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CONTRIBUTION

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To:	Working Party on the Environment
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Subject:	Urban Wastewater Treatment Directive: WPE on 27 January 2023 - comments from delegations

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

Written position
for the revision of the Urban Waste Water Treatment Directive 91/271/EEC

Regarding to the meeting of the Working Group on the amendment of the UWWTD on 27th January 2023 in relation to the articles discussed at the meeting, Hungary gives the following written position:

Article 7: Tertiary treatment/sensitive areas:

We agree with the need of applying stricter provisions for sensitive areas but we are hesitant to agree with the tightening of sensitive requirements and the extension of sensitive treatment requirements to sensitive areas under 10,000 p.e, (Art. 18. 2. c). In our view the need for development can only be determined in accordance with the WFD based on the current river-basin management plan, based on an individual examination and a risk-based approach. We do not consider it necessary to increase the removal of nutrients where the nutrient content can be utilized during the agricultural use of water reuse. Complying with the requirement entails a large investment needs, which cannot be met by the prescribed deadline. Based on point 1 of Annex 2, we recommend deleting the extension of the scope in the case of settlements under 10,000 p.e in the parts of the Black Sea catchment area which declared sensitive to eutrophication.

We do not consider necessary the increase of the national total removal % levels in points (5) a) and b). We recommend keeping the current level of 75% for the removal requirement.

Article 8, Appendix 1 Part D: Quarternary treatment, micro-pollutants removal:

From a public health point of view, the quarternary treatment is favourable, but Hungary is not in favour of the mandatory establishment of the quarternary treatment bound to the deadlines of 31 December 2030 and 2035 contained in Article 8 based solely on the size categories expressed in p.e. The appropriate measures must be determined and implemented individually at the wastewater treatment plants, taking into account the burdens and impacts on the environment, the result of the risk analysis, as well as the cost-benefit analysis that includes reuse options, and in accordance with the findings of the current river-basin management plan for the given area. Hungary recommends keeping the topic within the national competence of the Member States, or as an alternative making the preliminary examination mandatory.

Regarding the deadlines, Hungary proposes a review, especially considering that according to Article 18 of the risk management plan, if the discharge of treated wastewater from a wastewater treatment plant under a load of 10,000 p.e poses a risk to the environment and human health, then these treatment plants must also be built the quarternary treatment, The general 80% minimum reduction obligation indicated in table 3 and note 2 of Annex 1 part D is neither feasible nor justified in a lightly polluted area.

Regarding to the definition 16, Hungary recommends clarifying the reference to decomposition products, as micro-pollutants may have many degradation products that are not relevant from an environmental or health protection view.

Article 9: Extended producer responsibility

In Hungary, extended producer responsibility for human medicines has been in place since 2005, under which manufacturers organise and finance the separate collection and treatment of pharmaceutical waste. Cosmetic products are also covered by the green tax environmental product fee.

It is assumed that similar schemes are in place in many other Member States.

If we understand the proposal correctly, micro-pollutants can clearly be traced back to the pharmaceutical and cosmetics industries. Accordingly, we welcome the adoption of the minimum requirements of the Waste Framework Directive as a means of ensuring a framework for the responsibility. However, this can only be achieved if the operation of the proposed economic system within the framework of the wastewater authority and institution system is clear, the basic principles can be accepted by the manufacturers' side, because the resources needed to eliminate the effects of the products can be determined with a specific formula.

In addition, the polluting industries should participate not only in financing of the system, but contribute to the required technological development, and to the operational costs as well. These we do not yet see fully secured.

All in all, we see that instead of the establishing a producer's responsibility system, another alternative could be that before entering the market, during the procedure of product certification, the impacts on the water area should be calculated and this should be reflected in a general water load fee. This could be collected from all manufacturers whose products emit micro-pollutants.

Article 13: Local climatic conditions:

In order to protect drinking water bases and natural bathing waters, we support a risk-based approach.

Article 18: Risk assessment and management:

In order to protect drinking water bases and natural bathing waters, Hungary strongly supports the presentation of a risk-based approach.

