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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	WK 614/2023
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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 IT.

ITALY

Urban Wastewater Directive

Italy maintains its scrutiny reservation on the entire file.

Hereafter, please find our preliminary comments and questions.

TERTIARY TREATMENT: Art 2 (12, 23) - Art 7 - Annex 1B, 1D (Table 2) - Annex 2

- **Article 2 (12, 23)**

Par. 12

Comments:

Italy asks that the definition to be amended:

- by using the term "reduction" instead of "removes," since tertiary treatment does not completely remove nutrients;
- by introducing the term "or," by analogy with Table 2 in Annex I, "*One or both parameters may be applied depending on the local situation.*"

This is the proposed new definition: '*tertiary treatment*' means treatment of urban wastewater by a process which reduces nitrogen and/or phosphorus from the urban wastewaters".

Par. 23

No comments at this stage.

- **Article 7 Tertiary Treatment**

Par. 1

Comments:

- Italy believes it is necessary that the application of tertiary treatment to plants treating a load of 100,000 p.e. and above, where not already present, to be subject to an assessment of the situations (characteristics of the effluent and environmental quality of the discharge's receiving water body) in which the obligation is actually justified and results in environmental benefits as a whole.
- Italy is requesting a postponement of the indicated timelines (2030/2035) for upgrading the plants: 50% by 12/31/2035 and remaining 50% by 12/31/2040.

Questions:

Italy asks for clarification on how the MS is to consider/assess the 50%, is it just a numerical target left to the discretion of the MS or will there be prioritization criteria, such as impact of the discharge on environmental quality and/or size of the treated load, that MS will have to consider? This request applies to all other situations where a tiered approach is planned.

Par. 2

Comments:

Italy asks to:

- postpone, at least to 31.12.2027, the deadline of 31.12.2025 to establish a list of sensitive areas.
- establish a review of the list of sensitive areas every 6 years, in line with the deadlines for updating the Water Framework Directive.

Par. 3

Comments:

Italy asks for a postponement of the indicated timeframe (2035/2040) for the compliance of agglomerations between 10.000 and 100.000 p.e. with discharge in the areas mentioned in paragraph 2 : 50% by 31.12.2040 and remaining 50% by 31.12.2045.

Questions:

Italy asks to clarify and justify the coherence between:

- paragraph 1, where reference is made to the load treated by the individual plant (≥ 100.000 p.e.)
- paragraph 3, where reference is made to the load of the agglomeration (between 10.000 p.e. and 100.000 p.e.), and
- Table 2 of Part B of Annex I, where requirements for tertiary treatment apply at the plant level (*Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7 (1) and (3)*)

The Commission is asked to provide specific examples of application, and to make the use of the terminologies of agglomeration and plant coherent, in order to avoid misunderstandings.

Example of an agglomeration with generated load of 130.000 p.e. served by two plants, with discharge in sensitive area:

Plant no. 1: input load equal to 110.000 p.e., I apply the requirements in paragraph 1, since this is a plant greater than 100.000 p.e;

Plant no. 2: input load equal to 20.000 p.e., what requirements do I apply? This is a plant with an input load of less than 100.000 p.e., belonging to an agglomeration greater than 100.000 p.e.

Par. 4

Questions:

The Commission is asked to clarify whether the conformity assessment will be based on meeting both criteria, i.e., annual average and number of non-compliant samples (Table 4).

For our comments on Tables 2 and 4, please refer to the reading of the comments on Table 2 and item 4 of Annex I D. We ask the Commission to clarify whether the conformity assessment will be based on compliance with both criteria, i.e. annual average and number of non-compliant samples (tab.4).

For our comments on Tables 2 and 4, please refer to reading the comments on Table 2 and item 4 of Annex I D.

Par. 5

Comments:

Italy agrees with the differentiation of emission limit values between N and P, but the new percentage reduction values are considered extremely stringent.

It requests:

- a rationale to support the proposed minimum reduction percentages with revision of them;
- A postponement of the indicated timelines:

(a) From 12.31.2035 to 12.31.2040

(b) From 12.31.2040 to 12.31.2045

Par. 6

It is requested that the current condition for relevant catchment areas of sensitive area be included in the proposal: *"and which contribute to the pollution of these areas."*

- **Annex 1B: Discharge from urban wastewater treatment plants to receiving waters**

Comments:

We do not agree, in the Italian version of the text provision, with the translation "receiving waters" to "acque recipienti" it is suggested that the term instead be used "corpi idrici recettori"

- **Annex 1D: Methods for monitoring and evaluation of results**

Comments:

Punto 3:

Significant increase in the number of samplings. The number of samplings is considered excessive compared to the benefits that could be derived (significant cost compared to an unjustified increase in the number of samplings).

