., Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that ~~– if there is an environmental risk and in line with RBMPs -~~ urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033 ~~urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment~~ or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met. The derogation can be extended for another 6 years if the conditions of the derogation still apply.	We suggest that MSs provide collecting systems in agglomerations between 1000 and 2000 p.e based only based on risk assessment. HU suggests to apply the same logic for two derogations as it was laid down in the old DWD.
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	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		

New text proposal_Clusters1,3,5	HU proposal	HU 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. <u>~~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> <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>		

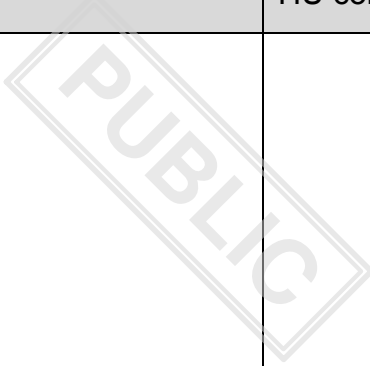
ARTICLE 13 - LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU comments
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules-regulations~~ and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules regulations~~ and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules regulations~~ and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		

New text proposal_Clusters1,3,5	HU proposal	HU 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/EEC⁵; (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.		

⁵ 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	HU proposal	HU 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.	The ~~general binding rules regulations~~ referred to in paragraph 1 shall be reviewed based on a risk assessment at regular intervals and, where necessary, adapted.	

ARTICLE 16 - BIODEGRADABLE NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	PUBLIC	Monitoring the health status of the population is important therefore the surveillance system is suggested to be mandatory.

New text proposal_Clusters1,3,5	HU proposal	HU 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. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population,~~ and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until ~~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 Council⁷, 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 Council⁸+~~.		

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	HU proposal	HU comments
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	HU proposal	HU 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	HU proposal	HU 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, re-use, ~~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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		We propose to handle the requirements in the 86/278/EEC in the responsibility of the MS, therefore Hungary suggests this point to be deleted.

ARTICLE 21 - MONITORING

New text proposal_Clusters1,3,5	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

New text proposal_Clusters1,3,5	HU proposal	HU 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.		The methods and costs need further clarification. Calculations according to unified methodology could be accepted only, if the costs of the GHG extra monitoring is feasible. There is an existing mandatory GHG data reporting,we suggests using that.
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		We support the requirements on micropollutant monitoring, however a lower monitoring frequency needs to be considered (taking into consideration that no approved method for microplastic detection is available at EU level.)

PUBLIC

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~~ **this** paragraphs 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

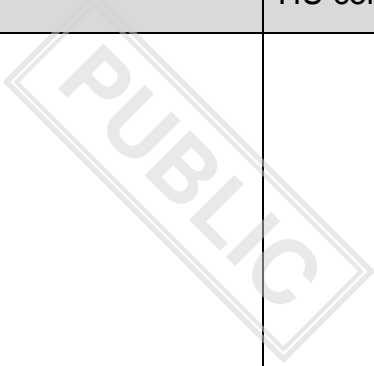
PUBLIC

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU comments
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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	HU proposal	HU 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	(i) ~~at least 50 % of these~~ there are agglomerations that are not applying proper tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and	Hungary still scrutinizes the conditions for the derogation. The Hungary will express its position in the next round of comments Almost all the WWTPs have tertiary treatment in Hungary, but derogation is needed to upgrade them for the newly proposed limit values.

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	HU proposal	HU 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 non-governmental 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	HU proposal	HU 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	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

New text proposal_Clusters1,3,5	HU proposal	HU 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.		
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 Law-Making.		

New text proposal_Clusters1,3,5	HU proposal	HU 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.		

ARTICLE 28 - COMMITTEE

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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~~ infringement; (b) ~~the intentional or negligent character of the violation;~~ ~~(c)(b)~~ the population or the environment affected by the ~~violation~~ infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment~~;~~ (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.		

ARTICLE 30 - EVALUATION

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.		

ARTICLE 33 - TRANSPOSITION

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU 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				HU proposal	HU 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.					
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.					
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹¹	Reference method of measurement		
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		

¹¹ ~~Reduction in relation to the load of the influent.~~

New text proposal_Clusters1,3,5				HU proposal	HU 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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	HU proposal	HU comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	HU proposal	HU 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. The ~~prior general binding rules regulations~~ and/or specific authorisations referred to in Article 14(1) shall ensure the following:

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

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

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

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

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

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~~

PUBLIC

New text proposal_Clusters1,3,5	HU proposal	HU 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.		

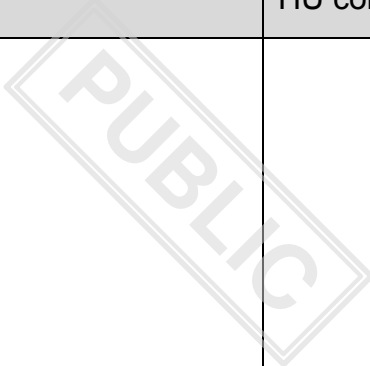
D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters1,3,5	HU proposal	HU 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	HU proposal	HU 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: <table><tr><td>– 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>– 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>– 50 000 or over ~~to 99 999 p.e.~~</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>– 100.000 p.e. or over:</td><td>~~One Two~~ samples per day week For micropollutants, ~~two one~~ sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	– 1000 to 9 999 p.e.:	One sample per month (see Note 1)	– 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	– 50 000 or over ~~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		
– 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 or over ~~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									
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	HU proposal	HU comments
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		HU proposal	HU 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		HU proposal	HU 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		HU proposal	HU 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	HU proposal	HU 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	HU proposal	HU comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the		

New text proposal_Clusters1,3,5	HU proposal	HU 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 water~~ sewer overflows and urban runoff discharges , including the following: (a) an ~~indicative~~ indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent , of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative target 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 ~~sewers~~ collection networks , unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters ; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	~~the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff~~	It is not a technical question for WWTPs and the networks.
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	HU proposal	HU comments
of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

HUNGARY

Hungarian answers to the questions of the Spanish Presidency of 30/06/2023

Questions of the Spanish Presidency	HU comments
Article 3	
maintain the article as it is now.	We suggest extending deadline and risk-based approach regarding the Article.
extend the deadlines for article 3.2.	Hungary suggests to extend the deadline to 2035.
explore the possibility of applying a risk-based approach.	Risk-based approach should be applied on all agglomerations.
apply the derogation based on further clarifications on its scope and implications.	Hungary supports
Article 6	
extend the deadlines for article 6.2.	Hungary supports
explore the possibility of applying a risk-based approach.	Risk-based approach should be applied on all agglomerations.
apply the derogation based on further clarifications on its scope and implications.	Hungary supports
Other modifications	
The changes made in art. 11 to give more flexibility to the Member States to reach energy neutrality;	Accepted
Whether the surveillance system in art. 17(1) should be mandatory or just a recommendation.	The surveillance system should be mandatory.
The preferred deadline in art. 17(4).	We accept the suggested deadline by the PRES.
The implementing act in art. 20(2) to promote the reuse and recycling of nutrients from wastewater and sludge;	We suggest deleting this paragraph.
The monitoring of the greenhouse gases CO ₂ , N ₂ O, CH ₄ emitted from urban wastewater treatment plants of 10 000 p.e. and above in art. 21(1)d);	The methods and costs need further clarification.
The monitoring of microplastics, macroplastics and relevant micropollutants in art. 21(2) and 21(3);	In general we support the monitoring but we suggest a lower monitoring frequency to be considered.

THE NETHERLAND

New text proposal_Clusters1,3,5	The Netherlands proposal	The Netherlands 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.	<u>When delineating their agglomerations, Member States could take as an indication 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 could be are considered sufficiently concentrated.</u>	If the reference threshold is just an indication for MS this should be clarified in the text. The NL would like to propose a less stringent formulation for "Member States should take into account the reference threshold of 25 p.e. per hectare, because it now entails an obligation for Member States. See text proposal or something like: When delineating their agglomerations, for a sufficiently concentrated population a reference/an indication of 25 p.e. per hectare above could be maintained/retained.
(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>		

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.		General comment: The Netherlands supports the ambition of the EC in the proposal because this directive, like the existing one, will remain in force for a long period. The Netherlands is concerned about the wishes of several Member States to apply a risk-based approach for various articles in this directive. The Netherlands believes there should be a minimum standard for urban wastewater in the EU to achieve the environmental and public health protection goals of this directive. The risk-based approach can be used for prioritisation at national level by all Member States to do this in an effectively and efficiently way within the prescribed timeframe.

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 non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff ~~or both of them~~ ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/ <u>or</u> from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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~~ <u>or economical</u> 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 <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to <u>a one or more</u> ~~a~~ final discharge points <u>into receiving waters</u> ;		See comment in recital.
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(6) ' ~~sewer storm water~~ overflow' means discharge of untreated urban wastewater ~~into~~ receiving waters from ~~separate or~~ combined sewers ~~caused by rainfall~~ ;	(6) ' ~~sewer storm water~~ overflow' means discharge of untreated urban wastewater ~~into~~ receiving waters from ~~separate or~~ combined sewers ~~caused by rainfall~~ ;	A Combined Sewer Overflow (CSO) is a world wide used designation for discharge of untreated urban wastewater from combined sewers into receiving waters. To find some examples, if you google Combined Sewer Overflow: - Combined Sewer Overflows (CSOs) US EPA - Combined Sewer Overflow Animation - YouTube - Preventing combined sewage overflows GlobalSpec The Netherlands prefer to delete 'separate or' because there is no question of an 'overflow' at separate sewers, only discharges of urban runoff. Untreated urban wastewater will not discharge from a separate sewer system under normal business operations.
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a conduit ~~that that designed to~~ collects and conducts urban wastewater ~~including urban runoff~~ ;		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(9) 'separate sewer' means a conduit that separately collects and conducts either urban runoff or either of the following: (a) ~~domestic urban wastewater not including urban runoff;~~ (b) ~~non-domestic wastewater non-domestic wastewater;~~ (c) ~~a mixture of domestic and non-domestic wastewater;~~ (d) ~~rainwater from agglomerations;~~	(9) 'separate sewer' means a conduit that separately collects and conducts either: ~~(a) urban runoff; or either of the following:~~ ~~(b) domestic urban wastewater not including urban runoff; or~~ ~~(c) non-domestic wastewater non-domestic wastewater;~~ ~~(c) a mixture of domestic and non-domestic wastewater;~~ ~~(d) rainwater from agglomerations;~~ <u>(9) 'separate sewer system' means a sewer system consisting of urban runoff conduits that collects and conducts urban runoff and/or wastewater conduits that collect non-domestic wastewater or urban wastewater not including urban runoff.</u>	The Netherlands proposes to change the definition of 'separate sewer' in 'separate sewer system' for the following reason: the term 'separated sewer' causes confusion. What means: the house is connected to a separate sewer. There are more options: • Discharge of wastewater into the wastewater conduit and infiltration of rainwater from the roof/site into the soil • Discharge of wastewater into the wastewater conduit and discharge of rainwater from the roof/site into the rainwater conduit • Incorrect: discharge of wastewater into the rainwater conduit and/or discharge of rainwater from the roof / site into the wastewater conduit
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day per day;~~		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.	(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%.	Deletion because it is part of the mentioned 'other processes' and because 'chemical primary treatment' should not be used often due to durability considerations.
(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;	(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which reducesremoves most of biodegradable organic matter in urban wastewater;	'Reduces' instead of 'removes', like definition 13. Deletion of 'most of': This addition is no longer necessary if the term 'reduces' is used instead of 'removes'

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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;	(12) 'tertiary treatment' means treatment of urban wastewater by a process which ~~reducesremoves most of by a process which removes~~ nitrogen and/or phosphorus from the urban wastewaters;	Reduces instead of removes, like definition 11 and 13.
(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;	(13) 'quaternary treatment' means treatment of urban wastewater by a process which ~~removes-reduces~~ a broad spectrum of <u>organic</u> micro-pollutants ~~in from the~~ urban wastewaters;	Table 3 of Annex I is focused on the removal of organic substances and not on e.g. metals
(14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ organic residue and inorganic sludge resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding debris, grit, grease and any other screenings residues from the first treatment step) ;	(14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ organic residue and inorganic materialsludge 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) ;	There was a comment on 'sludge' means 'sludge'. The Netherlands agree to change it but not with the word 'waste', because we want to reuse it (if possible) as a valuable resource materials.
(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;~~		

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).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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 ~~a~~ nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(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 BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient in urban wastewater, expressed in p.e. or mass unit per time (usually kilogram per day or year).		