Hungary supports the prioritization of eutrophic waters during the introduction of wastewater treatment measures, but at the same time we think that the methodology and the review cycle should be in line with the relevant EU legislation, especially to align with the review cycles with the WFD.

According to the Water Framework Directive (WFD), the nutrient load and condition of the waters must be examined and evaluated every 6 years and determining necessary measures, the Nitrate Directive also requires eutrophication to be taken into account during the review of nitrate-sensitive areas every 4 years.

Hungary recommends alignment with the WFD, since the two directives are closely related.. In the draft, we generally recommend adjusting the review periods to the review of river basin management plans.

Article 21: Monitoring:

Hungary supports increased monitoring of the pollutant content of treated wastewater, as this establishes the necessity and priority of further measures.

Monitoring of pollution from urban runoff and stormwater overflows also requires a change in planning requirements. In a big city environment it means a large additional cost and the question of technical feasibility also requires a more extensive analysis.

For consideration, Hungary recommends that the reduce (or, if necessary, increase) of the number of test samples on a risk basis be possible.

SLOVENIA

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning urban wastewater treatment (recast)

Comments and questions by Slovenia on the Steering Note WK 614/2023 from 17 January 2023 for WPE 27 January 2023

Slovenia would like to thank the Presidency for the discussion at the WPE and for the opportunity to send written comments. We are still analysing the proposal and preparing our official position. Therefore, we are keeping **general scrutiny reservation**.

However, in addition to our preliminary written comments and concerns of general nature, as well as to our preliminary written comments and proposals on Articles 1 to 6, we would like to express some **preliminary comments and concerns** related to the Steering Note WK 614/2023 from 17 January 2023 and the discussion at the WPE on 27 January 2023.

TERTIARY TREATMENT

Article 2 - Definitions

We have no comments at this stage and would like to keep scrutiny reservation regarding definitions (12) '*tertiary treatment*' and (23) '*plastic biomedica*'.

Article 7 – Tertiary treatment

- We would appreciate further clarification of the requirements under paragraph 1 and 3 vs paragraph 6. According to the previous explanations by the Commission, applicability of requirements to agglomerations (in paragraph 3) is intentional. However, the mentioned paragraphs are not completely clear, and we would prefer clarification in relation to obligations for agglomerations vs UWWTPs. Such clarification is crucial to avoid future misunderstandings and different interpretations while implementing the requirements in practice.
- In relation to the requirements referred to in previous bullet point, clear transitional period should be defined for possible cases, such as:
 - o UWWTPs > 100.000 PE that already provide tertiary treatment in accordance with the current directive, but will have to adapt to stricter emission limit values,
 - o UWWTPs > 100.000 PE that do not provide tertiary treatment under the current directive,
 - o UWWTPs between 10.000 PE and 100.000 PE that already provide tertiary treatment in accordance with the current directive (already discharging into sensitive areas under the current directive), but will have to adapt to stricter emission limit values,

- UWWTPs between 10.000 PE and 100.000 PE that do not provide tertiary treatment under the current directive (since they are not discharging into sensitive areas under the current directive);

Our first / preliminary assessments would be, that Article 32(2) does not address all possible cases; for example, it is not clearly defined what requirements apply for UWWTPs (or agglomerations) from Article 7(1) or 7(3), respectively, until the deadline of 31 December 2030 or 31 December 2035, respectively, until they adapt to the stringent limit values. For those it should also be clear, that the requirements from Directive 91/271/EEC continue to apply if they already provide for tertiary treatment under current directive. In addition, Article 7(6) addresses UWWTPs in the catchment areas of sensitive areas for which same question arises. Any additional clarification would be very much appreciated.