The Commission is asked:

- to justify the reasons for such a significant increase in the proposed number of samplings;
- A significant decrease in the number of proposed samplings.

Punto 4.

Comments

Table 4, in All. I letter D of the proposal, reproduces, without changes, Table 3 of Annex 1 of Directive 91/271/cee. An anomaly is pointed out: the ratio of the maximum allowed number of non-compliant samples to the number of samplings is not uniform throughout the table, i.e., as the number of annual samples increases, the threshold for the number of overruns becomes increasingly penalizing.

Therefore, a revision of Table 4 is requested.

Questions:

The EC is asked to specify in item 4 of Annex I D whether Table 4 also applies to Table 2, since, unlike Table 1, it is not made explicit.

- **Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) and (3). One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.**

Comments

The EC is requested to:

- maintain, as in the current Table 2 of Annex I of Directive 91/271/cee, differentiated requirements according to the size class of agglomerations (10.000-100.000; ≥ 100.000 p.e.);
- revise, in a less restrictive sense, the proposed concentration and percentage reduction values.

- **Annex 2: Areas sensitive to eutrophication**

Questions:

The EC is asked to clarify how the new provisions of Article 7 and Article 32 (Repeal and Transitional Provision) accord in agglomerations and sensitive areas already designated under Article 5 of Directive 91/271/EEC.

QUATERNARY TREATMENT: Art 2 (13, 16-17) - Art 8 - Annex 1 (Table 3)

- **Article 2 (13, 16-17)**

Par. 13

Comments:

Italy requests to change the definition:

- by using the term "reduction" instead of "removes," since quaternary treatment does not completely remove micro-pollutants;

This is the proposed new definition: 'quaternary treatment' means treatment of urban wastewater by a process which reduces a broad spectrum of micro-pollutants from the urban wastewaters;

Par. 16 e 17:

No comments at this stage.

- **Article 8 Quaternary treatment**

Comments:

Par. 1

Italy agrees with the focus on micropollutants, but not the indiscriminate application of quaternary treatment to all plants treating a load of 100.000 A.E. or more.

The application of quaternary treatment involves:

- extremely expensive advanced technologies that are difficult to sustain for plants treating large volumes of water.

- land occupation (due to the needs for further expansion of existing plants) and increased energy consumption, contrary to the aims of the directive.

Some preliminary estimates carried out at the national level speak of investment costs of more than €3.2 BILLION and operating costs of more than €320 million/year (these estimates would be more than double those of the EC).

There is a need for prior assessment of the situations in which the obligation is actually justified and has benefits with reference to both human health and environmental risks (see Art. 8(2)).

It is requested:

- to limit quaternary treatment to all plants that treat a load of 100.000 p.e. or more in compliance with the principle that "the obligation is actually justified and has benefits with reference to both human health and environmental risks."

- A postponement of the indicated timeframe (2030/2035) for upgrading facilities:
50% by 12/31/2035 and the remaining 50% by 12/31/2040.

Par. 2

Comments:

Italy is asking the Commission:

- A postponement of the deadline, to establish a list on the national territory of areas where the concentration or accumulation of micropollutants poses a risk to human health or the environment, from 31.12.2030 to 31.12.2035.

Rationale:

- analytical methods and instrumentation to search for them are still in the experimental stage;

- in view of the deadline of 31.12.2030 in paragraph 6 for the Commission to implement guidance acts for monitoring and sampling methods.

- Set the revision of the list of areas every 6 years, in line with the deadlines for updating the Water Framework Directive.

Par. 3

Comments:

The EC is asked to indicate the timeline for compliance under paragraph 3, i.e., implementing acts establishing the format of the risk assessment referred to in paragraph 2, second sub-paragraph, and the method to be used to carry it out.

Par.4

Comments:

Italy is asking the Commission for a postponement of the indicated timelines (2035/2040) for the application of quaternary in agglomerations between 10.000 and 100.000 p.e:

50% by 31.12.2040 and the remaining 50% by 31.12.2045

Questions:

As mentioned above for Article 7(3), clarification and justification is requested for consistency between:

- paragraph 1, where reference is made to the load treated by the individual plant ($\geq 100,000$ p.e.)
- paragraph 4, where reference is made to the load of the agglomeration (between 10,000 p.e. and 100,000 p.e.), and
- Table 3 of Part B of Annex I where the requirements for quaternary treatment apply at the plant level (Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8 (1) and (3))

The Commission is asked to provide specific examples of application, and to make the use of agglomeration and plant terminologies consistent in order to avoid misunderstandings.