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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that all agglomerations ~~with a p.e. of 2 000 p.e.~~ and above comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to the collecting system.		If we look at the definition of urban wastewater (among others mix of 'domestic and 'non domestic wastewater' and the added text in the definition of 'non domestic wastewater' this paragraph 3.1. say that all industrial wastewater with a small amount of wastewater from toilets or kitchens should be be connected to the sewer? Even if the industry is capable of operating their own treatment to a level that is safe to discharge into the surface water? We think this is not the intention of the directive. It has a lot of adverse effects: Clean water will be discharged into the collection system. Further, this article 3, paragraph 1 effectively seems to block all possibilities to develop all kind of local innovations aiming at on site treatment, recovery of waste water or circular products from wastewater.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030-2033, Member States shall ensure that all agglomerations ~~with a p.e. of~~ between 1000 and 2000 p.e. comply with the ~~following~~ requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of ~~domestic urban~~ wastewater are connected to ~~a the~~ collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		The Netherlands supports the Commissions proposal of 31 December 2030, but we do understand the wish of some Member States to have some more time.
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)		
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.		See general comment at article 1 with respect to applying a risk based approach.
2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of environmental protection ~~treatment~~ as the secondary and tertiary treatments referred to in Articles 6 and 7. Tertiary treatment for individual systems will only be required in those cases that individual systems are discharging in a sensitive area or a catchment area. <u>This requirement will apply to existing individual systems six years after 2033.</u>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, where individual systems are used are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, on the basis of a risk-based approach, are carried out by the appropriate authority or other body authorised at national or regional level.		
34. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		

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

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>	Delete urban runoff in the name of the article.	See earlier comments.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ <u>2035</u> , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	1. By 31 December ~~2030~~ <u>2035</u> ~~2030~~ , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	The Netherlands would like to stick to 2030. That seems to be reasonable for developing a plan.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, <u>modelling</u> and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff <u>discharges</u> 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 <u>of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I</u>, calculated in dry weather ~~flow conditions~~; (c) ~~sewer storm water~~ overflow or urban runoff <u>discharges</u> 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.	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, <u>modelling</u> and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow ~~or urban runoff~~ <u>discharges</u> poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~1%-3%~~ 1% of the annual collected urban wastewater load <u>of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I</u>, calculated in dry weather ~~flow conditions~~; (c) ~~sewer storm water~~ overflow ~~or urban runoff~~ <u>discharges</u> 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 Council⁵; (iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council⁶; (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/EC⁷ Member States shall review the list referred to in the first subparagraph every ~~five~~ six years after its establishment and update it where necessary.	The Netherlands proposes to delete 'urban runoff' since we consider the provisions under art 5 and annex V are disproportionate for the tens of thousands urban runoff systems in the Netherlands. The risks for the environment and human health are for urban runoff far less than by storm water overflows. Urban runoff can only be in scope when it concerns not as such but as a mixture of urban wastewater within combined sewers. The Netherlands can meet the 1%, but other Member States may need a higher percentage. The obligation to meet the objective is regulated in Annex V. Why is this not formulated in article 5 itself?

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	3. By 31 December ~~2035–2040~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for agglomerations referred to in paragraph 2	The Netherlands would like to stick to 2035. That seems to be reasonable.
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**

⁵ 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).

⁶ 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)

⁷ **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
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 5</u> 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.		First alinea: do the UWWTPs have to apply to the requirements immediately with the entry into force of this proposal? Maybe this should be mentioned. Is the reference to article 7 of Council Directive 91/271/EEC sound in relation to article 32, which regulates the repeal of Directive 91/271/EEC and references to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex [VIII]. In Annex VIII there is no correlation with regard to article 7 of Directive 91/271/EEC. The same goes for the reference to article 6 of Directive 91/271/EEC. Third alinea: Why is chosen for two different deadlines for 'coastal areas' (alinea 2) and 'less sensitive areas' (alinea 3), This article and the obligations for agglomerations discharging in coastal waters and less sensitive areas is formulated very complicated.

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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 meet the relevant requirements for secondary treatment <u>or an equivalent treatment</u> set out in Part B and Table 1 of Annex I <u>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.		The Netherlands supports the Commissions proposal of 31 December 2030, but we do understand the wish of some Member States to need some more time.
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 cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		

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>		This proposal is infeasible and as it is now formulated not acceptable for The Netherlands for this purpose. First: it is unclear what is meant by off-site energy production. Will this include the purchase of green energy produced by others? If not, waste water operators will be forced to become energy producers by investing in solar power and wind turbines outside the available space at WWTP sites, and will have to compete with "professional" energy producers. The space to place solar energy parks and wind turbines are limited in The Netherlands and you should not want to force waste water operators to go in competition with other producers of energy, also because energy production is not the core competence of the waste water operators. What is meant with "energy from urban waste water resources"? It seems that it is meant to be biogas from sludge digestion and thermal energy from effluent. The possibility to produce energy from these sources is limited and will never reach 80%. The Netherlands estimate that the energy produced by WWTPs within the boundaries of the actual locations ("on-site") including the maximum use of solar panels and wind turbines will reach up to 71 %, when we take into account the extra energy needed for quaternary treatment of micropollutants. If necessary we can supply additional data.

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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ <u>regulations</u> and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ <u>regulations</u> and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ <u>regulations</u> and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.	Those ~~general binding rules~~ <u>prior regulations</u> and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ <u>regulations</u> and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~. <u>Where prior regulations are provided for discharges into collecting systems and waste water treatment plants, Member States shall ensure that the operators of collecting systems and urban wastewater into which the non-domestic wastewater is discharged, are consulted before the prior regulations are adopted.</u>	Paragraph 1, alinea 3: Prior regulations are added, but these do not correlate with (a) and (b) which still only mentions specific authorisations. The Netherlands is wondering how (b) will work with regard to prior regulations when there is no prior approval of a discharge or a specific authorization. The Netherlands prefer a separate alinea which stipulates the role of the operators with regard to prior regulations which can generally allow without prior approval discharges or prohibit discharges.

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/EEC⁸; (c) treated urban wastewater is to be reused in accordance with Regulation (EU) 2020/741; (d) the receiving waters are used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (e) the pollution of the non-domestic wastewater discharged into the collecting system, or the urban wastewater treatment plant poses a risk to the operation of that system or plant.	2. Member States shall take the appropriate measures, a review of the ~~general binding rules~~ <u>prior regulations</u> ~~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:	
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. The ~~general binding rules~~ <u>prior regulations</u> ~~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.	Part C, Annex I, head: part C is not only applicable to specific authorisations, but also in case of prior regulations. Change the head in f.e.: (Discharges of) non-domestic waste water (see original text of Part C, Annex I where the head was Industrial Waste water. Part C, Annex I, (d): is with this Directive meant the recast of the urban wastewater treatment directive and not the recast of Directive 2010/75? If so, has the urban waste water treatment directive emission limit values and can be specified where those emission limit values are mentioned?

⁸ 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.	The ~~general binding rules~~ prior regulations referred to in paragraph 1 shall be reviewed at regular intervals and, where necessary, adapted.	

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 Council ⁹ ; (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'		

9 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 4(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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	~~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~~ <u>relevant</u> public health parameters <u>to be determined by the competent authorities of the Member States</u> ~~than the ones referred to in paragraph 1 that are to be monitored in the inlet of the urban wastewater UWWTP. 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;~~	The Netherlands supports the obligation to set up an urban waste water surveillance network with can help to prepare for pandemic preparedness at EU level. The Netherlands prefers not to have named specific pathogens, but leave this to the member states to make a decision on this, or to an expert panel. Therefore, the Netherlands proposes to include the enumeration of specific pathogens in a comitology procedure (implementing act) in the text. In paragraph 4 implementing acts are mentioned for AMR, antimicrobial resistance, so for the other pathogens the Netherlands wishes to do the same (and for paragraph 2 as well). If already specific pathogens should be mentioned, then The Netherlands should like to delete number (v) contaminants of emerging concern. This has nothing to do with viruses or pathogens. Substances of emerging concern are more relevant in art. 18. To make it more clear and to achieve that monitoring is done in/at the same way/point at EU level it is good to add that monitoring for pathogens and viruses is done at inlets of UWWTP.

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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. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall ~~be taken per week for agglomerations of 100 000 p.e. and more.~~ This monitoring shall continue until ~~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 Council¹⁰, 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 Council¹¹.~~		

¹⁰ 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).

¹¹ * 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.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
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 ~~as a~~ 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, re-use, ~~and~~ recycling and material recovery of resources and minimize the adverse effects on the environment.	1. Member States shall take the necessary measures to ensure that sludge management routes are conform to the waste hierarchy provided for in Article 4, <u>paragraph 1-2</u> , of Directive 2008/98/EC. Such routes shall maximize prevention, re-use, ~~and~~ recycling and material recovery of resources and minimize the adverse effects on the environment.	Paragraph 1 seems to create an absolute hierarchy in waste management, in which incineration of sludge (d) is lower in waste hierarchy than spreading of sludge (c). In the Netherlands, sludge is often too contaminated for spreading on land. We would like to ensure that the waste hierarchy referred to is not an absolute hierarchy, which is referred to in article 4.2 of Directive 2008/98/EC. If Article 20.1 only refers to Article 4.1 of Directive 2008/98/EC, we suggest to take a broader perspective. That is the reason for the addition. Title: since this article is more than just about sludge, we would like to propose a new title: Resource recovery
2. The Commission is empowered to adopt ~~delegated implementing acts in accordance with the procedure referred to in Article 27~~ to supplement this Directive by ~~setting out~~ promoting the minimum reuse and recycling rates for phosphorus and nitrogen from wastewater and sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in wastewater and sludge. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	2. The Commission is empowered to adopt ~~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, resources, and economic viability for phosphorus and nitrogen recovery in wastewater and sludge. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	Wastewater is also a source for the recovery of nitrogen (recovery of nitrogen is in the moment not in focus, but it can be interesting from perspective of energy scarcity) and phosphorous. And it is crucial that there will be a market for the recovered materials since the recovery will cause additional costs for wastewater operators, hence recovery needs to be economically viable. ▲

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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>		

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>		
(29)		
1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor: (a) discharges from urban wastewater treatment plants ~~in order to verify compliance with the requirements of part 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 <u>above</u> 10 000 p.e. and above; (e) the ~~greenhouse gases methane~~ produced and the energy used and produced by urban wastewater treatment plants of <u>above</u> 10 000 p.e and above.	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 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 <u>above</u> 10 000 p.e. and above; (e) the ~~greenhouse gases methane~~ produced and the energy used and produced by urban wastewater treatment plants of <u>above</u> 10 000 p.e and above	Question to paragraph 1(c): it seems additional requirements with regard to the reuse of treated waste water for agricultural irrigation are regulated in this Directive. How does this relate to Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse? The Netherlands prefers to delete paragraph c or to minimize the obligations.

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New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out <u>sufficient representative</u> monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies~~ in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.		



The Netherlands believes that it is not necessary to monitor both the inlets and outlets of UWWTPs. Enough information is obtained if only outlets are monitored appropriately.

The word 'relevant' has been inter alia added. For example in the list of Priority substances pesticides are included. For these substances the emission route to UWWTPs route is not the main route.

Another example is if the concentrations of the contaminants are below the detection limit of the analytical method during several consecutive years (e.g. three years).

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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 Council¹²;

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹³;

(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 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

3. For all agglomerations of above-10 000 p.e. and above, 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 e.g. the following elements:

(a) relevant 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 Council¹⁴;

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹⁵;

(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 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 stoppedhalved in subsequent years for those pollutants if the monitoring results for these pollutants referred to in this paragraph are below standards under Directive 2008/105/EC or below detection limits or below limits of quantification after

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.	<u>during the first three successive —years of the 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.	

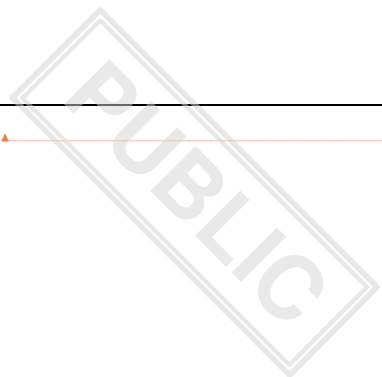
ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

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)		

- 12 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).
- 13 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).
- 14 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).
- 15 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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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	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~~<u>25</u> % 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

Paragraph 5(b)(i): The Netherlands agrees with the possibility of a derogation as mentioned in Article 7(3). What is the reason for taken the condition of at least 50%? And not for e.g. 25% or 30%? Also in the light of protection of the marine environment it is important to reduce the nutrient load to the sea.

We plea for 25% instead of 50%.

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)].	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)]. <u>6. Member states may in exceptional cases due to technical problems and for specific wastewater treatment plants (or agglomerations) submit a special request to the Commission for a longer period for complying with Article 7 and 8. This request, for which grounds must be duly put forward, shall set out the technical difficulties experienced and must propose an action programme with an appropriate timetable to be included in the national implementation programme.</u> <u>7. The Commission shall examine the request and take appropriate measures in accordance with the regulatory procedure referred to in Article 28.</u>	The Netherlands would like to add two new paragraphs (6 and 7) which are related to Articles 7 and 8 and are in principle a re-introduction of the current Article 8, which is deleted in the proposal. It deals with specific bottlenecks.

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.	~~1. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions or acts or omissions subject to Articles 6, 7 or 8 of this Directive when at least one of the following conditions is met:~~ ~~(a) they have a sufficient interest;~~ ~~(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.~~ ~~Standing in the review procedure shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.~~ ~~The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.~~	The Netherlands propose to delete this Article, because it is already regulated in the Aarhus treaty. Within the recast of the IED we have this discussion too, but in that directive it was already part of the current version (though in principle it had could be deleted). It was also a discussion in the Drinking water directive, and there it is deleted as new Article with the argument that it was already regulated. The question is why is this Article taken up in this proposal? We are questioning why this Article refers to Articles 6, 7 and 8 only, and what is meant with decisions or acts or omissions subject to Articles 6, 7 or 8? What kind of decisions, acts or omissions are meant? Can examples be provided?
2. Member States shall determine at what stage the decisions, acts or omissions referred to in paragraph 1 may be challenged.	~~2. Member States shall determine at what stage the decisions, acts or omissions referred to in paragraph 1 may be challenged.~~	

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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>		

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.~~		The Netherlands wishes to have the same provisions in different directives with regard to this subject. The Netherlands understand that this article is the same in the recast of Directive 2010/75/EU.
~~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 non-governmental 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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

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.		
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 Law-Making.		

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.		

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.~~		The Netherlands wishes to have the same provisions in different directives with regard to this subject. The Netherlands understand that this article is the same in the recast of Directive 2010/75/EU.

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~~ infringement ; ~~(b) the intentional or negligent character of the violation;~~ ~~(c) the population or the environment affected by the violation~~ infringement , bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; (c) the repetitive or singular character of the infringement.		
3. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.		

ARTICLE 30 – EVALUATION

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.	1. By 31 December ~~2035~~²⁰⁴⁰ and by 31 December ~~2041~~²⁰⁴⁹, 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.	2030 seems to be early, but it can give information if we are on the right track or not. It could be considered to join the WFD-cycle: reporting in 2033 (and 2039), plus 2 years for the report of the Commission is 2035 resp. 2041.
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
<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.	Every ~~six~~ 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.	The Netherlands is wondering why the periods are not linked with the periods of Article 30 (Evaluation). Five years seem to be too often; the periods of the WFD (see WFD Article 18) are wider.

