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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: Follow-up to WPE on 19 July 2023 - comments from a delegation

Following the call for comments on the above set out with WK 10081/2023, delegations will find attached comments from SE delegation.

SWEDEN

New text proposal_Clusters1,3,5	SE proposal	SE 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 last sentence is not grammatically clear. Further, SE does not really see the point in including “centralised” in the recitals. Rather it adds ambiguity. The definition in article 2.7 does not contain that word, nor does Article 3.
(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.		

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	SE proposal	SE comments
<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.		SE support the suggested change.

ARTICLE 2 - DEFINITIONS

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

New text proposal_Clusters1,3,5	SE proposal	SE comments
For the purpose of this Directive, the following definitions apply:		SE support definitions as suggested by the presidency 2.1-2.2, 2.5-2.9, 2.11-13, 2.15, 2.19 SE suggest changes to definitions 2.3, 2.10, 2.14, 2.16, 2.25 SE has remaining issues on definitions 2.4 and recital 5, definition 2.10 bis and definitions 2.18, 2.24 (no comment on 2,17, 2.20-23)
(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 domestic wastewater mixed with either non-domestic wastewater, or with urban runoff or both of them;	SE support the suggested changes (but "or with" is unnecessary).
(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;		SE support the suggested change.
(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 professional activities that produce wastewater with a quality different from the quality of domestic wastewater to an extent that it may pose a risk to the operation of the collecting system or the wastewater treatment plant, adversely impact resource recovery or otherwise cause damage.	SE can support to include "or economical", but the added sub-paragraph is redundant due to the already included wording "other than domestic wastewater and urban runoff". SE can support to move the added section to the recitals. SE suggest another definition based on the quality of the produced wastewater and whether the wastewater may pose a risk to the interests referred to in Article 14.

New text proposal_Clusters1,3,5	SE proposal	SE 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 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>;	SE support the suggested changes in 2.4 and recital 5 in general, but not the added "into receiving waters" since some SE UWWPT infiltrate their treated wastewater and thereby don't discharge into receiving waters. Seems odd if that would imply that the connected settlement is not an agglomeration. The definition still needs further clarification related to the delineation of or the smallest size of an agglomeration. This could alternatively be solved by including a new article on the scope and delimitation of the Directive or in the recitals, e.g.: "- This Directive covers urban wastewater discharges from agglomerations of more than 1 000 pe. Urban wastewater discharges from agglomerations smaller than 1 000 pe are not covered by this directive but may need to be addressed to comply with other Community Directives. -Urban runoff not collected by sewer is not covered by this directive. -Emissions of unintentionally formed greenhouse gas in the collecting system is not covered by this directive."
(5) 'urban runoff' means precipitation rainwater from agglomerations collected by combined or separate sewers;		SE support the suggested change.
(6) 'sewer storm water overflow' means discharge of untreated urban wastewater <u>into</u> receiving waters from separate or combined sewers caused by rainfall;		SE support the suggested change.
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		SE support this definition as it is.
(8) 'combined sewer' means a conduit that <u>that designed to collect</u>s and conducts <u>s</u> urban wastewater <u>including urban runoff</u>;		SE support the suggested change.

New text proposal_Clusters1,3,5	SE proposal	SE 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; <u>non domestic wastewater;</u> (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 urban wastewater not including urban runoff or non-domestic wastewater; Or (9) 'separate sewer' means a conduit designed to that separately collects and conducts either of the following: (a) urban runoff; (b) urban wastewater not including urban runoff; (c) non-domestic wastewater;	SE can support the intention of the proposed amendment, but something is missing. Either an "or" between "not including urban runoff" and "non-domestic wastewater" or inserting points a and b again. Since stormwater unintentionally may leak into separate sewers, it would be good to stress that the sewer still is designed to be "separate" (comment regarding option 2).
(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>;	'1 population equivalent' or '(1 p.e.)' means the daily organic biodegradable load per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen or a seven-day biochemical oxygen demand (BOD7) of 70 g of oxygen per day.	SE would like to keep "per day" directly after "organic load" since it refers to the daily organic load and not the daily oxygen consumption during analysis. An alternative way of reaching the same outcome could be to include the word "daily" before "organic biodegradable load". SE further suggest to also include the corresponding definition using BOD7, since that is the standard method of analysis in SE. Another option is to change "daily" to "24-hour-sample of".

New text proposal_Clusters1,3,5	SE proposal	SE comments
<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>		SE finds it difficult to support to reinsert this definition since the words "primary treatment" is not used in the proposal. Further, we cannot see the point as secondary treatment is the lowest treatment level in the proposal. Primary treatment is not the same as the "first treatment step" as referred to in the present definition of sludge (the latter usually involves some kind of pre-treatment using screens, grit chambers and sand traps to remove screenings and sand).
(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;	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 the</u> biodegradable organic matter in urban wastewater;	SE support the suggested change but suggest including a "the" before "biodegradable organic matter in urban wastewater" for language reasons.
(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;		SE support the suggested change
(13) 'quaternary treatment' means treatment of urban wastewater by a process which removesreduces a broad spectrum of micro-pollutants in from the urban wastewaters;		SE support the suggested change

New text proposal_Clusters1,3,5	SE proposal	SE 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 the solid, semi-solid or liquid organic residue resulting from the treatment of urban wastewater in an urban wastewater treatment plant excluding screenings from the first treatment step, sand, grease, retentate and solid waste; Or (14) 'sludge' means sludge resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding debris, grit, grease and any other residue from pre-treatmentfirst treatment step);	Our first choice is to avoid defining "sludge" as "sludge", but if this is not possible, Sweden can accept other options. SE suggest a definition using "residue" (see suggestion 1). Another option is to use the definition in the sludge directive Article 2.a(i) but exclude "sludge from other sewage plants treating wastewaters of a composition similar to domestic and urban wastewaters". SE can accept the suggested changes from the Pres. (to use sludge to define sludge) but suggest that "from the first treatment step" (which was originally suggested by SE) is deleted since similar, "non-sludgy"-material, may be extracted from other treatment steps as well. Alternatively, the term "pre-treatment" is better than "the first treatment step". SE finds it unnecessary to include "organic and inorganic" (sludge) since they are mutually exclusive – that leaves us with only "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;		SE support this definition as it is.