- Review cycles should be aligned with the Water Framework Directive.
- We would also appreciate further clarification of the expression '*load entering*', especially in connection to the requirements under Article 6(4). We would appreciate further explanations by the Commission of both wordings, how they should according to the Commission, be calculated and what is the relationship between both.
- We would still like to keep special scrutiny reservation on the proposed frequencies; however, we understand from last WPE that they will be subject of further discussion.
- We would also like to keep special scrutiny reservation on the proposed stringent emission limit values.
- The empowerment in paragraph 4, second subparagraph is not clear – a reference to second subparagraph should be clarified. However, we do not support the proposed empowerment to adapt Annex 1, Points 1(B) and 1(D) (which includes tables with emission limit values), by delegated act. As they include emission limit values and frequencies of monitoring, we consider changes of those requirements as essential.

Annex 1(B), 1(D) (Table 2), Annex 2

- We have already sent some comments with regard to point 1(B)(3); however, after additional reading we are not sure we got the references right. In addition to the comments, already sent in written, we are wondering if there should also be reference to Article 7(6) included in point 1(B)(3) as well as in the title of Table 2.
- In relation to point 1(B)(4) and in addition to our comments, already sent in written, we would like to point out again, that it should be completely clear which emission limit values are relevant for each level of treatment. Considering, that tertiary treatment is not required for all agglomerations between 10.000 and 100.000 p.e, there might be cases, that secondary treatment would be sufficient with regards to nutrients, but quaternary treatment would be needed due to the presence of a certain micro-pollutant in the environment. We would appreciate clarification if in such cases, it is possible to ensure secondary treatment, supplemented only with quaternary treatment (ie. removal of micro-pollutants), without a tertiary treatment as intermediate level?
- We would also like to have explanation by the Commission, why the possibility to require '*appropriate treatment*' was deleted (as already mentioned by PT). There are cases in practice, where in addition to secondary treatment a disinfection is required due to protection of bathing waters. Such process, to our understanding, does not comply with the definition of quaternary treatment. Although it might be considered under Annex 1, point 1(B)(6), we would prefer keeping the definition of '*appropriate treatment*' and the possibility to require such treatment at national level if considered necessary.

- As already mentioned in our written comments, a reference to Directive 2006/118/EC should be added in point 1(B)(6).
- As already mentioned, we would like to keep special scrutiny reservation on the Tables (proposed emission limit values etc.) and frequencies. However, already at this stage we consider the proposed emission limit values as too strict and compliance with them technically or economically not feasible in practice.
- In relation to point 1(D)(5) we would appreciate explanation, why unusual situations are limited to heavy rain. To our opinion, other unusual situations could be considered.
- We would also appreciate further explanation of the requirements in table 3 of point 1(D).
- Footnotes under Tables 1 and 3 are not clear.

Annex 2

- We would like to keep special scrutiny reservation on Annex 2, point 1. However, preliminary we do not understand or support the reference to the MSFD in this point. We would propose to move the reference to point 4.
- We also have reservations regarding point 3, since it might be understood that surface freshwater should, considering N, comply with the quality standards for drinking water under Directive (EU) 2020/2184. Such requirement would not be in line with the Water Framework Directive and its Article 7 and is therefore not acceptable.
- In point 4, to our understanding, reference to Article 7 should, in fact, be replaced by reference to Article 6. In addition, reference to risk assessment should be linked to N and/or P pollution (eutrophication) and not risk in general.

Considering our comments above we propose to revise the text of points 1, 3 and 4 (to align the requirements with the Directives 2000/60/EC and 2008/56/EC) as follows:

~~'1. Areas located in the catchments of the Baltic Sea, the Black Sea, and parts of the North Sea identified as sensitive to eutrophication under Directive 2008/56/EC and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC;~~

[...]

3. ~~Surface freshwaters intended for the abstraction of drinking water, which could contain more than the~~ **such** concentration of nitrate **that would not ensure that, under the water treatment regime applied, limit values for nitrate** laid down under the relevant provisions of ~~Directive (EU) 2020/2184 Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States¹~~ **would be met** if ⇒ protective ⇐ action is not taken;

4. ~~Areas where further treatment than that prescribed in Article 4~~ ⇒ **76** ⇐ of this Directive is necessary to ⇒ comply with other Union acts in the environmental field, including in particular water bodies covered by Directive 2000/60/EC which are at risk of not maintaining or achieving good ecological status or potential **due to nutrient pollution posing a risk for eutrofication, or covered by Directive 2008/56/EC which are at risk of not achieving the objectives related to human-induced eutrophication** ⇐ ~~fulfil Council Directives~~.