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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	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to	Two years for the implementation is too short. We plea for <i>at least</i> 3 years (last day of the thirty-fifth

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official 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.	comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the ~~thirty-fifth~~^{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.	month after the date of entry into force of this Directive. When changing the date here de deadlines should be checked. <u>Second alinea: how should this alinea work when article 32, paragraph 4, stipulates: 4. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex [VIII]. F.e: In Annex VIII there is no correlation with regard to article 7 of Directive 91/271/EEC.</u>
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>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Articles [...] and Annexes [...] [refer to the articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].		

ARTICLE 35 – ADDRESSEES

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		

Commented [RG(1)]: Is de overgang van oude naar herziene nieuwe richtlijn goed geregeld? Als niet-gewijzigde artikelen/voorschriften pas 2 jr na van kracht van de herziene richtlijn gaan gelden, zal de bestaande richtlijn nog zeker 2 jr onveranderd van kracht blijven. Waar is dat geregeld?

Commented [LJ(-H2)]: In artikel 32 is geregeld dat de oude richtlijn nog 2 jaar van kracht blijft na inwerkingtreding van de recast.

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.	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 urban 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.	1. ~~W~~ Urban 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 .	4. Discharges from urban wastewater treatment ~~plants~~ 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.	7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.									
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)¹⁶</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>		Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁶	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.	
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁶	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

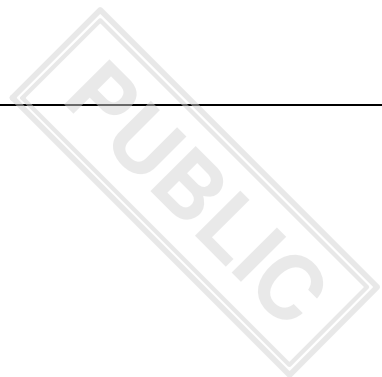
⁴⁶ ~~Reduction in relation to the load of the influent.~~

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		
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	[Insert MS name] proposal	[Insert MS name] comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

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. The ~~prior general binding rules regulations and/or~~ specific authorisations referred to in Article 14(1) shall ensure the following: (a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of sludge; (b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants; (c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant <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~~	

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.	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 <u>2 to 5</u>, ~~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.	Paragraph 5 stipulates that sampling must take place under dry weather flows. Especially for the monitoring of micropollutants the 48-hrs sampling leads to a wide spread of the measurement results due to (heavy) rain fall. At the moment research is being carried out in the Netherlands into further optimizing the method for sampling micropollutants in influent and effluent of UWWTPs. It should give a better picture of the removal efficiencies with fewer samples to be analysed. Because this new method has a strict relation with dry weather conditions/flows, it is necessary to include paragraph 5 for the 'alternative monitoring methods' mentioned in paragraph 1.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments								
2. Flow-proportional or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and, if necessary, in the inlet of the urban wastewater treatment plant. However, any time-based samples used to monitor 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 ~~or over to 99 999 p.e.~~</td><td>One sample per week For micropollutants, two samples per ~~week~~ month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day ~~week~~ For ~~micropollutants, two~~ ~~one~~ sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 ~~or over 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		
— 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 ~~or over 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									

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
4. The treated wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1, a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric 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.	4. The treated <u>urban</u> wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way:	
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.		

New text proposal_Clusters1,3,5		[Insert MS name] proposal	[Insert MS name] comments
Table 4: <u>Requirements for samples</u>			
Series of samples taken in any year	Maximum permitted number of samples which fail to conform		
4-7	1		
8-16	2		
17-28	3		
29-40	4		
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		

New text proposal_Clusters1,3,5		[Insert MS name] proposal	[Insert MS name] comments
252-268	19		
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			

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
7. Production of alcohol and alcoholic beverages 8. Manufacture of animal feed from plant products 9. Manufacture of gelatine and of glue from hides, skin and bones 10. Malt-houses 11. Fish-processing industry		

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>		Delete urban runoff of the title
<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	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	

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in 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;	of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in 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 water~~ sewer overflows and urban runoff <u>discharges</u> , including the following: (a) an ~~indicative~~ indicative objective that ~~storm water sewer~~ overflow; represents ~~only no more than 1 %~~ a small percentage, preferably below one 2% percent , of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative target 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. <u>and above</u> 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 ~~sewers~~ collection networks , unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters ; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	2. Objectives for the reduction of pollution from ~~storm water~~ sewer overflows ~~and urban runoff discharges~~ , including the following: (a) an ~~indicative~~ indicative objective that ~~storm water sewer~~ overflow; represents ~~only no more than 1 %~~ a small percentage, preferably below one 2% percent , of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative target objective shall~~ should be met by: (i) 31 December ~~2035~~ 203540 for all agglomerations of 100 000 p.e. and above; (ii) 31 December ~~2040~~ 20405 for agglomerations of 10 000 p.e. <u>and above</u> 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 sewers collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters;~~ (~~b~~ c) the progressive reduction of macroplastics in sewer overflow ~~and discharges of urban runoff~~ .	See comments in art. 5. Specific objectives (deadlines), should be included in the article itself instead of in an annex.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

AUSTRIA

URBAN WASTEWATER TREATMENT DIRECTIVE – COMMENTS (FOLLOW-UP OF WK 9322/2023 INIT)

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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.	(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. Where centralised collecting <u>such</u> systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.	Editorial suggestion
(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>		

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		Scrutiny reservation entire article 2

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
(1) 'urban wastewater' means domestic wastewater ~~or; the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		AT welcomes the amendment.
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/ <u>or</u> from household activities;		Scrutiny reservation. We miss a clarification of what institutions are (retirement homes, public buildings,....?). Perhaps this can be added in a recital.
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u>, 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 <u>or economical</u> 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>	(3) 'non-domestic wastewater' means wastewater, other than domestic wastewater and <u>other than</u> urban runoff, , <u>e.g. wastewater</u> which is discharged from premises used <u>for the exercise of a trade or</u> industrial <u>or economical</u> 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, which originates predominantly from the human metabolism and/or from household-like activities is entitled as domestic wastewater, as long as its composition is comparable to domestic wastewater;</u>	Scrutiny reservation. We minor modifications in order to avoid misunderstandings (insertion of "other than") and in order to avoid that we don't miss some type of wastewater which is neither covered by the definition of urban wastewater nor by the definition of non-domestic wastewater. The last sentence is a circular conclusion and should be rephrased.
(4) 'agglomeration' means an area where the <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to <u>a one or more</u> final discharge points <u>into receiving waters</u> ;		Scrutiny reservation
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) ' ~~sewer storm-water~~ overflow' means discharge of untreated urban wastewater <u>into</u> receiving waters from <u>separate or</u> combined sewers ~~caused by rainfall~~ ;		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a conduit ~~that~~ that designed to collect_s and conduct_s urban wastewater <u>including urban runoff</u> ;	(8) 'combined sewer' means a conduit that collects and conduits urban domestic wastewater ~~including and~~ urban runoff into a common conduit .	The proposed amendment is misleading: it describes both a combined sewer and a sewer in the separate system. A sewer in the separate system also transports "urban wastewater".
(9) 'separate sewer' means a conduit that separately collects and conducts either urban runoff or ~~either of the following:~~ (a) ~~domestic urban wastewater not including urban runoff;~~ (b) ~~non-domestic wastewater~~ non-domestic wastewater ; (c) ~~a mixture of domestic and non-domestic wastewater;~~ (d) ~~rainwater from agglomerations;~~	(9) 'separate sewer' means a conduit that separately collects and conducts ~~either~~ urban runoff or from urban wastewater not including urban runoff; non-domestic wastewater ;	We don't agree with the amendment. The compromise text from the SE-Presidency seemed clearer: 1. in the ES compromise text, one could believe that a separate system must have 3 separate sewer: one for urban runoff, one for urban wastewater, one for non-domestic wastewater, 2. as the definition of urban wastewater already comprises non-domestic wastewater, there is no need to mention non-domestic wastewater in the definition.
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day~~ per day ;		
<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>		
(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 ;	(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 from urban wastewater;	

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
(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;	(13) 'quaternary treatment' means the treatment of urban wastewater by a process which specifically ~~reduces~~ removes a ~~broad spectrum of micro-pollutants~~ significant proportion of poorly biodegradable or non-biodegradable organic matter, including micro-pollutants from the in urban wastewaters	We don't quite get what is the idea behind the different terms used in Art. 2 (13) as compared to Art. 2 (11) and (12): Art. 2 (11): ...removes in Art. 2 (12): removes ... from urban wastewater Art. 2 (13): ... reduces ... in urban wastewater Also, we suggest a modification of the definition, considering that secondary and tertiary treatment already remove some of micro-pollutants.
(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) ;		It is important that primary sludge from primary settling tanks is included in the definition of sludge. Therefore, we disagree with the amendment: It could be understood in a way that primary sludge falls under "any other residues from the first treatment step" and is therefore not sludge.
(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;		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
(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 EC¹	(16) 'micro-pollutant' means a substance, including its breakdown products, <u>that is usually present in the environment and urban wastewaters in low concentrations of micrograms per liter or below</u> 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 EC¹;	We are not convinced that the compromise proposal improves the definition and consider it ambiguous: On the one hand, "relevant" can be interpreted to mean that a micropollutant is relevant only if it is present in municipal wastewater in concentrations that are hazardous to the environment or human health. For example, a substance classified only as H 319 (severe eye irritation) would probably not be hazardous to human health in wastewater and thus not fall under the definition of micropollutant. On the other hand, the term "relevant" is placed immediately before the word "criteria" and at the same time the phrase "hazardous to human health or the environment" is supposed to be omitted. This would also allow the interpretation that the substance mentioned, which is classified according to H 319, is considered a micropollutant because it is after an H-phrase describing hazards to human health. Also, the term "in low concentrations" is not precise enough.
(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;		

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).

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(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).	(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>	We disagree with the amendment and request to go back to the SE compromise text. According to the SE text, the specification of a load can be made both in kg/d and in p.e.. In any case, this is only a simple conversion, and it should be possible to express a load in both ways.

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

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

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		Please refer to AT comments in Art. 2.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		Scrutiny reservation
1. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that all agglomerations with a p.e. of 2 000 p.e. and above comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to the collecting system.	1. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that all agglomerations of 2 000 p.e. and above comply with the following requirements: (a) they are provided with collecting systems , (b) all their sources of urban wastewater are connected to a collecting system.	We request that the newly introduced wording "Unless they justify a derogation under paragraph 1 of Article 4" be deleted again. Justification: First the desired "general rule" must be described (Art. 3), then the exception (Art. 4). The former version was completely sufficient, because it clearly stated in Art. 4: "Member States may derogate from Art. 3".
2. Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030 2033, Member States shall ensure that all agglomerations with a p.e. of between 1000 and 2000 p.e. comply with the following requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to ~~a the~~ collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	2. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that all agglomerations between 1000 and 2000 p.e. comply with the requirements of paragraph 1 by 31 December 2033: (a) they are provided with collecting systems; (b) all their sources of urban wastewater are connected to a collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	- See comment on para. 1: We disagree with the addition of "unless they justify a derogation....". - On the Presidency's comment that some MS want a risk-based approach in para 2, as well as on the related question in the steering note: The UWWTD should remain a simple and clear directive. It should set minimum standards and create a level playing field. It should also remain committed to the precautionary principle. Of course, it takes time and great effort to meet new requirements. We therefore agree in principle that deadlines should be extended to a reasonable level. We also support that new requirements are first implemented where there is the greatest risk to human health and the environment due to wastewater discharge. What we are critical of, however, is when a risk-based approach results in the minimum standards of Art. 3 never being implemented

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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;		On the Presidency's comment that "some MS have doubts regarding the calculation based on the maximum average weekly load" in para. 3. We have no such doubts and welcome the current text. Also, this definition is already included in the previous Directive.
4.3. Collecting systems shall fulfil the requirements of Part A of Annex I.		

ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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'		Please refer to AT comments in Art. 2.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		Scrutiny reservation

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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.		Scrutiny reservation. Art. 4 is an exception to Art. 3. Art. 3 applies to agglomerations of 1,000 p.e. or more. Therefore it was already clear in the previous text that Art. 4 applies to agglomerations of 1,000 p.e. or more. We see no added value in repeating this in Art. 4.

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of environmental protection treatment as the secondary and tertiary treatments referred to in Articles 6 and 7. <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>	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 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> This requirement will apply to existing individual systems <u>six years after 2033 in (xxx).</u>	We disagree with the amendment of para. 2 and demand to go back to the compromise text of the SE Presidency. Justification: The text of the ES-Presidency implies that individual systems require tertiary treatment in any case. We have already stated this before: In Austria there are many small wastewater treatment plants for domestic wastewater in remote areas outside agglomerations. Although they are not covered by Articles 3 and 4, these small wastewater treatment plants use the same technologies as individual plants. Therefore, we would like to point out that small wastewater treatment plants existing in Austria generally do not achieve the same nitrogen removal rates as large wastewater treatment plants (see similar comments by Luxembourg in WK 16671/2022 ADD 2 and Belgium in WK 16671/2022 INIT). As a minimum requirement, in Austria, biological treatment with nitrification is required for such plants. In Austria, this is typically regulated with emission limit values for ammonium nitrogen. With regard to N and P removal in small wastewater treatment plants, stricter requirements are imposed in individual cases, if required by Article 10 of the Water Framework Directive." - We disagree with the wording in the last sentence for reasons of readability: Why the complicated wording "six years after 2033" and not "2039"?
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.	3. Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, are registered in a national or regional registry, <u>if such systems treat more than 1% of the urban wastewater load from the agglomeration</u> and that regular inspections or other means of regular checks or controls of those systems are carried out by the appropriate authority or other body authorised at national or regional level	Scrutiny reservation • It would make sense to set a lower limit above which such a registry is required. • A plant that is not controlled will not work. If a risk-based approach is used to check some individual systems more often and some less often, then we can accept that. However, if a risk-based approach is intended to result in some individual systems not being controlled at all, we disagree with this amendment

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
3 4. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		Scrutiny reservation With regard to operation, maintenance and periodic inspections, AT is critical of the delegation of competences from the MS to the COM in delegated acts as well as in implementing acts. It should be left to the MS to organise themselves in such a way that the organisational and administrative structures existing in the respective MS are optimally used.
4 5. 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	[AT] proposal	[AT] 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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER **AND URBAN RUNOFF** MANAGEMENT PLANS

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		Please refer to AT comments in Art. 2.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		Scrutiny reservation
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.		We support the adjustment of the deadline to 2035

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm-water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm-water~~ overflow represents more than ~~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.	b) ~~sewer overflow represents more than 3% of the annual collected urban domestic and non-domestic~~ wastewater load of the parameters referred to in Tables 1 and ~~where relevant, Table 2 of Annex 1, calculated, that is discharged to the environment by sewer overflows, represents more than 3 % of the annual collected urban wastewater load~~ in dry weather flow"	We support the adjustment of the deadline to 2030 2(b): We still believe that the 3 % should only refer to the urban wastewater load due to domestic and non-domestic wastewater, but excluding the load due to urban runoff.