New text proposal_Clusters1,3,5	SE proposal	SE comments
(16) 'micro-pollutant' 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 non-nutrient substance, including its breakdown products, 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 even in concentrations below micrograms per litre.	SE propose to move the low-concentration criterion to the end of the sentence in order to refer to the fact that the substance is dangerous even in low concentrations. It would be misleading if the low-concentration criterion meant that a substance is not a micropollutant if it could not be analysed in wastewater or if it ceases to be a micropollutant if the amount of pollution in the environment increases.
(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;	(18) 'producer' means any manufacturer, importer or distributor, who, irrespective of the selling technique used, 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, supply a product for the first time within a territory of a Member State on a professional basis under its own name or trademark;	SE has problems with this definition. See comments on Article 24. Perhaps an option could be to look how "producer" is suggested to be defined in Article 3 of the Proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC? Generally, SE prefer if similar definitions used in different directives as far as possible use common criteria unless there is a specific reason not to do so.

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	SE proposal	SE 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 ;	(19) 'producer responsibility organisation' means a nationally recognised organisation established collectively by producers for the purpose of fulfilling their legal entity that financially organises the fulfilment of extended producer responsibility obligations under Article 9 and 10 on behalf of several producers ;	SE can support the suggested changes but suggest looking at the corresponding definition in the Proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.
(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;		

New text proposal_Clusters1,3,5	SE proposal	SE comments
(24) 'placing on the market' means the first making available of a product on the market of a Member State;		SE has issues regarding this definition since it needs to be correlated to the related articles. SE notes that the suggested change in article 9.2a in WPE 8 th of June makes it necessary to include an additional definition of "placing on the <u>union</u> market" – or rather that the wording is changed in article 9.2a to " <u>make available on the Union market</u> ". If the latter is chosen, it needs to be defined.
(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 in urban wastewater of organic biodegradable matter measured as BOD5 or BOD7 , expressed in p.e., or any pollutant or nutrient; expressed in p.e. or mass unit per time.	SE support the suggested change – a necessary improvement – but suggest revise the order of the words a bit and to clarify what actually is measured using the BOD-analysis.

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

New text proposal_Clusters1,3,5	SE proposal	SE 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'		See comments in article 2.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(3)		The recital uses the term "storm water overflows". SE assume that the recitals are revised when the negotiations are closer to an agreement.

New text proposal_Clusters1,3,5	SE proposal	SE 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.		SE support changes in 3.1 in general. Improve language. The reference to the possibility of a derogation in article 4 could preferably be placed in a separate paragraph. SE has noted an inconsistency in the referral to other articles where article(para), article.para or “paragraph X of Article y” is used. We prefer if it would be consistent.
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.		The added reference to par 3.1 seems unnecessary as 3.2 a and b have the same wording as 3.1 a and b. Delete the reference or delete a and b of Article 3.2. SE can support removing the general requirements for smaller agglomerations (1000 – 2000 pe) in art 3.2 and 6.2. We think it is sufficient if such requirements only are realised after a risk assessment in accordance with art. 18. SE is of the opinion that agglomerations smaller than 1000 pe should not be included in the scope of this directive (including article 15 and 18). This should be clearly stated in the directive, perhaps in a new article containing the scope. See comment on Article 2.4. Improve language of the first sentence. The reference to the possibility of a derogation in article 4 could preferably be placed in a separate paragraph.

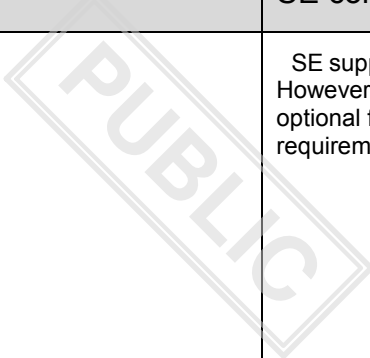
New text proposal_Clusters1,3,5	SE proposal	SE comments
3. The calculation of the load of an agglomeration expressed in p.e. shall be based on the maximum average weekly load generated in that agglomeration during the year, excluding unusual situations such as those, due to heavy rain. The calculation 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;		SE strongly support changing the concept of “maximum average weakly load” to any better, mathematically sound expression e.g. “maximum daily load”, “maximum weekly load”, “average yearly load” or something else. WE note that there is a difference between the first sentence relating to the load of an agglomeration, while the last sentence is relating to the treated (entering) load. SE is of the opinion that the same statistical concept shall apply for both.
4 3. Collecting systems shall fulfil the requirements of Part A of Annex I.	°	SE support the suggested changes in annex IA.

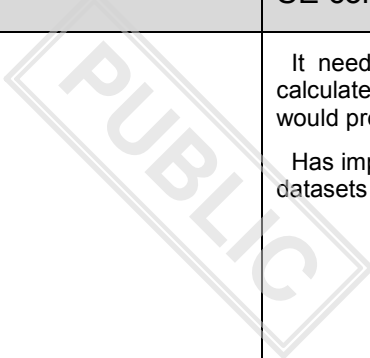
ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	SE proposal	SE 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’		See comments in Article 2.

New text proposal_Clusters1,3,5	SE proposal	SE comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		SE assume that the recitals are revised when the negotiations are closer to an agreement.
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.		SE: Ok in general, however redundant. If Art 3.2 is deleted the figure here needs to be revised to 2 000 p.e.

New text proposal_Clusters1,3,5	SE proposal	SE 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>	PUBLIC	SE prefer the rev 1 version of this article. We think that the added sentence in the first subparagraph is redundant, since that is evident from the reference to Article 7 (and not, for instance, "Part B and Table 1 and 2 of Annex I"). The added sentence further adds ambiguity if a Member State apply 7.5 in an area. In order to add clarity, there seem to be missing "of an area sensitive to eutrophication included in a list referred to in paragraph 7.2" after "catchment area". SE has remaining issues with Article 7.6, which may affect the wording of this article if the suggested addition is kept. SE support the extended deadline but suggest writing "31 December 2039" instead.
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>	3. [NEW] Member States shall ensure that individual systems in agglomerations of 1 000 p.e. and above, are registered in a national, or regional <u>or local</u> registry <u>as appropriate</u> 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.	SE support the direction of these suggested changes. However, if introducing "regional" we would suggest "national, regional or local registry as appropriate".

New text proposal_Clusters1,3,5	SE proposal	SE 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>		SE support changing from delegated to implementing act. However, we would prefer that the empowerment is optional for the Commission to use if needed rather than a requirement.