¹ ~~OJ No L 194, 25.7.1975, p. 26 as amended by Directive 79/869/EEC (OJ No L 271, 29.10.1979, p. 44).~~

RISK ASSESSMENT AND MANAGEMENT

Article 18

- As already mentioned in our previous comments we would appreciate further explanation by the Commission, how interrelation between the Water Framework Directive and other water-related directives and UWWTD should be understood and what is the reasoning for duplication of requirements on risk assessment and risk management.
- What would be a relation of risk assessment under this article to the River Basin Management Plan and Programme of Measures under Water Framework Directive?
- What would be a relation of risk assessment under this article to the Bathing Water Directive and risk assessments under Bathing Water Profiles?
- What would be a relation of risk assessment under this article to the risk assessments of the catchment areas of the abstraction points under the Drinking Water Directive?
- The deadline in paragraph 1 is not feasible and should be postponed to two years after the deadline for the transposition of the directive, ie. 2 + 2 years, since no activity under this directive can start before national legislation transposing it into national law is in place.
- In relation to point 18(1)(c) we would appreciate explanation why risk assessment is limited to the good ecological status and not status in general (ie. including chemical status). We would also appreciate explanation why risk assessment is limited to surface water status, not considering groundwater as well.
- Review cycles should be aligned with the Water Framework Directive.
- We would also appreciate more flexibility with regard to a summary of risks and adoption of measures under paragraph 3. Member States should have sufficient flexibility to decide at national level if those risk assessments and management would include in the national implementation programme under Article 23 of this directive or in the River Basin Management Plan and relevant Programme of measures under WFD or elsewhere according to national law.

LOCAL CLIMATE CONDITIONS

Article 13

Slovenia is of the opinion, that a clarification / clear definition of '*normal local climatic conditions*' is needed. Harmonised interpretation of this term is crucial also for harmonised understanding and application of '*unusual situations*'.

MONITORING

Article 21

- In paragraph 1 more flexibility should be ensured for Member States to decide at national level on the distribution of responsibilities for monitoring, enabling them to continue using well established legal and organisational system at national level. First sentence should be revised accordingly or reverted to the text of current directive.
- For the same reason of ensuring flexibility at national level, same wording should be used in paragraph 2 and 3. Using of '*Members States shall ensure that competent authorities monitor...*' or '*Member States shall monitor...*' is to prescriptive and therefore not acceptable.
- Point (a) in paragraph 1 is not completely clear. We would like to have confirmation that the reference to Part D of Annex 2 should be considered as reference to Tables 1, 2, 3, laying down emission limit values for secondary, tertiary and quaternary treatment.
- As mentioned by several Member States at the WPE on January 27, requirements under points (b), (c) and (d) should be further clarified to enable Member States to assess consequences and formulate positions and also to avoid possible duplication with existing law.
- We are still analysing the impacts of the requirements under paragraphs 2 and 3. However, first impression would be that those requirements are disproportionate and not feasible in practice, thus not acceptable as proposed. We would propose for paragraph 2 to clearly refer to modelling and assessments in relation. We propose to use the text as proposed in the proposed changes of the Industrial Emission Directive (new Article 70d(1)):

'2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that ~~competent authorities~~ **monitoring data of** the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies **is obtained**.

Monitoring data shall be obtained by means of measurement methods or, where this is not technically and economically feasible, by modelling or calculation methods such as the use of emission factors.'

- We would appreciate explanation why differentiation while referring to the agglomeration (paragraph 2 – agglomerations of 10.000 and above; paragraph 3 – agglomerations of above 10.000). Requirements of such monitoring should follow the principle of risk assessment and management; thus only relevant parameters should be monitored.