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	[AT] proposal	[AT] 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		We support the new deadline.
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.		

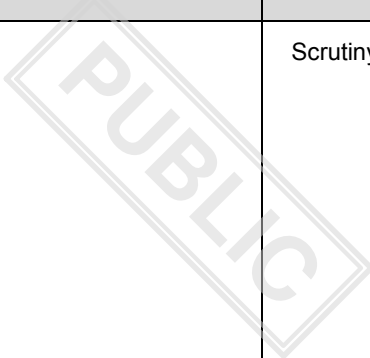
³ Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC 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	[AT] proposal	[AT] comments
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 ~~six~~ 5 years after their establishment and updated where necessary.	7. Member States shall ~~ensure that integrated urban wastewater management plans are reviewed at least~~ review the list referred to in the first subparagraph in 2033 and thereafter every six years <u>after its establishment</u> and update it where necessary.	In the medium term, the deadlines should be aligned with the deadlines for the national water management plans under the WFD. Austria had therefore proposed to add the following sentence to Art. 1: "Member States shall review the list referred to in the first subparagraph in 2033 and thereafter every six years ~~after its establishment~~ and update it where necessary." As an alternative, we can accept the ES proposal for Art.7. However, we repeat our former proposal for re-consideration.

ARTICLE 6 – SECONDARY TREATMENT

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(12)		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
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].~~		Scrutiny reservation

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
2. For agglomerations of between 1 000 p.e. and 2 000 p.e., Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033 urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I accordance with paragraph 3 or an equivalent treatment before discharge into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	2. ~~Unless they justify a derogation under paragraph 1 of Article 4,~~ Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e. by 31 December 2033 meet the relevant requirements for secondary 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 before discharge into receiving waters. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	Scrutiny reservation Art. 6 applies to waste water treatment plants of 1,000 p.e. or more. An individual system according to Art. 4 is not a wastewater treatment plant of 1,000 p.e. or more. Why then does Art. 6 have to state "Unless they justify a derogation...". This is confusing, and is clear from the existing text anyway. We demand that "Unless they justify..." be deleted again. On the Presidency's comment that some MS want a risk-based approach in para 2, as well as on the Presidency's question in the steering note: The UWWTD should remain a simple and clear directive. It should set minimum standards and create a level playing field. It should also remain committed to the precautionary principle. Of course, it takes time and great effort to meet new requirements. We therefore agree in principle that deadlines should be extended to a reasonable level. We also support that new requirements are first implemented where there is the greatest risk to human health and the environment due to wastewater discharge. What we are critical of, however, is when a risk-based approach results in the minimum standards of Art. 3 never being implemented.
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	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
		We welcome the return to the original title of Article 11.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		Scrutiny reservation
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.	1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance mutatis mutandis with Article 8 (4), (5) and (6) of Directive 2012/27/EU and include an identification of the potential for cost- effective measures to reduce the use of energy and enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas emissions. The first audits shall be carried out: (a) by 31 December 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 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.	• In paragraph 1, we welcome the change in the deadline. Directive 2012/27/EU: • We suggest that the Legal Service of the Council controls the reference to Directive 2012/27/EU. To our knowledge, a recast of this Directive will be announced in 9/2023. • We propose to limit the reference to Art. 8 of Directive 2012/27/EU to the really relevant paragraphs (e.g. paragraph 3 refers to households). • Art. 8 of Directive 2012/27/EU applies to private companies. In AT, UWWTPs are often public companies. Therefore we suggest to replace “in accordance” by “mutatis mutandis”

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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>	PUBLIC	• We appreciate that an indication in the text as to what is the consequence of the audits has been newly introduced. • We also appreciate that the 5 kilometer radius criteria has been deleted. • We are not sure, what is meant by “produced at national level, on or off-site, by urban wastewater treatment plants treating a load of 10 000 p.e. and above”. Could several UWWTPs set up a joint company for (external) generation of renewable energy? • We are not sure, what is meant by “---, 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.” We believe that there is a contradiction and that this sentence need to be rephrased. Currently, we read: 1. Art. 11 (2), 1st subparagraph: in 2040, 100 % of the total annual energy used must be produced on a national level on or off-site, by UWWTPs 2. Art. 11 (2), last subparagraph: in 2040. 80 % of the total annual energy used must be produced on a national level on or off-site, by UWWTPs • We believe that 20 % in lit. (a) is very unambitious and could be deleted. • We insist on the need to clarify what “energy neutrality” stands for and how it is calculated. The clarification should be provided either in Art. 11 or at least in a recital. Alternatively, an implementing act could be set up to solve this question.

ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(18)		
Member States shall ensure that the urban 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	[AT] proposal	[AT] 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	[AT] proposal	[AT] comments
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.	(...) Those prior regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled, and that the quality and quantity of relevant discharges of non-domestic wastewater is monitored. (....)	We refer to our comment from WK_1616_2023_INIT: AT considers it necessary that there are measurement obligations for non-domestic wastewater dischargers. This can either be in Art. 14 or Art. 21

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
2. Member States shall take the appropriate measures, a review of the <u>general binding rules regulations and/or</u> 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/EEC⁵; (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 <u>general binding rules regulations and</u> 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. The 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.~~	AT is critical of the delegation of competences from the MS to the COM. E.g. a modification of Annex I Part C (2) might lead to new requirements in what an annex of an authorisation should include. Such new requirement may have a huge organizational impact on MS administrative processes (e.g. on digital authorization system). Therefore, we prefer that such modifications underlie to due process of law making. Also, we don't see a need to modify of Annex I Part C (2) in the near future. As a consequence, we suggest to delete the delegation of competences entirely.

⁵ 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	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	PUBLIC	By way of introduction to Article 17 the fundamental question arises as to the legal basis. Legal basis: • AT still has doubts that the proposed Article 17 of the Commission proposal for a revised Directive on Urban Wastewater Treatment COM(2022) 542 can be based on Art. 192 (1) TFEU, which provides only the legal foundation for environmental policy of the European Union. The requirements of Article 17 for urban wastewater surveillance in conjunction with communicable diseases do not relate to environmental policy, but to the field of public health, in which the European Union has very limited legislative competence based on Art 168 TFEU. • Other Member States also share this position. • In the Working Party on the Environment (WPE) on 21 March 2023 the Council Legal Service has stated its temporary legal opinion and we kindly ask to provide the final legal opinion in written form. • To nevertheless give guidance to MS on setting up comprehensive and scientifically sound wastewater surveillance systems, AT suggests that the ECDC supports MS in their efforts and issues an official guideline on this matter in accordance with Art. 3 (2) lit. c of the Regulation establishing a European centre for disease prevention and control. In case there is indeed a legal basis for Art. 17, AT has the basic position that no mandatory requirements should be made to MS. Thus, in each paragraph, the phrase "may" should be used instead of "shall". The provisions in Article 17 should be changed to a recommendation. Further, regarding Art. 17 (1) • AT welcomes the Presidency's proposal to remove the obligation to establish wastewater surveillance systems for pre-defined public health parameters and pathogens but to leave this decision to the MS. • AT also appreciates the new formulation of Article 17 (1 that allows the MS to integrate Urban wastewater surveillance into other national surveillance systems, to adapt to the local epidemiological situation and to avoid unnecessary costs.

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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 Council⁷, 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 Council⁸.		Concerning the legal basis for the provisions of Art. 17, please refer to our comment regarding Art. 17 (1). In case there is indeed a legal basis for Art. 17, AT suggests the following adaptations for Art. 17 (2) • Austrian law does currently not provide for the concept of declaring a formal Public Health Emergency. The necessity to set up a national procedure of declaration with the sole aim of providing for the implementation of monitoring protocols regarding wastewater does not seem to be justified. • Thus, we suggest to delete Art.17 (2).

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
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 ~~as a~~ a uniform application of this Directive by establishing a harmonised methodology for measuring antimicrobial resistance in urban wastewaters.		Concerning the legal basis for the provisions of Art. 17, please refer to our comment regarding Art. 17 (1). In case there is indeed a legal basis for Art. 17, AT has the following position regarding Art. 17 (3): AT welcomes the more openly approach concerning the monitoring of antimicrobial resistance, by allowing the Member State to decide how often a year antimicrobial resistance is monitored.
5 4. 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	[AT] proposal	[AT] 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)		Scrutiny reservation

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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, re-use, ~~and~~ recycling and material recovery of resources and minimize the adverse effects on the environment.		Scrutiny reservation
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>		Scrutiny reservation As outlined before, we agree to empower COM to set out the minimum reuse and recycling rates for phosphorus. At the same time, however, it must be emphasised that in comparison to the paramount importance of phosphorus, the nitrogen content of sewage sludge must by no means be considered equal in relevance to the phosphorus content. Therefore, a formulation of equal priority for phosphorus and nitrogen is seen critically. As for the formal, we question whether the title of Art. 20 (referring to sludge) covers reuse and recycling from wastewater.

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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	[AT] proposal	[AT] comments
(29)		Scrutiny reservation
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 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.	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 to verify compliance with the requirements of Part of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I and ; including loads and concentrations of the parameters listed in Tables 1 and 2 of Annex I; (b) amounts, composition and destination of sludge; (c) the quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater; (d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of above 10 000 p.e. and above; (e) the methane produced and the energy used and produced by urban wastewater treatment plants of 10 000 p.e and above. <u>The obligations set out in lit. (d and e) shall not apply until 36 months from the entry into force of this Directive</u>	Scrutiny reservation. The Presidency asked for an opinion regarding monitoring of greenhouse gases: We have no general objection with respect to monitoring greenhouse gases. However, we consider it paramount to define a streamlined monitoring strategy that combines measurements and calculations. Better to measure less and achieve comparable results than to collect data that are not comparable among MS. Therefore, we see an urgent need to set a deadline for the implementing act foreseen in Art. 21 (2) and to start with greenhouse monitoring only after this implementing act is in place

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water~~ in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.	2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system carry out sufficient representative monitoring of sewer 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~~. <u>Member States should get an overview of microplastic emissions at MS level with research or other adequate projects.</u>	Scrutiny reservation. - We are still very critical about the feasibility of monitoring: In Austria, research projects have been carried out to determine the emission of microplastics from overflows of separate sewers and combined sewers (Link: https://info.bml.gv.at/service/publikationen/wasser/TEMPEST-Erfassung-von-Emissionen-ausgewaehlter-Spurenstoffe-aus-Kanalsystemen-und-Handlungsoptionen.html). It has been shown that it is extremely difficult to come to representative samples and representative conclusions. We should currently leave the monitoring of microplastic emissions from sewers to research projects. It is not suitable for routine monitoring. as there are currently no methods available for representative sampling in routine operation. - We support the replacement of “sufficient” by “representative”

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~~ this paragraphs 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. <u>[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</u>	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 load in the urban wastewater of the following elements, <u>if relevant</u>: (a) pollutants listed in: (i) Annexes VIII and X to Directive 2000/60/EC, the Annex to Directive 2008/105/EC, Annex I to Directive 2006/118/EC and Part B of Annex II to Directive 2006/118/EC; (ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council¹⁰; (iii) ~~Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹⁴;~~ (iv) Annexes I and II to Directive 86/278/EEC. (v) (b) parameters listed in Part B of Annex III to Directive (EU) 2020/2184, where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive; (c) the presence of microplastics For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor the presence of microplastics in the sludge, <u>unless the sewage sludge is incinerated.</u> The monitoring referred to in this paragraphs 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 above; (b) at least one sample every two years for agglomerations of between 10 000 p.e. and 100 000 p.e. <u>[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</u>	Scrutiny reservation - What is still missing is a limitation of the measurement obligation to the parameters that are really relevant in urban waste water. The current text leads to monitoring efforts that are excessive from our point of view. MS should first identify those pollutants, which are relevant in the outlet of UWWTPs, and then concentrate on these. The compromise text doesn't solve this problem. - Art. 21 (4a iii) is already included in Art. 21 (4a ii) and should be deleted as it refers to outdated information. - The obligation to monitor the presence of microplastics in the sludge should only apply if the sewage sludge is not incinerated. If it incinerated, the microplastics content is of no interest.

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<u>2008/105/EC or below detection limits or below limits of quantification during the first three years of the monitoring. The monitoring frequency should be reviewed at least every year.</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.	~~<u>2008/105/EC or below detection limits or below limits of quantification during the first three years of the monitoring. The monitoring frequency should be reviewed at least every year.</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. <u>The Commission will provide the requirements by 24 months from the entry into force of this Directive.</u> <u>The obligations set out in lit. c shall not apply until 36 months from the entry into force of this Directive.</u>	We welcome the ES-proposal that the implementing act has to be provided at a fixed date. We welcome the ES-proposal that the monitoring of microplastics should only start after this implementing act is in place.