New text proposal_Clusters1,3,5	SE proposal	SE 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.		It needs to be clarified whether these 2% should be calculated at national level or for each agglomeration. We would prefer "at national level". Has implications on art 22.1 point c, where SE would like datasets to be reflecting measures at the national level.
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>		SE has no particular views on the addition.

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	SE proposal	SE 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)		The recitals use the term "storm water overflows". SE assume that the recitals are revised when the negotiations are closer to an agreement.
		SE support the present heading (but can accept to delete "urban runoff" if that is the general opinion)
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.		

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.	(a) sewer overflow or discharges of urban runoff discharges poses a risk to the environment or human health; (b) sewer overflow represents more than 1%-3% of the annual collected urban wastewater load of the relevant parameters referred to in Table 1 and, where relevant, Table 2 of Annex I, calculated in or estimated for dry weather flow conditions; (c) sewer overflow or discharges of urban runoff discharges prevents the fulfilment of any of the following:...	SE support to include modelling. (a) SE suggest to move “discharges” so that it only relate to urban runoff. The definition of sewer overflow include discharge. Since urban runoff is defined to cover only precipitation that is collected in a sewer, SE suggest that the desired delimitation is already evident from the definition. (b) SE support the suggested changes. We do not support to change load to volume. In Sweden, the table 2-parameters usually have more environmental relevance than table 1. Therefore, we suggest moving the word “relevant” so that it covers both tables. Should be in line with the expression finally chosen for “dry weather flow/conditions/something else” in Article Annex I.D(5) and Annex V.2(b) (c) see comment for (a).
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New text proposal_Clusters1,3,5	SE proposal	SE comments
(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.		
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.		

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).

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	SE proposal	SE 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>		SE has no views on the addition.
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.		SE support the suggested change.

ARTICLE 6 – SECONDARY TREATMENT

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

New text proposal_Clusters1,3,5	SE proposal	SE 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 <u>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].</u>	1. Member States shall ensure that urban wastewater treatment plants serving agglomerations of 2 000 p.e. and above 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. Discharges from 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 not subject to secondary treatment requirements of article 4(1) under the repealed Council Directive 91/271/EEC 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], are not subject to the obligations set out in the first paragraph until 31 December 2030. For discharges from agglomerations discharging into less sensitive areas as referred to in Article 6(1) of the repealed 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].	SE support deleting “or an equivalent treatment...” SE suggest deleting <u>“in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I”</u> This exact wording is already present in article 21.1. Including this text in Articles 6-8, would mean that at least one year of sampling would be required before an upgrade or extension (according to articles 6-8) can be considered complete. It could also mean that a failure of sampling in a given year would mean that Articles 6 to 8 are not complied with. SE notes that the Pres comment on this article is not correct; 91/271/EEC only refer to annex I Part D in article 15 and not in the articles 4 on secondary treatment (corresponding to Article 6 in the recast) and 5 on tertiary treatment. SE supports the intention of the changes of subpara 2 but considers that the criteria for a longer deadline should be defined on the basis that secondary treatment has not previously been required - not because current treatment is appropriate.
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New text proposal_Clusters1,3,5	SE proposal	SE 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.		SE supports the suggested deadlines. The language needs further improvements. SE is open for further discussions of the need of this article. SE can support removing the general requirements for smaller agglomerations (1000 – 2000 pe) in art 3.2 and 6.2. Such requirements should only be realised after a risk assessment in accordance with art. 18. Improve language of the first sentence. The reference to the possibility of derogation in article 4 could preferably be placed in a separate paragraph. See comment under Article 6.1 on monitoring methods in articles 6-8. Delete <u>“in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I”</u>
4.2. Urban waste water discharges to waters situated in high mountain regions (over 1 500 m above sea level) where it is difficult to apply an effective biological treatment due to low temperatures may be subjected to treatment less stringent than that prescribed in paragraph 1, provided that detailed studies indicate that such discharges do not adversely affect the environment.	6.3. Urban wastewater discharges to waters situated in high mountain regions (over 1 500 m above sea level) or north of the 60th latitude, where it is difficult to apply an effective biological treatment due to low temperatures may be subjected to treatment less stringent than that prescribed in paragraph 1, provided that detailed studies indicate that such discharges do not adversely affect the environment.	SE support the proposal from the FR to retain the previous exemption from the requirement for secondary treatment at low water temperatures (previously Article 4(2), now preferably in Article 6), but SE would like to develop this and add that an additional criterion is needed so that the reason for the low temperatures (in addition to high altitude) can also be that the discharge occurs in northern areas (e.g. north of 60°N).

New text proposal_Clusters1,3,5	SE proposal	SE comments
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	SE proposal	SE comments
<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)		

New text proposal_Clusters1,3,5	SE proposal	SE comments
		Heading: SE accept the suggested changes. However, SE sees a point in adding collecting systems, since the energy use for pumping is significant and also should be included according to Article 11.1 and climate as the requirements regarding energy from renewable sources in Article 11.2 are only relevant for climate and not for energy efficiency.
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.		SE support the suggested changes to reduce energy use and increase production of renewable energy. SE can support an extended deadline but given the urgency of achieving the desired measures to reduce energy use in the sector, five years may be too long.

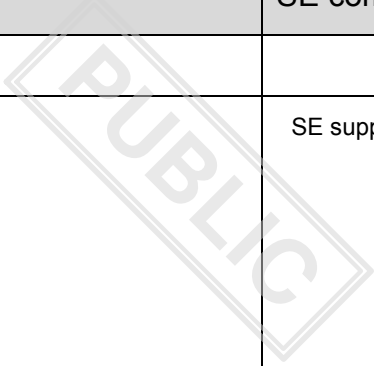
New text proposal_Clusters1,3,5	SE proposal	SE comments
2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level, on or off-site, by urban wastewater treatment plants treating a load of 10 000 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 energy used for the collection and treatment of urban wastewater in urban wastewater treatment plants treating a load of 10 000 p.e. and above derived 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 20-40 % 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. Member States shall ensure that the potential for cost-effective measures to reduce the use of energy and the potential to produce energy produced from urban wastewater resources, as demonstrated by the energy audit as referred to 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.	SE notes that the first deadline in Article 11(2) needs to be adjusted in relation to the deadlines in 11(1) as the audits under 11(1) needs to precede the measures in 11(2). SE cannot support any requirements of self-sufficiency of treatment plants to produce renewable energy. We don't support the addition of "on or off site" since it is not relevant where the energy has been produced. Most important is that the energy used derives from renewable sources - not who or where the energy is produced. It is also questionable if it is legal to require the energy to be produced within each nation as this would constitute an unauthorised trade barrier. See suggestions for alterations. If our suggestion is acceptable, perhaps further discussions on whether to include of even smaller treatment plants than 10 000 pe. SE support to delete the deleted subparagraph. SE can support the intention of the new subpar but does not see the need to relate the target for the treatment plants' own energy production to their energy use. It would be more relevant to relate it to the potential. However, if a target of 80 % is kept, the COM must be granted implementing powers on what to include and how to make these calculations. Such a delegation would need to be added to Article 11.

ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	SE proposal	SE comments
<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 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. 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	SE proposal	SE comments
<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	SE proposal	SE 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.		SE support the changes.

New text proposal_Clusters1,3,5	SE proposal	SE 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.	New subpara: (f) any other environmentally sound method of recovering critical materials from wastewater is applied.	It is important that the recovery of critical substances is made possible in a non-toxic manner and that the Directive does not hamper the ability of Member States to extract and reuse critical substances from wastewater and sludge.
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	SE proposal	SE 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.		SE support the suggested changes.

ARTICLE 16 – BIODEGRADABLE NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	SE proposal	SE 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	SE proposal	SE 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 partPart 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').		

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).

ARTICLE 17 – URBAN WASTEWATER SURVEILLANCE

New text proposal_Clusters1,3,5	SE proposal	SE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(21) 'antimicrobial resistance'		
<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	SE support the deletion of art 17.1. SE support to keep the Article as a recommendation rather than an obligation. SE generally believe that monitoring requirements should only be introduced if they are necessary, useful from a public health and infection control perspective and can be designed in a cost-effective way. SE believes that our first compromise proposal has taken steps in the right direction to mitigate unjustified monitoring requirements for specific health parameters. However, SE can support further mitigating wording that still maintains the approach of building a preparedness system for possible health-related crises.
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New text proposal_Clusters1,3,5	SE proposal	SE 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.		SE suggest to only mention "relevant public health parameters" without specifying exactly which parameters to monitor. SE support the suggested changes, since we do not consider it relevant to specify what proportion of the population should be covered by wastewater monitoring, as it is more important to monitor where relevant, for example with regard to SARS-CoV-2. SE support to include a reference to Commission decisions adopted pursuant to Article 23(1) of Regulation (EU) 2022/2371.

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	SE proposal	SE 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.		SE suggest a further extended deadline in Art. 17(3) on antibiotic resistance, as there are currently no methods for such monitoring.
54. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).		

ARTICLE 20 – SLUDGE

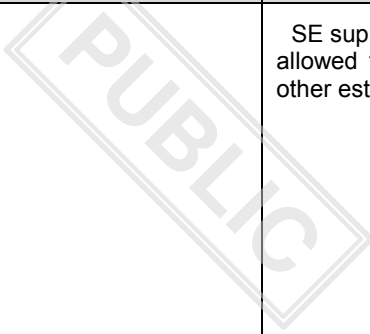
New text proposal_Clusters1,3,5	SE proposal	SE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(14) 'sludge'		See comments in Article 2.
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(28)		

New text proposal_Clusters1,3,5	SE proposal	SE 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 of Directive 2008/98/EC. Such routes shall maximize prevention, re-use, recycling <u>and material recovery</u> of resources and minimize the adverse effects on the environment.	SE support the suggested change but would like to delete the reference to Article 4(1) of 2008/98/EC (Waste Directive) since it does not promote a non-toxic economy where critical substances are extracted from sewage sludge and reused. To enable recovery and recycling of resources from sewage sludge, it may be necessary to use Article 4(2) of 2008/98/EC (Waste 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).		SE support the suggested changes and any further changes making the Directive more open to technical improvements and innovations in this field. It would be beneficial for the interpretation of this paragraph to move it to a new Article 15(2) (current 15(2) becomes 15(3)) to determine the minimum recovery rate for phosphorus and nitrogen related to the amount of nutrients in urban wastewater instead of the amount in sludge . This is to obtain a more technology-neutral and long-term regulation and taking into account measures taken upstream of the treatment plant aimed to increase utilisation of wastewater as a resource or to ease the incoming load to a wastewater treatment plant. In this context, SE would like to stress the importance of returning nutrients in a form that is accessible to plants.

ARTICLE 21 – MONITORING

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

New text proposal_Clusters1,3,5	SE proposal	SE comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		SE assume that the recitals are revised when the negotiations are closer to an agreement.
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 above 10 000 p.e and above.		SE support the suggested changes and wants to keep the possibility for the "operator" to monitor discharges. Or else it should be clarified (perhaps using a definition) that the competent authorities are not actually responsible for carrying out this control, and that the operators may perform and bear the costs of monitoring while the competent authorities ensure that it is carried out properly (but do not need do it themselves).

New text proposal_Clusters1,3,5	SE proposal	SE 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.		SE support the suggested changes. But it is vital that it is allowed to estimate the pollution loads using models or other estimation tools.