Example of the application of Article 8 to an agglomeration with generated load of 120.000 p.e. served by two plants with discharge in the area included in the list in paragraph 2:

- **Plant No. 1 input** load equal to 50.000 p.e.
- Plant No. 2 incoming load equal to 70.000 p.e.

The plants are outside the scope of paragraph 1 because they are smaller than 100,000 p.e., and the agglomeration is outside the scope of paragraph 4 because it is larger than 100,000 p.e.

Par. 5

Comments:

- Regarding the reference to Table 4 of Part D of Annex I, please refer to the comments to Item 4 of Annex 1D;
- Regarding the provision of a delegated act in this context, it is requested that a deadline be set by which it should be prepared by the EC.

Questions:

The EC is asked to specify in item 4 of Annex I D whether Table 4 also applies to Table 3, since, unlike Table 1, it is not made explicit.

Par. 6

Italy has no relevant comments to report

- **Tabella 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and (3).**

An evaluation of the contents of Table 3 is underway by the Italian authorities, at present:

- Concerns are expressed about the minimum percentage of reduction required, 80%, and reasons/clarifications are requested;
- Questions are asked on what basis the categories 1 (substances that can be very easily treated) and 2 (substances that can be easily disposed of) in footnote 1 were differentiated;
- General clarification is requested on footnote 2 and, in particular, "If less than six substances can be measured in sufficient concentration, the competent authority shall designate other substances to calculate the minimum percentage of removal when it is necessary."
- It is assumed that the identification of a risk area where to apply quaternary treatment is related to the presence of at least 6 of these substances in sufficient concentration?

EXTENDED PRODUCER RESPONSIBILITY: Art 2(18-19, 24) - Art 9 - Annex 3:

Comments:

As indicated in Article 8, Italy supports the need to broaden the scope of the Directive to include the removal of micropollutants, even if the quaternary treatment should be extended to a smaller number of wastewater plants and the deadlines should be delayed in time. Even considering the proposed changes to Article 8, a significant increase in purification costs is expected, and consequently a mechanism based on the polluter pays principle to cover at least part of the costs is certainly supported.

With specific reference to Par. 9.4.d, Italy believes that the mandate assigned to external audits is too broad and generic and that the audit should be less frequent than annually.

Questions:

In order to avoid that the pharmaceutical and cosmetic sectors have to bear excessive costs, in addition to the proposed amendments indicated for art. 8, Italy asks if the EC has verified the possibility of extending the application of the "polluter pays" principle to other productive sectors. According to the approach followed by the EC, the removal of the micro-pollutants referred to in Tab. 3 of Annex 1 would allow the overall removal of the residues of the products referred to in Annex 3. Apart from the technical aspects, currently being studied, it is possible to hypothesize that the removal obtained from the quaternary treatment also concerns products from other sectors (e.g. detergents) which, however, at the moment would not be involved in the extended producer responsibility mechanism. In other words, without envisaging further treatments than those already proposed by the EC, Italy asks to verify the possibility of redistributing the treatment costs also to other productive sectors.

Italy currently maintains a specific scrutiny reservation on Article 9, as well as on the related Article 10.

LOCAL CLIMATE CONDITIONS: Art 13

Italy has no relevant comments to report

- **MONITORING:**

Article 21

An evaluation of the contents of Article 21 is underway by the Italian authorities. The set of parameters to be monitored, with the proposed changes, is significantly expanded, and this certainly results in a significant additional burden on operators, both in terms of management and economics. Currently:

Par.1

It introduces significant innovations regarding:

- A monitoring (item c) of the destination of all treated water, including the share of reused water.
- A monitoring (item d) of greenhouse gases produced and the energy consumed and generated by municipal wastewater plants with more than 10.000 p.e.

Clarification is requested from the Commission in this regard.

Par. 3

For the list those pollutants mentioned in paragraph 3 (a) and (b), an in-depth assessment is underway.

On the issue of microplastics, the article does not define any kind of detail on how to monitor, deferring to a delegated act of the EC. It is felt that some characterizing elements of this monitoring should be indicated already here, to avoid that the delegated act may determine overly stringent and/or onerous requirements.
