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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
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Subject:	Urban Wastewater Treatment Directive: WPE on 27 January 2023 - comments from a delegation

Following the call for comments on the above set out with WK 614/2023, delegations will find attached comments from BG.

BULGARIA

Proposal for a Directive of the European Parliament and of the Council concerning urban wastewater treatment (recast)

Working Party on the Environment on 27 January 2023

Comments in reply to the call for comments in WK 614/2023 INIT

Based on the initial examination of the proposed text, Bulgaria would like to make the following initial comments:

Bulgaria maintains its scrutiny reservation on the entire file.

Tertiary treatment – Art. 2(12, 23), Art. 7, Annex 1B, 1D (Table 2), Annex 2:

The established deadlines are extremely short and unrealistic and should be revised, specifically with regard to the mandatory tertiary treatment by 31.12.2035 for agglomerations with a p.e. of 100,000 or more and by 31.12.2040 for agglomerations discharging into sensitive areas between 10,000 p.e. and 100,000 p.e.

Regarding Art. 7(2) requiring the update of the list of areas sensitive to eutrophication every 5 years, we are of the opinion that the period should be 6 years starting from 2033 in accordance with the periods of the River Basin Management Plans (RBMPs), so that these areas can be updated simultaneously with the update of the assessment of the status of water bodies and, accordingly, measures should be provided in the RBMPs' Programmes of Measures. Similarly, all other 5-year time periods in the Directive should be set at 6 years, with a view to synchronizing them with the activities in the period of RBMPs.

With respect to the delegated acts, we believe that it is not a matter of non-essential elements and in this regard the requirements should be laid down clearly in the Directive itself, without the adoption of additional acts.

With regard to increasing the level of treatment which should be reached in accordance with Annex 1, Tables 1 and 2 for nitrogen and phosphorus indicators, we are concerned that the fulfilment of these requirements will require a lot more financial resources than those necessary for the construction of tertiary treatment under the current requirements. In this regard, the currently planned new activities, together with the project documentation, as well as the value for their implementation should be reviewed and amended and new sources of funds should be provided, which will also affect the expected time for construction and achievement of compliance of the relevant agglomeration.

Risk Assessment and Management – Art. 18:

With regard to the deadline set for identifying the risks under Art. 18(1), we consider it important to change it in accordance with the periods of effect of the RBMPs, so that the assessment of the fulfilment of the requirement is considered at the same time as the update of the assessment of the status of water bodies, and accordingly provide measures in the RBMPs' Programmes of Measures.

With respect to all the terms in the Directive establishing a 5-year period for implementation and update, including the term under Art. 18(3), we believe that they should be set at 6 years, in order to synchronize them with the activities in the period of the RBMPs.

Local climate conditions – Art. 13:

We have no comments on the provision at this stage.

Monitoring – Art. 21:

We believe that the extension of the scope of the Directive to the monitoring of all rainwater according to Art. 21(2) needs to be revised. There is no clarity about the practical implementation of the monitoring.

Regarding the monitoring of the produced greenhouse gases, we believe it is necessary to lay down more clearly the requirements for the way in which this monitoring will be conducted.

With respect to the delegated acts, we believe that it is not a matter of non-essential elements and in this regard the requirements should be laid down clearly in the Directive itself, without the adoption of additional acts.

Quaternary treatment – Art. 2(13, 16-17), Art. 8, Annex 1 (Table 3):

The established deadlines are extremely short and unrealistic and should be reviewed, specifically with regard to the mandatory quarterly treatment by 31.12.2035 for agglomerations with a p.e. of 100,000 or more and until 31.12.2040 for agglomerations in areas with a risk in terms of micro-plastics with a p.e. between 10,000 and 100,000.

We suggest that the introduction of quaternary treatment be reconsidered, given the insufficient information and the impossibility to assess the scope of the introduced requirement in relation to the areas where the concentrations or accumulation of micro-pollutants pose a risk to human health or the environment.

The requirements for the proposed additional treatment for micro-pollutants are unclear in essence, since the specific requirements for the application of this treatment are to be laid down after the adoption of the Directive with delegated acts. At the same time, extremely short deadlines are set for the implementation.

With regard to the delegated and implementing acts, we believe that it is not a matter of non-essential elements and in this regard the requirements should be laid down clearly in the Directive itself, without the adoption of additional acts. Regarding the indicators included in Annex 1, Table 3, we need more time for research and will provide additional comments on them at a later stage.

Extended producer responsibility – Art. 2(18-19, 24), Art. 9, Annex 3:

Regarding the proposed Extended Producer Responsibility, we are concerned about the introduction of this provision in the Urban Wastewater Treatment Directive. Bulgaria maintains its scrutiny reservation on this provision.