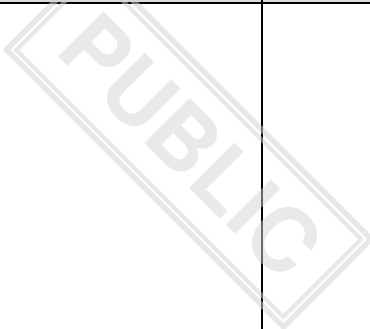
3. For all agglomerations of above 10 000 p.e., Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the 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 $\geq$ 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) relevant pollutants listed in: ... [...] ... 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 (a) for the selection of relevant substances to monitor as listed in Article 21(3) first section (a); (b) for measuring to monitor greenhouse gas emissions from urban wastewater treatment plants; and (c) for measuring to measure microplastics in urban wastewater and sludge.	SE generally believe that monitoring requirements should only be introduced if they are necessary and useful for the information needed to solve the problem at hand. SE note that methods to analyse microplastics in sludge and urban wastewater still are under development and fairly expensive. Hence, it is necessary to be cautious before adding any general requirement of such monitoring and instead use screening. For sludge, monitoring should be motivated by the end-use, e.g if the sludge is to be used in agriculture, but not if it is to be incinerated. The reference to the lists of various water-related directives should be used only as examples of substances that may be relevant to monitor in wastewater. SE has doubts about the added section on frequencies, which may cause a lack of clarity with time on what to monitor when. We would rather see that the word “relevant” is included in (a). Perhaps the COM could be empowered to adopt an implementing act on the choice of relevant substances?
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New text proposal_Clusters1,3,5	SE proposal	SE 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	SE proposal	SE comments
<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	SE proposal	SE 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	SE proposal	SE 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	SE proposal	SE 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	SE proposal	SE comments
<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	SE proposal	SE 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.		SE support the suggested change. We think that this article is good and that the article should be retained. SE can accept adjustments to the Article as long as the adjustments are in line with the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters). It is good that the wording of the Article is in line with the wording of the Article in the agreed general approach of the IED, Article 70h (Council Decision of 16 March 2023, document No 7537/23).
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	SE proposal	SE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	SE proposal	SE 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.		SE is generally opposed to the EU regulating tort law issues and believes that tort law issues should primarily be left to the Member States themselves to regulate. SE support the suggested change. Strict liability also for the public sector (the competent authority) in case of actual infringements is not consistent with Swedish law on public liability. Under Swedish law, such liability requires either fault or negligence or a breach of the European Convention on Human Rights or the Swedish Constitution by the competent authority.
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	SE proposal	SE 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.	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.	SE would like to see a softening of the provision so that the limitation rules do not regulate when the limitation period starts to run; we can accept that the wording of the article on compensation is in line with the wording of the article in the agreed general approach of the IED, Article 79a, (Council Decision of 16 March 2023, document No 7537/23) with the exception that SE would also like to see a deletion of the last sentence of paragraph 5 ("Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows that he or she suffered damage from a violation pursuant to paragraph 1").

ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	SE proposal	SE comments
<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)		

New text proposal_Clusters1,3,5	SE proposal	SE comments
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.	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 wastewater 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	SE proposal	SE comments
<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		SE support the suggested change. SE agrees that the article on sanctions should take the form of the agreed general approach in the IED, Article 79, (Council Decision of 16 March 2023, document No 7537/23). SE supports the deletion of the reference to turnover in this para, since turnover-based penalties risk being too administratively burdensome for the authorities concerned and would open the door to appeals by the responsible party regarding the size of the penalty. Further, this is not be compatible with the Swedish system for corporate fines.

New text proposal_Clusters1,3,5	SE proposal	SE comments
breach, taking into account specificities of Small and Medium Enterprises.		Generally, SE would like the penalty provision to be modelled on penalty provisions in environmental legislative acts where a general approach has recently been adopted, such as the proposal for the revised Industrial Emissions Directive (IED), the proposal for the Fluorinated Greenhouse Gases (F-Gas) Regulation and the proposal for the Waste Shipment Regulation.
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>		SE support the suggested change. SE agrees that the article on sanctions should take the form of the agreed general approach in the IED, Article 79, (Council Decision of 16 March 2023, document No 7537/23).
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	SE proposal	SE comments
<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	SE proposal	SE 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	SE proposal	SE comments
<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	SE proposal	SE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters1,3,5	SE proposal	SE 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	SE proposal	SE comments
<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	SE proposal	SE comments
<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	SE proposal	SE 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

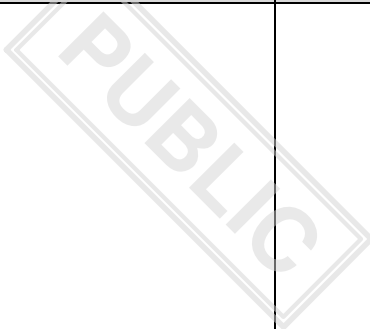
New text proposal_Clusters1,3,5	SE proposal	SE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Collecting systems shall take into account wastewater treatment requirements. The 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		SE support the suggested changes.

New text proposal_Clusters1,3,5	SE proposal	SE 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	SE proposal	SE comments
<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 .		SE support the suggested changes. The different treatment requirements should be motivated by the needs of each recipient.
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		SE support the suggested changes. The different treatment requirements should be motivated by the needs of each recipient.

New text proposal_Clusters1,3,5	SE proposal	SE 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 .		SE support the suggested changes. The different treatment requirements should be motivated by the needs of each recipient.
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 1: Requirements for discharges from urban waste water wastewater treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.	SE would like to double check that the methods described below are not contradicting the latest harmonised standard for water quality assessments or if there is a need to revise any of the standards.

New text proposal_Clusters1,3,5				SE proposal	SE comments
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ⁴⁴	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		

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

New text proposal_Clusters1,3,5				SE proposal	SE 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	SE proposal	SE comments
<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	(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-nutrients or other critical materials in urban wastewater;	SE suggest widening the scope of annex 1C 1(a) to enable the recovery of nutrients or other critical materials in urban wastewater. SE is not in favour of the addition in (c). The subpara aims to restrict the release of substances that cannot be treated in urban wastewater treatment plants into the collecting system. It doesn't consider substances formed in the sewage system. Hence, the addition is ambiguous and redundant.
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New text proposal_Clusters1,3,5	SE proposal	SE 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	SE proposal	SE comments
<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		SE suggests considering the possibility to allow the analysis of weekly pooled samples (7-day-samples instead of one daily sample per week) for parameters where

New text proposal_Clusters1,3,5	SE proposal	SE 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.		preservation methods (e.g. cooling, freezing, acidification) can be used to avoid significant degradation of the target compound(s). This would enable higher representativity in general with regard to parameters required to be monitored in Art 21.3 without increasing the costs of analyses. For parameters whose compliance is to be assessed using annual averages, this option would provide a considerably better representativity than 52 daily samples.								
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		SE supports to have the same frequency for all treatment plants over 50 000 pe.
— 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	SE proposal	SE 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.	(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.		Should be in line with the expression finally chosen for “dry weather flow/conditions/something else” in Article 5.2(b) and Annex V.2(b)
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		SE proposal	SE comments
Table 4: <u>Requirements for samples</u>		PUBLIC	
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		SE proposal	SE comments
252-268	19	PUBLIC	
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		SE proposal	SE comments
<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	SE proposal	SE 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	SE proposal	SE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
		SE support to include “urban runoff” in the heading.
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		SE support the suggested changes, provided that it is allowed to estimate the pollution loads using models or other estimation tools.