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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	[AT] proposal	[AT] comments
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		Scrutiny reservation
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.		Scrutiny reservation
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	[AT] proposal	[AT] 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).		We maintain AT's comment in WK 04327_2023_ADD 3: “(...) It is important to set a deadline for this implementing act, in order to enable the MS to meet the deadline for submitting their implementation programs to the EC. (...)”

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

PUBLIC

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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.		Scrutiny reservation.
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	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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.~~		Scrutiny reservation entire Art. 26. We appreciate that the wording auf Art. 26 has been replaced by the wording approved in the general approach to the IED.
~~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 non-governmental 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.		
~~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.~~		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
~~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	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		Scrutiny reservation entire article 27

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
2. The power to adopt delegated acts referred to in Articles 4(3), ~~6(3)~~, 7(4), 8(5), 14(3), 20(2), and 24(3) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		
3. The delegation of power referred to in Articles 4(3), ~~6(3)~~, 7(4), 8(5), 14(3), 20(2), and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
6. A delegated act adopted pursuant to Articles 4(3), ~~6(3)~~ , 7(4), 8(5), 14(3), 20(2), or 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(36)		
1. The Commission shall be assisted by the committee for the adaptation to scientific and technical progress and implementation of the directive on urban waste water treatment.		Scrutiny reservation entire article 28
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	[AT] proposal	[AT] 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.~~		Scrutiny reservation entire article 29. We appreciate that the wording auf Art. 29 has been replaced by the wording approved in the general approach to the IED
2. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable: (a) the nature, gravity, and extent of the ~~violation~~ infringement; ~~(b) the intentional or negligent character of the violation;~~		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
~~(e)~~(b) the population or the environment affected by the violation infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; <u>(c) 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.		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(38)		
1. By 31 December 2030 and by 31 December 2040, the Commission shall carry out an evaluation of this Directive based in particular on the following elements: (a) the experience gained through the implementation of this Directive; (b) the data sets referred to in Article 22(1);		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
(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	[AT] proposal	[AT] 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	[AT] proposal	[AT] comments
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	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(42); (43)		
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official 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		Scrutiny reservation entire article 33

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
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	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Articles [...] and Annexes [...] [refer to the articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].		

ARTICLE 35 – ADDRESSEES

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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	[AT] proposal	[AT] comments
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.		Scrutiny reservation.

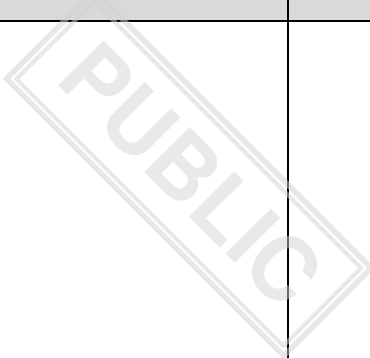
B. DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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.		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
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.		
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.		

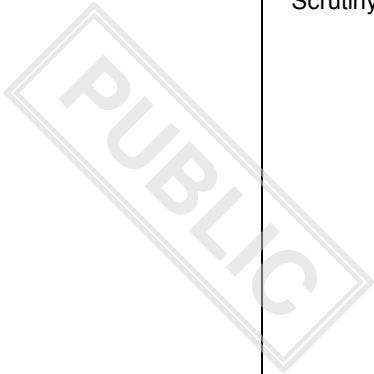
New text proposal_Clusters1,3,5				[AT] proposal	[AT] comments
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.					
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.					
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement		
Biochemical oxygen demand (BOD5 at 20 °C) without nitrification (see Note 1)	25 mg/l O ₂	70-90 ~~40 under Article 4 (2)~~	Homogenized, unfiltered, undecanted sample. Determination of dissolved oxygen before and after five-day incubation at 20 °C ± 1 °C, in complete darkness. Addition of a nitrification inhibitor		
Chemical oxygen demand	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample		

¹⁴ — Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				[AT] proposal	[AT] comments
(COD) (See Note 2)			Potassium dichromate		
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 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	[AT] proposal	[AT] 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. The ~~prior general binding rules~~ regulations and/or specific authorisations referred to in Article 14(1) shall ensure the following: (a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of sludge; (b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants; (c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant <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~~		Scrutiny reservation lit c).

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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	[AT] proposal	[AT] 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.		Scrutiny reservation
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		Scrutiny reservation

New text proposal_Clusters1,3,5	[AT] proposal	[AT] 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u>:</td><td>One sample per week For micropollutants, two samples per ~~week~~ month.</td></tr><tr><td>— ~~100.000 p.e. or over:~~</td><td>~~One Two samples per day~~ week ~~For micropollutants, two one sample per week~~</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over to 99 999 p.e.</u> :	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~~	3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year: <table><tr><td>1 000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>10 000 to 49 999 p. e.:</td><td>Two samples per month For micro-pollutants, one sample per month</td></tr><tr><td>50 000 to 99 999 p.e.:</td><td>One sample per week. For micro-pollutants, two samples per week-month</td></tr><tr><td>100 000 p.e. or over:</td><td>~~One~~ Two sample per ~~day~~ week For micro-pollutants, ~~two~~ two samples per month</td></tr></table> <u>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.</u>	1 000 to 9 999 p.e.:	One sample per month (see Note 1)	10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per month	50 000 to 99 999 p.e.:	One sample per week. For micro-pollutants, two samples per week-month	100 000 p.e. or over:	~~One~~ Two sample per ~~day~~ week For micro-pollutants, ~~two~~ two samples per month	3. UWWTPs > 100.000 p.e.: What has been the motivation to reduce sampling frequencies for standard parameters to one sample per week?
— 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 to 99 999 p.e.</u> :	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~~																	
1 000 to 9 999 p.e.:	One sample per month (see Note 1)																	
10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per month																	
50 000 to 99 999 p.e.:	One sample per week. For micro-pollutants, two samples per week-month																	
100 000 p.e. or over:	~~One~~ Two sample per ~~day~~ week For micro-pollutants, ~~two~~ two samples per month																	

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
4. The treated wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1, a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric 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.		

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments																																						
Table 4: <u>Requirements for samples</u> <table><tr><td>Series of samples taken in any year</td><td>Maximum permitted number of samples which fail to conform</td></tr><tr><td>4-7</td><td>1</td></tr><tr><td>8-16</td><td>2</td></tr><tr><td>17-28</td><td>3</td></tr><tr><td>29-40</td><td>4</td></tr><tr><td>41-53</td><td>5</td></tr><tr><td>54-67</td><td>6</td></tr><tr><td>68-81</td><td>7</td></tr><tr><td>82-95</td><td>8</td></tr><tr><td>96-110</td><td>9</td></tr><tr><td>111-125</td><td>10</td></tr><tr><td>126-140</td><td>11</td></tr><tr><td>141-155</td><td>12</td></tr><tr><td>156-171</td><td>13</td></tr><tr><td>172-187</td><td>14</td></tr><tr><td>188-203</td><td>15</td></tr><tr><td>204-219</td><td>16</td></tr><tr><td>220-235</td><td>17</td></tr></table>			Series of samples taken in any year	Maximum permitted number of samples which fail to conform	4-7	1	8-16	2	17-28	3	29-40	4	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		
Series of samples taken in any year	Maximum permitted number of samples which fail to conform																																							
4-7	1																																							
8-16	2																																							
17-28	3																																							
29-40	4																																							
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																																							

New text proposal_Clusters1,3,5		[AT] proposal	[AT] comments
236-251	18	PUBLIC	
252-268	19		
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		[AT] proposal	[AT] 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			

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
6. Breweries 7. Production of alcohol and alcoholic beverages 8. Manufacture of animal feed from plant products 9. Manufacture of gelatine and of glue from hides, skin and bones 10. Malt-houses 11. Fish-processing industry		

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

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based	1. An analysis of the initial situation of the 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; 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	Scrutiny reservation. • We are still very critical about the feasibility of monitoring of microplastics: In Austria, research projects have been carried out to determine the emission of microplastics from overflows of separate sewers and combined sewers (Link: https://info.bml.gv.at/service/publikationen/wasser/TEMPEST-Erfassung-von-Emissionen-ausgewaehlter-Spurenstoffe-aus-Kanalsystemen-und-Handlungsoptionen.html). It has been shown that it is extremely difficult to come to representative samples and representative conclusions. We should currently leave the monitoring of microplastic emissions from sewers to

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in 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;	into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in Tables 1 and 2 of Annex I as well as microplastics and relevant micropollutants released in receiving waters in case of rainfall;	research projects. It is not suitable for routine monitoring, as there are currently no methods available for representative sampling in routine operation. Member States should get an overview of microplastic emissions at MS level with research or other adequate projects
2. Objectives for the reduction of pollution from ~~storm water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water~~sewer overflow; represents ~~only no more than 4 % a small percentage, preferably below one~~ 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This indicative ~~target 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 ~~sewer~~collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	2. Objectives for the reduction of pollution from sewer overflows and urban runoff discharges, including the following: (a) an indicative objective that domestic and non-domestic wastewater load sewer overflow, of the parameters referred to in Tables 1 and 2 of Annex 1, that is discharged to the environment by sewer overflow, represents only a small percentage, preferably below two percent, of the annual collected urban wastewater load calculated in dry weather flow conditions; (...)	• We are OK with the 2 % if they clearly refer to the urban wastewater load due to domestic and non-domestic wastewater, but excluding the load due to urban runoff. • “Dry weather conditions” should be changed to “Dry weather flow” for reasons of consistency with Art. 5 (2b).

New text proposal_Clusters1,3,5	[AT] proposal	[AT] comments
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the ~~implantation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

POLAND

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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>		

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.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] comments
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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 <u>or economical</u> 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 <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to <u>a one or more</u> ~~a~~ final discharge points <u>into receiving waters</u> ;	for urban wastewater to be collected and conducted to one or more ~~an~~ urban wastewater treatment plants <u>or/and</u> to ~~a~~ one or more final discharge points into receiving waters;	We believe that a situation should be allowed in which an agglomeration has its own treatment plants and final discharge points at the same time. There are several such agglomerations in Poland, which discharge wastewater from part of their area to the wastewater treatment plant in the agglomeration, and from the rest of the area to another agglomeration that provides the same or a higher level of wastewater treatment. This is mainly due to technical reasons (e.g. terrain).
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) ' ~~sewer storm water~~ overflow' means discharge of untreated urban wastewater into receiving waters from <u>separate or</u> combined sewers ~~caused by rainfall~~ ;		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a conduit ~~that~~ designed to collect_s and conduct_s urban wastewater <u>including urban runoff</u> ;		
(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 ;		
<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>		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes <u>most of</u> 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;		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
(13) 'quaternary treatment' means treatment of urban wastewater by a process which ~~removes~~ reduces a broad spectrum of micro-pollutants ~~in from the urban wastewaters;~~		
(14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ organic residue and inorganic sludge resulting from the treatment of urban wastewater ~~in an urban wastewater treatment plant (excluding debris, grit, grease and any other screenings residues from the first treatment step);~~		In PL's opinion, the introduced changes go in the right direction. We welcome the elimination of the word "waste" from the definition.
(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;		

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).

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(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 BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient in urban wastewater, expressed in p.e. or mass unit per time (usually kilogram per day or year).		

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

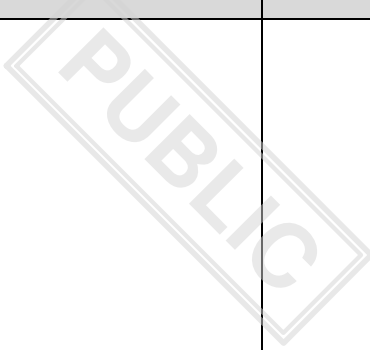
New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

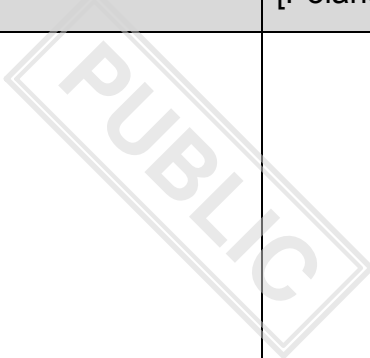
New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. Unless they justify a derogation under paragraph 1 of Article 4 , Member States shall ensure that all agglomerations ~~with a p.e. of 2 000 p.e.~~ and above comply with the following requirements: (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to the collecting system.		
2. Unless they justify a derogation under paragraph 1 of Article 4 , ~~By 31 December 2030~~ 2033 , Member States shall ensure that all agglomerations ~~with a p.e. of between 1000 and 2000 p.e.~~ comply with the ~~following~~ requirements of paragraph 1 by 31 December 2033 : (a) they are provided with collecting systems; (b) all their sources of ~~domestic~~ urban wastewater are connected to ~~a the~~ collecting system. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	2. Unless they justify a derogation under paragraph 1 of Article 4, ~~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 2033-2040 : (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.	We propose changing deadline to 2040. In many systems, identification and establishment of agglomerations, planing, designing and building new collecting systems will take more than 10 years. The deadline for ensuring the connection of all sources of domestic sewage should be indicated.

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] 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>	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 an area sensitive to eutrophication.</u> <u>This requirement will apply to existing individual systems six years after 2033.</u>	Wording should be clear and coherent with other articles. The wording "catchment area" should be clearly explained in this context
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, ~~where individual systems are used~~ are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, <u>on the basis of a risk-based approach,</u> are carried out by the appropriate authority or other body authorised at national or regional level.		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
34. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive~~ that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2~~ 3, on the basis of a risk-based approach ~~second subparagraph.~~ <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	[Poland] proposal	[Poland] 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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, <u>modelling</u> and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ <u>discharges</u> 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~~ volume, calculated in dry weather ~~flow~~ conditions; (c) ~~sewer storm water~~ overflow or urban runoff <u>discharges</u> 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.	(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~~ volume, calculated in dry weather ~~flow~~ conditions;	several Member States requested a change of load to volume. Despite PRES's explanation, we stand by these comments. It should be borne in mind that there is no obligation to test the pollutant load in the wastewater flowing into the treatment plant (and thus run through the sewage system) on a daily basis. Thus, relying on load means that the exact load calculated for the dry weather will not be known. On the other hand, the flow in the sewage network is in most cases calculated daily, and in the absence of such measurements, the amount of sewage discharged from the treatment plant can be based on. So changing the term load to volume allows for a more reliable approach to this topic.