QUATERNARY TREATMENT

Article 2 - Definitions

(13) '*quaternary treatment*': scrutiny reservation.

(16) '*micro-pollutant*': special scrutiny reservation. However, we would appreciate explanation why we refer to presence in the environment, although the concentrations are considered in milligrams per litre, thus in water. Should we understand that only those micro pollutants are relevant according to the definition that are present in both – environment (surface water or groundwater) and in wastewater at the same time? If present in only one of those, do they comply with the definition? What is meant by '*below milligrams per litre*' – how many milligrams? What is the relation to '*contaminants of emerging concern*' (under Article 17), which are not defined?

(17) '*dilution ratio*': scrutiny reservation.

Article 8

- Special scrutiny reservation, but we have some preliminary questions and comments.
- In paragraph 2 the review cycles should be aligned with the cycles under Water Framework Directive.
- In paragraph 2, second subparagraph, there is a reference to a risk assessment, which should be a basis for non-inclusion of a certain area in the list. For point (a): could this decision be based on the risk assessment under the new Drinking Water Directive? For point (b): could this decision be based on the risk assessment under Bathing Water Directive, for example based of risk assessment under Bathing Water Profiles? It is not clear what is meant by other streams in point (d). Why in point (f) there is no reference to Groundwater Directive?
- Provisions on compliance assessment in paragraph 5 / Annex 1(D)(4)(d) / Table 3 (Note 2) are not clear.
- With regard to the empowerment in paragraph 5, second subparagraph, we have same comment as in case of Article 7. A reference to the second subparagraph should be clarified. However, we do not support the proposed empowerment to adapt Annex 1, Points 1(B) and 1(D) (which include tables with emission limit values), by delegated act. We consider the requirements related to emission limit values as essential.
- Regarding paragraph 6 we would appreciate clarification on the availability of standardised methods for sampling and monitoring, the role of harmonised standards for sampling and chemical analysis (where exist) and explanation of the reasons for implementing act.
- We propose to add the deadlines for adoption of the implementing act in paragraph 3 (although we are hesitant about the need for an implementing act) and in paragraph 6.

Annex 1 (Table 3)

- Special scrutiny reservation.
- The role of substances listed in Note 1 under Table 3 in Annex 1(D) should be clarified.

EXTENDED PRODUCER RESPONSIBILITY

Article 2 - Definitions

(18) '*producer*': special scrutiny reservation.

(19) '*Producer Responsibility Organisation*': special scrutiny reservation.

(24) '*placing on the market*': we would propose to align the definition with the legislation in the field of internal market where '*placing on the market*' means the first making available of a product on the Union market (see, for example Market Surveillance Regulation). The definition and its use throughout the text of the directive should be revised accordingly to avoid confusion and misinterpretation.

Article 9

- Special scrutiny reservation, but we have some preliminary questions and comments.
- We propose to revise the use of the wording '*placing on the market*' throughout the text and align the wording with the legislation in the internal market.
- With regard to the provision on exoneration of the producer based on the quantity of the product placed on the market, we would prefer having a possibility and not obligation, to ensure sufficient flexibility form Member States to decide on the exoneration at national level.
- Clarification is needed if in point (a) of paragraph 1 also costs of carrying out the necessary analysis and risk assessments, including preparation and adoption of list of areas under Article 8(2), should be included (ie. costs related to public administration activities). How would this costs be transferred to the relevant competent authority?
- In point 4(c) it should be clarified that products, placed on the market by the producer in question are considered when defining its contribution. We propose to add at the end of the point (c) the following wording: '*by that producer*'.
- In point 4(d) a reference to paragraph 4 is not relevant; we suppose it should be replaced by a reference to paragraph 1. Additionally, requirements on the annual independent audits should be clarified.
- In paragraph 5, point (b) clarification is needed what is meant by urban wastewater management objectives and where / by whom they should be established.

Annex 3

- Scrutiny reservation.