New text proposal_Clusters1,3,5	SE proposal	SE 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;		
2. Objectives for the reduction of pollution from storm watersewer overflows and urban runoff discharges, including the following: (a) an indicativeindicative 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 indicativetarget objective shall should be met by: (i) 31 December 2035 2040 for all agglomerations of 100 000 p.e. and above; (ii) 31 December 2040 2045 for agglomerations of 10 000 p.e. and above referred to and above identified in accordance with paragraph 2 of Article 5(2); (b) the progressive reduction of pollution load from elimination of untreated discharges of urban runoff through separate sewerscollection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters; (c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.	2. Objectives for the reduction of pollution from storm watersewer overflows and discharges of urban runoff, discharges including the following: ...	SE suggest moving “discharges” so that it only relate to urban runoff. The definition of sewer overflow include discharge. Since urban runoff is defined to cover only precipitation that is collected in a sewer, SE suggest that the desired delimitation is already evident from the definition. (a) SE support the suggested changes. Should be in line with the expression finally chosen for “dry weather flow/conditions/something else” in Article 5.2(b) and Annex I.D(5). SE support to add measures to address the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff in the urban wastewater management plans. However, it may be difficult to find meaningful and measurable objectives for such measures.

New text proposal_Clusters1,3,5	SE proposal	SE 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 implementationimplementation of the integrated plan.		
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following: (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations; (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that polluted rain waters are collected and treated, and releases of untreated urban wastewater into receiving waters are minimised; (c) finally, where necessary to achieve the objectives referred to in point 2, additional mitigation measures including the adaptation of the infrastructure for the collection, storage and treatment of urban wastewater or the creation of new infrastructures with a priority to green infrastructure such as vegetated ditches, treatment wetlands and storage ponds designed in order to support biodiversity. Where relevant, water reuse shall be considered in the context of the development of the integrated urban wastewater management plans referred to in Article 5.		

SWEDEN

Recitals Amended		
New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
<i>Recitals amended:</i>		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the hazardouness of their residues. The contributions should cover, but not exceed, the <u>investment and operational</u> costs for the monitoring activities for micro-pollutants, the collection, reporting and impartial verification of statistics on the quantities and hazardouness of products placed on the market, and the application of the quaternary treatment to urban wastewater in an efficient manner and in accordance with this Directive, <u>including the pre-financing of installations already in place at the date of entry into force of this Directive</u>. Since urban wastewater is treated collectively, it is appropriate to introduce a requirement for producers to join a centralised organisation which can implement their obligations under the extended producer responsibility on their behalf.		SE welcome the attempt to clarify how this will work. It may also need to be clarified how far back pre-financing of installations should apply. One possibility could be to clarify that the system should cover the ongoing costs (interest and depreciation) of any previous investment before the system is in place.
(17) Since the transboundary nature of water pollution requires cooperation between neighbouring Member States or third countries in addressing such pollution and identifying measures to tackle its source, Member States should be required to inform each other or the third country if significant water pollution originating from urban wastewater discharges in one Member State or third		

Recitals Amended		
New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
country impacts or is likely to impact the water quality of another Member State or third country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. <u>Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account.</u> The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the United Nations Economic Commission for Europe (UNECE) Water Convention¹ or other relevant regional Conventions such as the Regional Seas or Rivers Conventions.		
(38) Pursuant to the Interinstitutional Agreement on Better Law-Making², the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new		SE support to maintain flexibility to include more sectors in a producer responsibility system in the future. The suggested addition is already apparant from article 30.1(e).

¹ UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes as amended, along with decision VI/3 clarifying the accession procedure.

² Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

Recitals Amended		
New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. <u>On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.</u>		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	Swedens proposal	Swedens 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 ;		
(2) 'domestic wastewater' means wastewater from residential settlements, and services and institutions which originates predominantly from the human metabolism and/ or from household activities;		

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
(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 other than urban runoff, e.g. wastewater which is discharged from premises used for the exercise of a trade or industrial or economical activities; The Wastewaters from the above activities, which originates predominantly from household-like activities that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled may be considered as domestic wastewater, if its composition is comparable to domestic wastewater. OR (3) 'non-domestic wastewater' means wastewater, other than domestic wastewater and other than urban runoff, which is discharged from premises used for professional activities that produce wastewater with a quality different from the quality of domestic wastewater to an extent that it may pose a risk to the operation of the collecting system or the wastewater treatment plant, adversely impact resource recovery or otherwise cause damage.	This definition had been changed compared to the cluster 1-3-5-version. SE does not deem it necessary to keep both "exercise of a trade" and "or economical" activities. Further, we suggest an alternative, focusing on the risk – and hence the need for pre-authorisation – of this type of 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>;		
(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;		

New text proposal_Clusters 2, 4	Swedens proposal	Swedens 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 and conducts 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 ;		
<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 ;		
(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;		Support

New text proposal_Clusters 2, 4	Swedens proposal	Swedens 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;		Support
(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;		Support
(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 ³	(16) 'micropollutant' means a non-nutrient substance, including its breakdown products, 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 ³ even in concentrations below micrograms per litre.	SE propose to move the low-concentration criterion to the end of the sentence to refer to the fact that these substances are hazardous even in low concentrations. It would be misleading if the low-concentration criterion meant that a substance is not a micropollutant if it could not be analysed in wastewater ("may be found in the environment") or if it ceases to be a micropollutant if the amount of pollution in the environment increases.
(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;		

³ 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_Clusters 2, 4	Swedens proposal	Swedens 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;	(18) 'producer' means any manufacturer, importer or distributor, who, irrespective of the selling technique used, 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, supply a product for the first time within a territory of a Member State on a professional basis under its own name or trademark;	SE has problems with this definition. See comments on Article 24. Perhaps an option could be to look how "producer" is suggested to be defined in Article 3 of the Proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC? Generally, SE prefer if similar definitions used in different directives as far as possible use common criteria unless there is a specific reason not to do so.
(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 ;	(19) 'producer responsibility organisation' means a nationally recognised organisation established collectively by producers for the purpose of fulfilling their legal entity that financially organises the fulfilment of extended producer responsibility obligations under Article 9 and 10 on behalf of several producers;	SE can support the suggested changes but suggest looking at the corresponding definition in the Proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.
(20) 'sanitation' means facilities and services such as flush and dry toilets , for the safe disposal of human urine, faeces, and menstrual blood, among others ;	(20) 'sanitation' means facilities and services such as flush and dry toilets, for the safe disposal of human urine, faeces, and menstrual blood, and other bodily fluids among others;	SE support the suggested clarifications but suggest changing "among others" to "and other bodily fluids". Other things may be disposed of in these facilities, but it is not their main purpose. SE support the suggestion from IT to delete "services".
(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;		

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
(24) 'placing on the market' means the first making available of a product on the market of a Member State;		SE has issues regarding this definition since it needs to be correlated to the related articles. SE notes that the suggested change in article 9.2a in WPE 8 th of June makes it necessary to include an additional definition of "placing on the <u>union</u> market" – or rather that the wording is changed in article 9.2a to " <u>make available on the Union market</u> ". If the latter is chosen, it needs to be defined.
(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 in urban wastewater of organic biodegradable matter measured as BOD5 or BOD7 , expressed in p.e., or any pollutant or nutrient; expressed in p.e. or mass unit per time.	SE support the suggested change but suggest revise the order of the words a bit and to clarify what actually is measured using the BOD-analysis.