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	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] comments
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	[Poland] proposal	[Poland] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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, ~~t~~<u>The obligation set out in the first paragraph shall not apply until 31 December 2027 for:</u> ~~(a) For~~ <u>For</u> 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~~ <u>please insert the date = date if entry into force of this directive</u>}, the obligations set out in the first paragraph shall not apply until 31 December 2030. ~~(b) For~~ <u>For</u> 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~~ <u>please insert the date = date if</u> entry into force of this Directive}.		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
2. For agglomerations of between 1 000 p.e. and 2 000 p.e., Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033 urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I accordance with paragraph 3 or an equivalent treatment before discharge into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.	2. For agglomerations of between 1 000 p.e. and 2 000 p.e., ~~Unless they justify a derogation under paragraph 1 of Article 4,~~ Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December ~~2033~~ 2040 urban waste water entering collecting systems is subject to ~~meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I~~ accordance with paragraph 3 or an equivalent treatment before discharge <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.	We propose changing deadline to 2040. In many systems, identification and establishment of agglomerations, planing, designing and building new plants will take more than 10 years.
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	[Poland] proposal	[Poland] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.	1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; ~~(b) by 31 December 2030 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.~~	The proposed energy neutrality targets are too restrictive and in many cases will result in ineffective actions, burdening the residents with an increase in tariffs without real environmental effects. It should also be taken into account that the energy audits carried out in the first period will not take into account the new requirements of the Directive regarding the tertiary and quaternary treatment, which will make it impossible to achieve neutrality after the implementation of the requirements of Art. 7 and 8.

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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. <u>~~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> <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>	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, <u>on or off-site</u>, by urban wastewater treatment plants treating a load of ~~40 000~~ 100 000 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. <u>~~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> <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 proposed energy neutrality targets are too restrictive and in many cases will result in ineffective actions, burdening the residents with an increase in tariffs without real environmental effects. We propose limiting the energy self-sufficiency requirements to treatment plants >100,000 pe. In smaller facilities using biogas, self-sufficiency is not achievable, and in many cases (especially 10,000 - 30,000 pe), the costs associated with sludge digestion and the use of biogas significantly outweigh the benefits. It should also be taken into account that the energy audits carried out in the first period will not take into account the new requirements of the Directive regarding the tertiary and quaternary treatment, which will make it impossible to achieve neutrality after the implementation of the requirements of Art. 7 and 8.

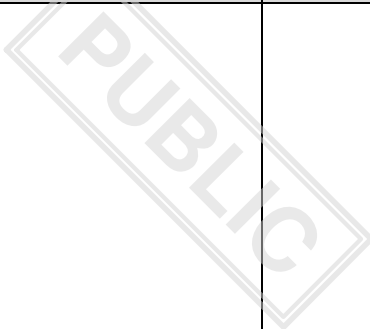
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

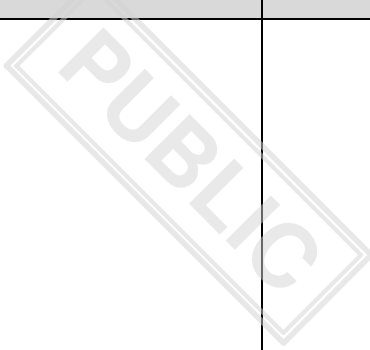
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

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 non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		

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/EEC⁵; (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.		

⁵ 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	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] 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 4(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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent	~~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 4(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;~~ ~~(c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union platforms, where such platforms are available.~~ 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 the identification of pathogens, contaminants of emerging concern and any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring.	<i>Monitoring in wastewater of pathogens causing communicable diseases (i.e. SARS-CoV-2 virus and its variants; poliovirus and influenza virus) is one of the method of communicable disease epidemiological surveillance and should be established in close connection with other forms of communicable disease monitoring. Directive on Urban Wastewater Treatment should not be a document to describe a scope and technical aspects concerning communicable disease epidemiological surveillance. Communicable disease surveillance is subject to legislation based on 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.</i>

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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 Council⁷, 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 Council⁸.~~		It should be ensured that all technical aspects are removed, as directive should not be a document to describe technical aspects concerning communicable disease epidemiological surveillance.

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
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.	43. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January ~~2025~~ ~~2026~~ 2030, 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 proposed date (2026) is unrealistic due to the lack of commonly used AMR analysis methods. We propose to change the date to 31.12.2030.
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	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] 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, re-use, ~~and~~ recycling and material recovery of resources and minimize the adverse effects on the environment.		It should be noted that despite the fact that the word "waste" has been removed from the definition of sludge, in Art. 20.1 is a reference to the waste hierarchy. The question should be asked how the terms: prevention, re-use, recycling, material recovery should be understood - whether as in the Waste Framework Directive or otherwise. If these terms are to be understood as in the Waste Framework Directive, then it should be written: „Such routes shall maximize prevention, preparing for re-use, ~~and~~ recycling and other material recovery of resources and minimize the adverse effects on the environment.”. In addition, it should be clarified that preparing for re-use and recycling are part of material recovery. However, if they are to be understood differently, in order to avoid doubts and different interpretations in EU Member States, they should be defined in the waste water directive.
2. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27~~ to supplement this Directive by ~~setting out~~ promoting the minimum reuse and recycling rates for phosphorus and nitrogen from wastewater and sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in wastewater and sludge. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27~~ to supplement this Directive by ~~setting out~~ promoting the minimum reuse and recycling rates for phosphorus and nitrogen from wastewater and sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in wastewater and sludge. ~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).~~	It should be emphasized that this article is mitigated and extended to sewage. Therefore, a clear understanding of the terms 'reuse' (or 're-use') and recycling is important. At this stage, it can be concluded that the removal of delegated acts in this area is certainly a step in the right direction. We request the deletion of the "wastewater" note. The level of nutrient recovery from wastewater should be the responsibility of each Member State. Wastewater from each treatment plant is a potential source of pathogens, heavy metals and other pollutants harmful to human health. Therefore, the possibility of using these wastewaters (e.g. in agriculture) has to be defined individually for each wastewater treatment plant.

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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 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.	(d) the greenhouse gases CO₂, N₂O, CH₄ emitted from closed digested tanks in urban wastewater treatment plants of above ~~10 000~~ 100 000 p.e. and above;	point (d) New provision without justification. It is not possible to determine such emissions by monitoring (in particular from unencapsulated facilities). The provision should be clarified that it concerns facilities intended for the production of biogas, waste gases from incineration plants, etc. Point d – according with comments to art. 11 (100 000 p.e.). Moreover, we suggest specify in relation to point (d) and (e) time for adoption of monitoring is needed.

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~	2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out ~~sufficient representative monitoring of sewer the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies,~~ by 1 January 2028 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.~~	Time for adoption of monitoring is needed. Moreover we confirm the doubt of other Member States as to the introducing microplastic testing. There are still no reference methods. Studies have shown that the microplastic content captured with a 100 µm mesh is 10 times higher than with a 500 µm mesh. Data from the UK revealed a 2.5 times increase in microplastics using a 100µm mesh compared to 333µm. Each study of pollutants should result in the development of some goal for their elimination, and not the acquisition of information from which nothing results. It should also be remembered that microplastics accumulate mainly in sewage sludge, and their recycling results in secondary release into the environment. Due to recent knowledge and techniques of removal of microplastics and micropollutants we believe such requirement would be very difficult to fulfill and may cause disproportionate costs to the wastewater treatment plant operators. Therefore we propose to delete this part of the text or to add “where technically and economically feasible”.

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~~ 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. <u>[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</u>	For all agglomerations of above 10 000 p.e., <u>by 1 January 2028</u>, 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 Council¹¹; (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council¹²; (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~~ 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. <u>[NEW] The monitoring frequency established in this paragraph may be halved in subsequent years if the monitoring results for the pollutants referred to in this paragraph are below standards under Directive 2008/105/EC or below detection limits or below limits of quantification during the first three years of the monitoring.</u>	We suggest to precede the new entry with "4" and add the digits "5" before the next paragraph. As mentioned above, the Directive does not contain reference methods for testing microplastics. PL suggests to indicate these methods in Directive. PL welcomes the fact that it was clarified who should carry out the monitoring.

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] 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.	<u>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)		

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- 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).
- 11 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).
- 12 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 ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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

PUBLIC

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	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] 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>		

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 non-governmental 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
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

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.		
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 Law-Making.		

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.		

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. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		

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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(c) the population or the environment affected by the violation infringement~~, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; <u>(c) 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.		

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	[Poland] proposal	[Poland] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.	Every six 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.	Due to the many changes in the Directive from five-year periods to six-year periods, we propose to align the committee's report with the same period.

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	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] comments								
5. Authorisations for discharges from urban wastewater treatment plants using plastic bioreactors shall include an obligation to permanently monitor and prevent all unintentional such bioreactors 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.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)¹³</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹³	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹³	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

¹³ — Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				[Poland] proposal	[Poland] 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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	[Poland] proposal	[Poland] comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

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

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

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

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

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

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

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~~

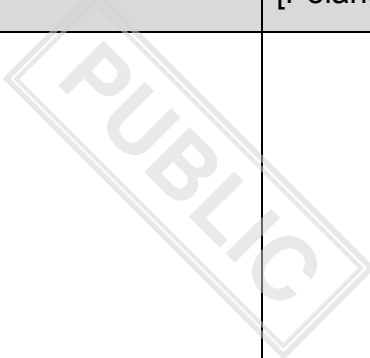
PUBLIC

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	[Poland] proposal	[Poland] 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	[Poland] proposal	[Poland] 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u></td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 <u>or over to 99 999 p.e.</u>	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	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 within full years starting from the date of issuing the water permit: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per <u>month</u> (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, ~~one sample per month~~ two samples per year</td></tr><tr><td>— 50 000 <u>or over to 99 999 p.e.</u></td><td>One sample per week For micropollutants, ~~two samples per week month.~~ four samples per year.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per <u>month</u> (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, ~~one sample per month~~ two samples per year	— 50 000 <u>or over to 99 999 p.e.</u>	One sample per week For micropollutants, ~~two samples per week month.~~ four samples per year.	— 100.000 p.e. or over:	One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week	Poland has noticed the following problem, which has been solved in the national legislation: Special permits are issued for a period of 10 years. Every 10 years they are adapted to changing conditions. Each permit shall specify the number of samples to be taken within a year from the date of validity of the permit and in subsequent years. It is not possible that, for example, a permit issued on 15th of December would oblige the operator to take 52 samples by the end of the year. Therefore, please add a note that the total number of samples to be taken in the first year of the permit is proportional to the period remaining until the end of the calendar year. Moreover the frequency of samples is very high and unjustified. It carries costs disproportionate to the environmental effects. For micropollutants there is no need to prove the quality so frequently. The idea of micropollutnts removal in this directive is based on obligation to design another step of treatment and remove wide range of pollutants.
— 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 to 99 999 p.e.</u>	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																	
— 1000 to 9 999 p.e.:	One sample per <u>month</u> (see Note 1)																	
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— 50 000 <u>or over to 99 999 p.e.</u>	One sample per week For micropollutants, ~~two samples per week month.~~ four samples per year.																	
— 100.000 p.e. or over:	One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week																	

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
4. The treated wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1, a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric 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.		

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments																																				
Table 2																																						
Table 4: <u>Requirements for samples</u>																																						
<table><tr><td>Series of samples taken in any year</td><td>Maximum permitted number of samples which fail to conform</td></tr><tr><td>4-7</td><td>1</td></tr><tr><td>8-16</td><td>2</td></tr><tr><td>17-28</td><td>3</td></tr><tr><td>29-40</td><td>4</td></tr><tr><td>41-53</td><td>5</td></tr><tr><td>54-67</td><td>6</td></tr><tr><td>68-81</td><td>7</td></tr><tr><td>82-95</td><td>8</td></tr><tr><td>96-110</td><td>9</td></tr><tr><td>111-125</td><td>10</td></tr><tr><td>126-140</td><td>11</td></tr><tr><td>141-155</td><td>12</td></tr><tr><td>156-171</td><td>13</td></tr><tr><td>172-187</td><td>14</td></tr><tr><td>188-203</td><td>15</td></tr><tr><td>204-219</td><td>16</td></tr><tr><td>220-235</td><td>17</td></tr></table>	Series of samples taken in any year	Maximum permitted number of samples which fail to conform	4-7	1	8-16	2	17-28	3	29-40	4	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		
Series of samples taken in any year	Maximum permitted number of samples which fail to conform																																					
4-7	1																																					
8-16	2																																					
17-28	3																																					
29-40	4																																					
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																																					

New text proposal_Clusters1,3,5		[Poland] proposal	[Poland] comments
236-251	18	PUBLIC	
252-268	19		
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		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
6. Breweries 7. Production of alcohol and alcoholic beverages 8. Manufacture of animal feed from plant products 9. Manufacture of gelatine and of glue from hides, skin and bones 10. Malt-houses 11. Fish-processing industry		

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

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall;		We reiterate our remark that the urban runoff shouldn't be reflected in this Directive Moreover, in relation to point (b) the Directive does not contain reference methods for testing microplastics. PL suggests to indicate these methods in Directive.

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
(b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in 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 water~~sewer overflows and urban runoff discharges, including the following: (a) an ~~indicative~~indicative objective that ~~storm water sewer~~ overflow; represents ~~only no more than 1 %~~ a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~target 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 ~~sewers collection networks~~, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	(b) the progressive reduction of pollution load from discharges of urban runoff through separate sewers, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation or it is technically impossible.	letter (a): The provision is inconsistent with the current wording of Art. 5. 2. (b), where the value is 3%. Both of these values should be described in the same way.

New text proposal_Clusters1,3,5	[Poland] proposal	[Poland] comments
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the ~~implantation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

PORTUGAL

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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.		PT strongly supports this proposal
(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>		PT strongly supports this proposal

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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.		We agree with this proposal

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese comments
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		We agree with this proposal, the text seems more clear
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and <u>or</u> from household activities;		PT strongly supports this proposal
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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 <u>or economical</u> 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>		PT strongly supports this proposal
(4) 'agglomeration' means an area where the <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to <u>a one or more</u> ~~a~~ final discharge points <u>into receiving waters</u> ;		PT strongly supports this proposal
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		We agree
(6) ~~'sewer storm water overflow'~~ means discharge of untreated urban wastewater <u>into</u> receiving waters from <u>separate or</u> combined sewers ~~caused by rainfall~~ ;		We agree
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
(8) 'combined sewer' means a conduit ~~that~~ designed to collect and conduct urban wastewater ~~including urban runoff~~ ;		We agree and in-line with the definition of urban wastewater
(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~~ ;		We agree
(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 ;		
<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>		We agree
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes <u>most of</u> 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;	12) 'tertiary treatment' means treatment of urban wastewater by a process which removes most nitrogen and/or phosphorus from urban wastewaters, <u>or other relevant parameters (e.g., pathogens) according point 6, from part B, of Annex I</u> ;	The removal of additional parameters (e.g., pathogens to protect drinking water sources, bathing waters or aquaculture) is not included in neither in tertiary or quaternary treatment. However, it is important to ensure this level of protection as previewed in the point 6, from part B of Annex I. Since the definition preview N and/or P, we agree there not a need to include dependence on local consitions."

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
(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;~~	(13) 'quaternary treatment' means treatment of urban wastewater by a process which removes reduces a broad spectrum of micropollutants in from the urban wastewaters;	Typing note: A single term should be used, since through the text is used micro-pollutants" and "micropollutants".
(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);~~		PT strongly supports this proposal
(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		Typing note: A single term should be used, since through the text is used micro-pollutants" and "micropollutants". We suggest to confirm the term though all the document to ensure to use always the same

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).

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
(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;	(17) ~~'dilution ratio' means the ratio of the five year average of annual flow of the receiving waters at the point of discharge to the five year average of the annual discharge volume of urban wastewater into surface waters from a treatment plant;~~ 'mixing zone' means adjacent areas to points of discharge where the concentrations of one or more parameters may exceed the relevant environmental quality standard within such mixing zones if they do not affect the compliance of the rest of the body of surface water with those standards.	Why not to use the concept of "mixing zone" instead of dilution ratio as already previewed in other Directives, namely Directive 2008/105/EC. Should be paid attention that article 10 of WFD defines the need of definition of relevant emission limit values. So, for the discharges of micropollutants that hat will be classified as priority substances under WFD and EQS directives, the ELV shall be defined according the combined approach defined in WFD, where a mixing-zone may be applied according the criteria established in the article 4 of Directive 2008/105/EC. However, this concept is more comprehensive (a guidance document developed by the Commission is available), since takes into account the chemical status compliance of the water body, while a simple dilution rate only considers the annual conditions at discharge point. As a result, for the same substance, an ELV could be established following different criteria if this recast is not coherent with WFD.
(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;	'producer' means any manufacturer <u>and/or</u> 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;	To avoid misinterpretations and double costs it should be only considered the first responsible to place products on market (and to ensure coherence with definition 24), i.e, the manufacturer and/or importer, since the distributor is only an intermediate on the process within a MS (a distributor takes the product from point A to point B). When a distributor brings products from outside his MS, being the first responsible to place the product on market becomes an importer. Please see the definition 24 "the first the first making available of a product on the market", which is a manufacturer or an importer.
(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	Portuguese proposal	Portuguese comments
(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;	'sanitation' means facilities and services for the safe disposal of ~~human urine, faeces, and menstrual blood~~ <u>substances primarily comprising human faeces (and urine, menstrual blood, bile, flushing water, anal cleansing water, toilet paper and other bodily fluids/solids).</u>	The definition could be improved taking into account definitions that are already accepted. The following text is adapted from the ISO 30500:2018 :
(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;		
(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 ~~any pollutant or nutrient~~ BOD ₅ in urban wastewater, expressed in p.e. or any pollutant or nutrient expressed mass unit per time	This definition is not coherent with the one regarding "population-equivalent". According to the population equivalent definition, the term load is only applicable to BOD ₅ . This definition must be improved to avoid misinterpretations since the text does not make any relation between COD, nutrients or other pollutants expressed in p.e..
	<u>'risk' means the likelihood of identified hazards causing harm in a specified timeframe, including the severity of the consequences</u>	Is important to define "risk" and "risk assessment" taking into account the Article 18. The definition is the same as the one from the Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse

	<u>'risk assessment' means the process of comparing the results of the analysis of the health or environmental risk criteria associated with a given system or situation, in order to accept the lowest possible risk value, which involves the collection of information regarding hazards, hazardous events, exposure scenarios, risk characterization and risk management</u>	Is important to define "risk assessment" taking into account the Article 18.
	<u>'competent authority' means an authority or a body designated by a Member State to carry out its obligations under this Directive regarding the granting of permits for the wastewater discharges, regarding compliance checks and inspection</u>	Should be included a definition for competent Authority, in the same line as the Regulation (EU) 2020/741:

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

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
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.		
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~~		We agree with this text, is more explicit then the previous version
4 ~~3~~. Collecting systems shall fulfil the requirements of Part A of Annex I.		

ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		
1. By way of derogation 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.		We agree with this proposal as it clarifies where IAS are considered under the Directive

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least the same level of environmental protection treatment as the secondary and tertiary treatments referred to in Articles 6 and 7. <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>		The text clarifies when IAS with tertiary treatment is required and therefore, no need to follow a risk assessment to demonstrate the same level of environmental protection
3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, where individual systems are used are registered in a public national or regional registry and that regular inspections or other means of regular checks or control of those systems, <u>on the basis of a risk-based approach</u>, are carried out by the appropriate authority or other body authorised at national or regional level.		As according our national legislation this process is already mandatory and we have a centralized and single environmental permitting system, the register is already in place.
~~34.~~ The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for~~ by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3,~~ <u>on the basis of a risk-based approach</u> ~~second subparagraph.~~ <u>The Commission will provide the requirements by [XX months from the entry into force of this Directive].</u>		It is possible to address a risk-based approach for inspections but it would be preferable to have a scored-based uniform scheme through all Member States, otherwise the process could be complicated and jeopardize other needs for inspections, namely for more critical situations, such as industrial discharges

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
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.		
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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.	"... ~~300 000~~ 400 000 p.e"	The threshold should be enlarged to allow a smoother distribution of investments.

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~4%~~ 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather ~~flow~~ conditions; (c) ~~sewer storm water~~ 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.	PUBLIC	The changes made by the presidency bring this article closer to what is possible to achieve. This article defines now an important tool to define measures against sewer overflow or urban runoff. Currently, there is not enough data on the European level describing the contamination and scale of these events. So, we propose to simplify this requirement by advocating monitoring of discharged volumes rather than wastewater load. In this regard, it will be aligned with DWA's position (Germany): "The DWA calls for an adjusted target criterion. This criterion establishes the volume of wastewater in the annual combined sewer overflow volume as it relates to the associated annual values. In any case, a volume-related criterion is preferable. This option is initially independent of substance parameters and allows for differentiation based on the relevance of individual material components as water pollution in the specific case. In light of the aforementioned range of Europe-wide numerical values for this criterion, a uniform criterion should be specified, but not contingent on a numerical value. Member States should first conduct a survey of their 'current status' to establish this criterion and formulate individual milestones for achieving the target" The threshold should be enlarged to allow for a smoother distribution of investments.

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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese comments
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	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(11) 'secondary treatment'		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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].~~		Under scrutiny, dependend on the wording of article 32, regarding the specific situation of the Outermost regions

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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 meet the relevant requirements for secondary treatment ~~or an equivalent treatment~~ set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		
3. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.		
4. The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the urban wastewater treatment plant during the year, excluding unusual situations due to heavy rain.		

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

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and of enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.	1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost- effective measures to reduce the use of energy and ~~of~~ enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas–emissions. The first audits shall be carried out: (a) by 31 December 2027 for urban wastewater treatmentplants treating a load of ~~100 000~~ 300 000 p.e. and above and the collecting systems connected to them; (b) by 31 December 2033 for urban wastewater treatmentplants treating a load equal ou above 10 000 p.e. and the collecting systems connected to them.	The threshold should be enlarged to allow for a smoother distribution of investments.

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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. <u>~~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> <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>	Is proposed to add: “... <u>Lower percentages may be applicable when is full demonstrated that is not technical feasible achieve the values above due to the increase in energy consumption resulting from the mandatory application of the articles 7 and 8.</u>”	Special attention must be paid to the increase of energy consumption that will result from the implementation of Articles 7 and 8, that may promote the need of additional investments in renewable energy production to compensate this increase in energy consumption to achieve neutrality. However, it should be also noticed that the production of biogas still faces several limitations. Indeed, the anaerobic digestion has a great potential to reduce the overall solids mass, decreasing the respective operating cost of an UWWTP, while contributes for the production of biogas. However, the sludge's composition complexity and poor biodegradable content may decrease the anaerobic digestion performance, and, therefore, is still difficult and less viable for lower loads to balance operational, economic, and environmental concerns for selecting an efficient and technical viable and cost-effective solution *. Consequently, is crucial that the application of articles 7 and 8 are made where there is a real environmental benefit within the water-ecosystems-energy nexus and for this reason, we consider that a broader and more comprehensive risk assessment could ensure better and more reliable solutions to achieve the goals of Green Deals (namely zero pollution and energy neutrality). * Mitraka, G.-C.; Kontogiannopoulos, K.N.; Batsioulas, M.; Baniyas, G.F.; Zouboulis, A.I.; Kougias, P.G. A Comprehensive Review on Pretreatment Methods for Enhanced Biogas Production from Sewage Sludge. <i>Energies</i> 2022, 15, 6536. https://doi.org/10.3390/en15186536. Debowski, M.; Zielinski, M. Wastewater Treatment and Biogas Production: Innovative Technologies, Research and Development Directions. <i>Energies</i> 2022, 15, 2122. https://doi.org/10.3390/en15062122.

ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(18)		
Member States shall ensure that the urban 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.	Member States shall ensure that the urban waste water treatment plants built to comply with the requirements set out in Articles 6, 7, and 8 are designed, constructed, operated and maintained to ensure sufficient performance under all normal local climatic conditions, <u>taking into account the characterization made under the correspondent RBMP</u> . When designing the plants, seasonal variations of the load shall be taken into account.	It should be clarified what are “normal local climatic conditions” to avoid misinterpretations of the article and because this may significantly impact investment needs. For example, taking into account the characterization made under the correspondent RBMP.

ARTICLE 14 – DISCHARGES OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		PT strongly supports this proposal

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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/EEC⁵; (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.		

⁵ 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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)		

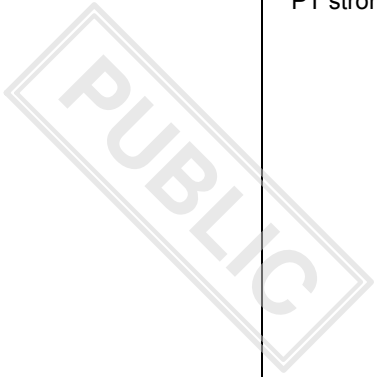
New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental protection 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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; (c) the organisation of an appropriate and timely communication of the monitoring results to the competent		PT strongly supports this proposal

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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. ~~Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and ~~more~~. This monitoring shall continue until ~~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 Council⁷, 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 Council⁸~~.		

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
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.	34. For agglomerations of ~~100 000~~ 300 000 p.e. and above, Member States shall, by 1 January ~~2025~~ 2026, ensure that antimicrobial resistance is monitored in urban wastewater.	The load threshold should be enlarged and deadlines should be in-line with the WFD
~~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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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, re-use, ~~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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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, <u>in line with the report requirements laid down on the Regulation (EU) 2020/741 of the European Parliament and the Council of 25 May 2020 on minimum requirements for water reuse, or other type of irrigation (e.g., urban areas or sport fields)</u>, that is subject to a derogation referred to in Article 15(2); ...	To avoid misinterpretations should be included in Article 2 the definition of competent authority, in the same way that is displayed in Regulation (EU) 2020/741 (which only applies to reclaimed waters from urban wastewaters). Also, to ensure responsibility, operators shall be in charge of the monitoring of wastewaters to ensure the treatment compliance, while the competent authorities are responsible for granting permits, check compliance and inspection. It is important to provide additional detail and clarify what is the definition of "composition" (subparagraph 1.b) and what are the additional costs for operators associated with providing additional analyses. Beyond the Regulation (EU) 2020/741, other types of irrigation) e.g. urban areas or sport fields, like golf courses) could be also in place. This type of irrigation also promotes nutrients recovery, therefore the text should also include other irrigation uses, like « urban or sport »
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		

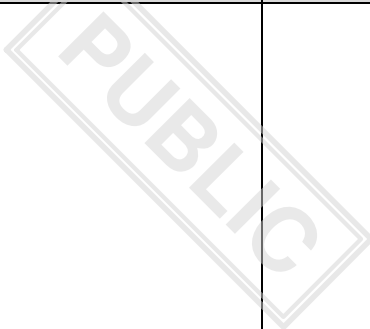
3. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the 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 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 <u>more above</u>; (b) at least one sample every 2 two years for agglomerations of between 10 000 p.e. and 100 000 p.e. <u>[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</u>	“... (c) the presence of microplastics. <u>From the above list of pollutants should only be selected elements that are feasible to measure on water samples.</u> ... (a) at least two samples per year, with maximum 7 between the samples, for agglomerations of ~~400 000~~ 300 000 p.e. and (b) at least one sample every 2 two years for agglomerations of between 10 000 p.e. and ~~400 000~~ 300 000 p.e.	The list of pollutants to monitor could derive from the proposed lists but it should result from the risk assessment process, in the same way as proposed in the Directive (EU) 2020/2184 about the quality of water intended for human consumption and only in parameters that apply to “water matrix” and not biota, sediments, air, soils or wastes. For example, the PRTR defines “total metal”, but Directive 2000/60/EC establishes “dissolved metal”, which is much more appropriated to water to measure its bioavailability. For example, not all the parameters listed in the Regulation (EC) N° 166/2006 are of concern to urban wastewaters. On another end, the monitoring programs should be defined according the risk assessment, as already said and also taken into account other similar procedures under other directives, such as WFD and DW The threshold should be enlarged to allow for a smoother distribution of investments to be made.