ARTICLE 7 – TERTIARY TREATMENT

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(12) 'tertiary treatment'; (15) 'eutrophication'; (23) 'plastic biomedica';		SE support the suggested definitions
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(9); (10)	(9) ...Tertiary treatment should be systematically imposed to all urban wastewater treatment plants of 400 150 000 p.e. and above, as such plants represent an important remaining source of nitrogen and phosphorus discharge.	A consequential change in recital 9 to the suggested alteration of Article 7(1)

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
1. By 31 December 2030, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of 100 000 150.000 p.e. and above and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] meet the relevant requirements for are subject to tertiary treatment in accordance with Part B and Table 2 of Annex I before discharge into receiving waters paragraph 4. By 31 December 2035, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 150.000 p.e. and above are subject to meet the relevant requirements for tertiary treatment in Part B and Table 2 of Annex I before discharge into receiving waters accordance with paragraph 4.	1. By 31 December 2030, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of 100 000 150.000 p.e. and above and not applying tertiary treatment nor being in tendering procedure, already in construction, or were commissioned after 31 December 2020 for such treatment on [OP please insert the date = the date of entry into force of this Directive], meet the relevant requirements for are subject to tertiary treatment in accordance with Part B and Table 2 of Annex I before discharge into receiving waters paragraph 4. By 31 December 20352039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 150.000 p.e. and above are subject to meet the relevant requirements for tertiary treatment in Part B and Table 2 of Annex I before discharge into receiving waters accordance with paragraph 4.	SE support the suggested hybrid solution. SE suggest including the provisions from Article 32(3bis) into Article 7(1) and 7(3). SE note that the prolonged deadline from the SE Pres. compromise text (page 11) has not been kept in the ES Pres. compromise text. We suggest including it again.
2. By 31 December 20275, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every five six years starting on 31 December 20302033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with paragraph 4 Part B and Table 2 of Annex I in its entire territory.		SE support the suggested changes
<u>3. Without prejudice to paragraph 1, Member States shall ensure that agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by:</u>	3. Without prejudice to paragraph 1, Member States shall ensure that urban wastewater treatment plants serving agglomerations of 10 000 p.e and above not applying tertiary treatment nor being in tendering procedure, already in construction, or were commissioned after 31 December 2020 for such treatment on [OP please insert the date = the date of entry into force of this Directive] meet the relevant	“Without prejudice to” basically means the same as the last sentence in the next subparagraph “Urban wastewater treatment plants treating a load of 150 000 p.e. and above must still meet the deadlines set in Article 7(1).” Since the former expression is advised against in legal wording (because noone understands what it means), SE suggest deleting the initial part of the first sentence.

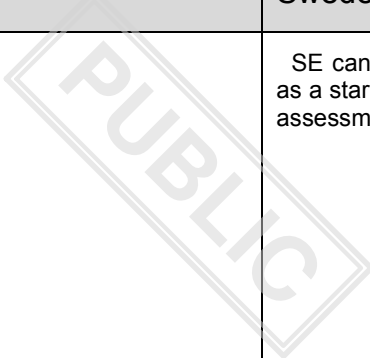
New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
<u>(a) 31 December 2033 for 20% of these agglomerations;</u> <u>(b) 31 December 2039 for 60% of these agglomerations;</u> <u>(c) 31 December 2045 for all these agglomerations.</u>	requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by: (a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all these agglomerations of 10 000 p.e and above discharging into areas included in the list referred to in paragraph 2.	SE can support the suggested new deadlines but think that the further derogation as suggested in the next subparagraph then need to be deleted.
3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas. By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e. Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).	Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).	SE cannot support both a derogation and the suggested prolonging of the deadlines and therefore think the derogation should be deleted. The last sentence "Urban wastewater treatment plants treating a load of 150 000 p.e. and above must still meet the deadlines set in Article 7(1)." basically means the same as "without prejudice to". Since the latter is advised against in legal wording, SE suggest keeping this as it is and delete the beginning of Art 7(3).

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
<u>3 bis. Tertiary treatment referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I.</u>	<u>3 bis. Tertiary treatment referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I.</u>	SE suggest deleting this whole paragraph but in particular the words “in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I” This exact wording is already present in article 21.1a in relation to monitoring compliance. Including this text in Articles 6-8, would mean that at least one year of sampling would be required before an upgrade or extension (according to Articles 6 to 8) can be considered complete. It could also mean that a failure of sampling in a given year would mean that Articles 6 to 8 are not complied with even if the necessary construction has been completed and adequate treatment is being carried out. The suggested initial wording “shall meet the relevant requirements in...” is already present in Article 7.1 and 7.3. Hence, if kept here, it should be deleted in 7.1 and 7.3.
4. 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 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.		SE support the suggested changes.
5. By way of derogation from paragraphs 3 and 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 and 4 where it can be shown that the minimum percentage of reduction of the	...minimum percentage of reduction of the overall load entering all urban waste water wastewater treatment plants in that area is : (a) 82,5 85 % for total phosphorus and 80 % for total nitrogen by 31 December 2035 2039;	SE can support the extended deadlines but think that 90 % reduction of phosphorus is feasible to reach. If the final deadline of Article 7(1) is kept as 2035, subparagraph (a) should be changed back to 2035 for reasons of consistency.