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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)		

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- 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	Portuguese proposal	Portuguese comments
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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 non-governmental 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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.		
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 Law-Making.		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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.		

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(37)		
1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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 <u>violation infringement</u>; ~~(b) the intentional or negligent character of the violation;~~ ~~(e)(b)~~ the population or the environment affected by the <u>violation 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 environment; <u>(c) 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.		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.		

ARTICLE 33 – TRANSPOSITION

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese comments								
5. Authorisations for discharges from urban wastewater treatment plants using plastic bioreactors shall include an obligation to permanently monitor and prevent all unintentional such bioreactors 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.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)⁴⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40-under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40-under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

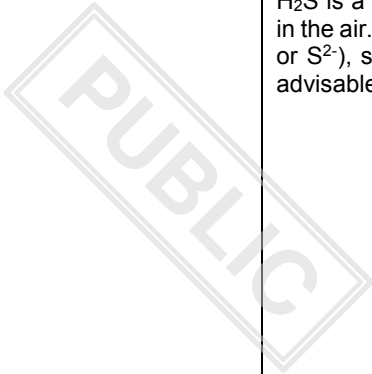
⁴⁴ — Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				Portuguese proposal	Portuguese 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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	Portuguese proposal	Portuguese comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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>		

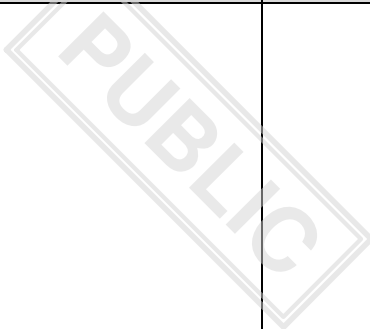
1. The ~~prior general binding rules~~ regulations and/or specific authorisations referred to in Article 14(1) shall ensure the following: (a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of sludge; (b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants; (c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant <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~~		H₂S is a gas that is released from waters, so is measured in the air. In aqueous matrix is possible to measure ins (HS⁻ or S²⁻), so a different example would be more technically advisable

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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	Portuguese proposal	Portuguese 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over</u> ~~to 99 999 p.e.~~</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For 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		
— 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									
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	Portuguese proposal	Portuguese comments
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		Portuguese proposal	Portuguese 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		Portuguese proposal	Portuguese comments
269-284	20	PUBLIC	
285-300	21		
301-317	22		
318-334	23		
335-350	24		
351-365	25		

ANNEX 4 IV – INDUSTRIAL SECTORS

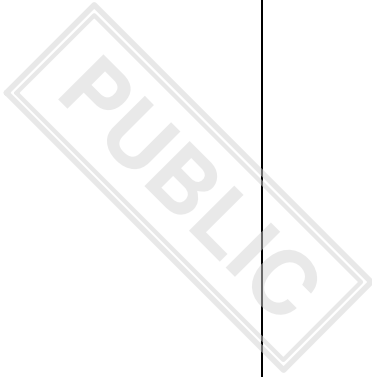
New text proposal_Clusters1,3,5		Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>			
<i>Relevant recitals (please comment on recitals linked to this article)</i>			
1. Milk-processing 2. Manufacture of fruit and vegetable products 3. Manufacture and bottling of soft drinks 4. Potato-processing 5. Meat industry 6. Breweries 7. Production of alcohol and alcoholic beverages 8. Manufacture of animal feed from plant products			

9. Manufacture of gelatine and of glue from hides, skin and bones		
10. Malt-houses		
11. Fish-processing industry		

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

New text proposal_Clusters1,3,5	Portuguese proposal	Portuguese comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in 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 water~~ sewer overflows and urban runoff <u>discharges</u> , including the following: (a) an ~~indicative~~ indicative objective that ~~storm water~~ sewer overflow; represents ~~only no more than 1 %~~ a small percentage, preferably below one 2% percent , of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~ target 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 ~~sewers collection networks~~ , unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	“... This objective should be met by: (i) 31 December 2040 for all agglomerations of 300 000 ~~100 000~~ p.e. and above; ...”	The load threshold should be enlarged to allow for a smoother distribution of investments to be made.
3. The measures to be taken to achieve the objectives referred to in point 2 accompanied with a clear identification of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		

4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		

FINLAND

New text proposal_Clusters1,3,5	FI, proposal	FI, 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>		

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	FI, proposal	FI, 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.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	FI, proposal	FI, 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	FI, proposal	FI, comments
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ <u>with</u> urban runoff <u>or both of them</u> ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services <u>and institutions</u> which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, <u>other than domestic wastewater and urban runoff</u> , 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 <u>or economical</u> 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 <u>population combined or not with and/or economic activities</u> ~~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 <u>one or more</u> ~~an~~ urban wastewater treatment plants or to <u>a one or more</u> ~~a~~ final discharge points <u>into receiving waters</u> ;		
(5) 'urban runoff' means <u>precipitation</u> ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) ~~'sewer storm water overflow'~~ means discharge of untreated urban wastewater <u>into</u> receiving waters from <u>separate or</u> 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	FI, proposal	FI, comments
(8) 'combined sewer' means a conduit that ~~collects and conducts~~ that designed to collect_s and conducts_s urban wastewater including urban runoff;		
(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 treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which removes most of biodegradable organic matter in urban wastewater;		
(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;		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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);	(14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ organic residue and inorganic sludge residue 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);	"sludge means organic and inorganic residue", instead of "sludge means organic and inorganic sludge"
(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;		
(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 ;		

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).

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
(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;		
(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</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	FI, proposal	FI, 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'		

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		
1. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, 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. <u>Unless they justify a derogation under paragraph 1 of Article 4</u>, ~~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 <u>of paragraph 1 by 31 December 2033</u>: (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	FI, proposal	FI, 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	FI, proposal	FI, 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)		

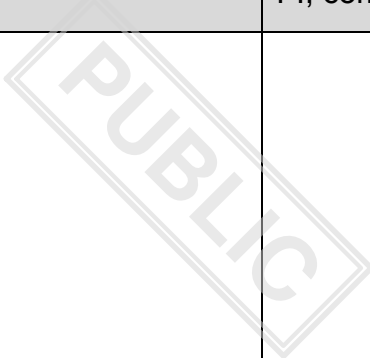
New text proposal_Clusters1,3,5	FI, proposal	FI, comments
1. By way of derogation Member States may derogate from Article 3, ~~where exceptionally~~ if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental or health benefit, it 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~~ national or regional 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 or regional level.		

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
34. The Commission is empowered to adopt ~~delegated implementing~~ acts ~~in accordance with the procedure referred to in Article 27 to supplement this Directive~~ that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for by establishing minimum requirements ~~on~~ for: (a) the design, operation, and maintenance of individual system; and (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2~~ 3, on the basis of a risk-based approach ~~second subparagraph.~~ <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	FI, proposal	FI, 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>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December ~~2030~~ 2035 , Member States shall ensure that an integrated urban wastewater management plan is established for each agglomerations of 100 000 p.e. and above.		

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
2. By 31 December ~~2027~~ 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply: (a) ~~sewer storm water~~ overflow or urban runoff discharges poses a risk to the environment or human health; (b) ~~sewer storm water~~ overflow represents more than ~~4%~~ 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather flow conditions; (c) ~~sewer storm water~~ overflow or urban runoff discharges prevents the fulfilment of any of the following: (i) the requirements established under Article 5 of Directive (EU) 2020/2184; (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.		

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	FI, proposal	FI, 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)

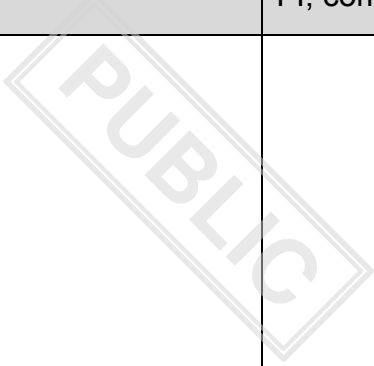
⁴ **Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration**

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
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 ~~six~~ 5 years after their establishment and updated where necessary.		

ARTICLE 6 – SECONDARY TREATMENT

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

New text proposal_Clusters1,3,5	FI, proposal	FI, 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	FI, proposal	FI, 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 meet the relevant requirements for secondary treatment ~~or an equivalent treatment~~ set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~accordance with paragraph 3 or an equivalent treatment before discharge~~ into receiving waters by 31 December 2030. Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.		
3. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.		
4. The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the urban wastewater treatment plant during the year, excluding unusual situations due to heavy rain.		

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

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		
1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out: (a) by 31 December ~~2025~~ 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them; (b) by 31 December ~~2030~~ 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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. <u>~~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> <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>	2. Member States shall ~~ensure~~ take such measures 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 or on behalf of urban wastewater treatment plants treating a load of 10 000 p.e. and above, ~~is equivalent to at least~~ would reach: (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. <u>~~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> <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>	Finland is critical for a binding target for the urban wastewater sector.

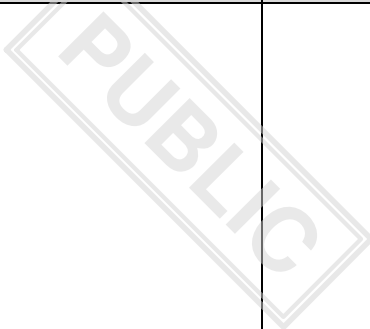
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, comments
1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ regulations and/or specific authorisations by the competent authority or appropriate body. Those ~~general binding rules~~ regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled. Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations; (b) on request allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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/EEC⁵; (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. 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.~~	Finland is critical for empowering the Commission to adopt delegated acts referred to in this paragraph. Therefore, the last sentence of para 14(3) is to be deleted. Finland doubts if in Part C of Annex I there is anything to update in the light of technological and scientific progress as there is just quite general text and no technical requirements.

⁵ 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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;

(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	FI, proposal	FI, 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 Council⁷, 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 Council⁸.~~		

⁷ 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).

⁸ + 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.

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
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	FI, proposal	FI, 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	FI, proposal	FI, 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, re-use, ~~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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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 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.		
2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system ~~monitor~~ carry out sufficient representative monitoring of sewer ~~the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.~~		

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 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

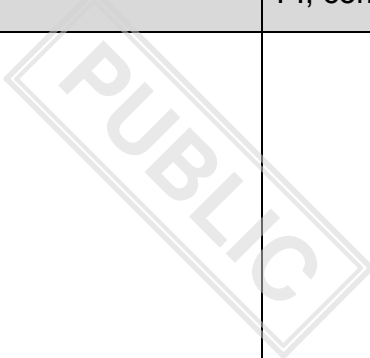
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New text proposal_Clusters1,3,5	FI, proposal	FI, comments
<u>monitoring. The monitoring frequency should be reviewed at least every year.</u> The Commission is empowered to adopt implementing acts in accordance with the procedure referred to in Article 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	FI, proposal	FI, 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	FI, proposal	FI, comments
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater; (c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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 non-governmental 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	FI, proposal	FI, 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	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(35)		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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.		
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 Law-Making.		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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.		

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(37)		
1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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~~ infringement; ~~(b) the intentional or negligent character of the violation;~~ ~~(c) the population or the environment affected by the violation~~ infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment; <u>(c) 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.		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.		

ARTICLE 33 – TRANSPOSITION

New text proposal_Clusters1,3,5	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, comments								
5. Authorisations for discharges from urban wastewater treatment plants using plastic bioreactors shall include an obligation to permanently monitor and prevent all unintentional such bioreactors 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.										
Table 1: Requirements for discharges from urban waste water treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.										
<table><tr><td>Parameters</td><td>Concentration</td><td>Minimum percentage of reduction (see Note 4)⁴⁴</td><td>Reference method of measurement</td></tr><tr><td>Biochemical oxygen demand (BOD5 at 20</td><td>25 mg/l O₂</td><td>70-90 40 under Article 4 (2)</td><td>Homogenized, unfiltered, undecanted sample.</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

⁴⁴ — Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				FI, proposal	FI, 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	PUBLIC	
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate		
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484		
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	FI, proposal	FI, comments
demand (TOD) if a relationship can be established between BOD5 and the substitute parameter. Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon. Note 3: This requirement is optional. Note 4: Reduction in relation to the load of the influent.		

C. SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	FI, proposal	FI, 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. The ~~prior general binding rules~~ **regulations** and/or specific authorisations referred to in Article 14(1) shall ensure the following:

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

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

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

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

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

~~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~~

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New text proposal_Clusters1,3,5	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 <u>or over</u> ~~to 99 999 p.e.~~</td><td>One sample per week For micropollutants, two samples per week month.</td></tr><tr><td>— 100.000 p.e. or over:</td><td>One ~~Two~~ samples per day week For micropollutants, ~~two~~ one sample per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For 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		
— 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									
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	FI, proposal	FI, comments
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		FI, proposal	FI, 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		FI, proposal	FI, comments
269-284	20	PUBLIC	
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		FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the ~~drainage~~ catchment area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff and urban wastewaters in case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the		

New text proposal_Clusters1,3,5	FI, proposal	FI, 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 water~~ sewer overflows and urban runoff discharges , including the following: (a) an ~~indicative~~ indicative objective that ~~storm water sewer~~ overflow; represents only no more than 1 % a small percentage, preferably below one 2% percent , of the annual collected urban wastewater load calculated in dry weather conditions; This ~~indicative~~ target 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 ~~sewers~~ collection networks , unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters ; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.		
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	FI, proposal	FI, comments
of the actors involved and their responsibilities in the ~~implementation~~ implementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (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.		