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
overall load entering all urban waste water treatment plants in that area is : (a) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2035 2039; (b) 90 85% for total phosphorus and 85 82,5 % for total nitrogen by 31 December 2040 2045.	(b) 85 90 % for total phosphorus and 85 82,5 % for total nitrogen by 31 December 2040 2045.	SE suggests lowering the final nitrogen reduction requirement (80%), hence the low temperature exemption is not needed, which will make this requirement easier to apply and evaluate.
6. Discharges from urban wastewater wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 shall also be subject to paragraphs 3, 4 and 5.	6. Discharges from urban wastewater wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 and which contribute to the eutrophication of that sensitive area shall also be subject to paragraphs 3 and 5.	The paragraph needs further discussion. SE cannot support the deletion of the wording of the current Directive "and which contribute to the pollution of these areas". Further, it is not clear how catchment areas included in Annex II point 1 (and therefore included in the list in paragraph 2) are to be interpreted with regard to article 7.6. A suggestion could be to delete the reference to the list, so that all catchments of areas sensitive to eutrophication need to be considered with relation to article 7.6 regardless of whether they are already in the list or not.
7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list.	7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list. In case of conflict between Article 7(3) and Article 7(7), Article 7(3) takes precedence.	With the new deadline of 2045 in Article 7(3), this paragraph (that could induce the requirement to upgrade a treatment plant already in 2040) also need to clarify which deadline takes precedence. If the final deadline of Article 7(3), is moved back to 2040. The added text can be removed.

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater are subject quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) 31 December 2030 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) By 31 December 2035 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants: (c) 31 December 2040 2045 for all discharges from these urban wastewater treatment plants.	"1. By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater are subject quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: ..."	SE support the suggested hybrid solution. SE support the suggested time derogation in (a) but not the others. SE suggest deleting "<u>in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I</u>" This exact wording is already present in article 21.1. Including this text in Articles 6-8, would mean that at least one year of sampling would be required before an upgrade or extension (according to articles 6-8) can be considered complete. It could also mean that a failure of sampling in a given year would mean that Articles 6 to 8 are not complied with.

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
2. On 31 December 2030 2027 2030 Member States shall have established a list a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list every five six years thereafter and update it if necessary. The list referred to in the first subparagraph shall be based on an assessment of the risks for human health or the environment that the discharge of micropollutants in urban wastewater poses on include the following areas, unless the absence of risk for human health or the environment in those areas can be demonstrated based on a risk assessment: (a) water bodies used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) bathing water falling within the scope of Directive 2006/7/EC; (c) lakes as defined in Article 2, point (5), of Directive 2000/60/EC; (d) rivers as defined in Article 2, point (4), of Directive 2000/60/EC or other water streams where the dilution ratio is below 10; (e) areas where aquaculture activities, as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁴, take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC.		SE can support the suggested changes but prefer 2027 as a starting point due to the possibility of aligning the risk assessment with the WFD-timetable.

⁴ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), <u>no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive]</u>		SE support the suggested change.
4. By 31 December 2035 , Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:	4. By 31 December 2035 , Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:	SE support the suggested timeframes. SE suggest deleting <u>"in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I"</u> This exact wording is already present in article 21.1. Including this text in Articles 6-8, would mean that at least one year of sampling would be required before an upgrade or extension (according to articles 6-8) can be considered complete. It could also mean that a failure of sampling in a given year would mean that Articles 6 to 8 are not complied with. SE notes that it is still – even with the adjusted deadlines - necessary to indicate which paragraph takes precedence over the other if the time limits overlap. Hence, the first sentence last subparagraph need to be kept (but slightly revise).
(a) 31 December 2035 for 30 20 % of these agglomerations; (b) 31 December 2040 for 60 % of these agglomerations; (c) 31 December 2045 for all these agglomerations. <u>Urban wastewater treatment plants treating a load of 100 000 p.e. and above must still meet the deadlines set in Article 8(1).</u> By 31 December 2040, member States shall ensure that urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 400 000 p.e.	(a) 31 December 2035 for 30 20 % of these agglomerations; (b) 31 December 2040 for 60 % of these agglomerations; (c) 31 December 2045 for all these agglomerations. Urban wastewater treatment plants treating a load of 150 400 000 p.e. and above must still meet the deadlines set in Article 8(1). By 31 December 2040, member States shall ensure that urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with	

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
	regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.	
5. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph, fulfil the requirements in Part B and Table 3 of Annex I within seven years of the inclusion in that list. In case of conflict between Article 8(4) and Article 8(5), Article 8(4) takes precedence.		SE support this paragraph.
6. 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 3 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 3 of Part B of Annex I is set out in table 4 of Part D of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.		SE support the suggested changes, but not to have this as a subparagraph of paragraph 5. Should be 6.
6-7-6. By 31 December 2030 IOP please insert the date = the last day of the second year from the date of entry into force of this Directive], the Commission shall may adopt implementing acts to establish the monitoring and sampling methods to be used by the Member States to determine the presence and quantities in urban wastewater of the indicators set out in Table 3 of Part B of Annex I.		The wording "may" interfere with a suggested deadline. Choose either. SE prefers if this is a stand-alone paragraph (i.e. 8.7).

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(18) 'producer'; (19) 'Producer Responsibility Organisation'; (24) 'placing on the market';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(13); (14), (15)		
1. Member States shall take measures to ensure that <u>by [OP please insert the date = the last day of the second year from the date of entry into force of this Directive]</u>, producers who place any of the products listed in Annex III on the market have extended producer responsibility. Such measures shall ensure that those producers cover: a) the full costs for complying with the requirements set out in Article 8, including the costs for the quaternary treatment of urban wastewater to remove micropollutants resulting from the products and their residues they place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and		SE support the proposal's approach introducing advanced treatment for treatment plants of a certain size and that the polluter should bear the costs of treatment, which is more compatible with the Polluter Pays Principle. We favour that producers' financing primarily take place through producer responsibility, rather than other policy instruments (e.g. taxes or fees), as SE believes that producer responsibility increases the possibility of more uniform implementation in the EU, which we consider desirable. On the other hand, total flexibility in the choice of instruments increases the risk of major differences in Member State implementation, which can be a challenge, not least for producers who sell their products in several Member States. Rather than commenting on the following paragraphs, SE SE support previous proposals from several MS that Pres.

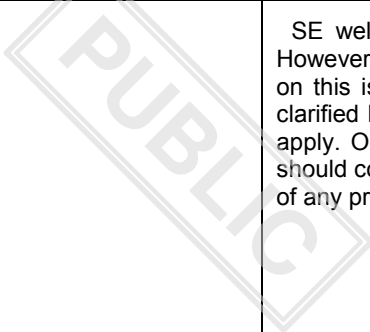
New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
b) the costs for gathering and verifying data on products placed on the market; and c) other costs required to exercise their extended producer responsibility.		or COM should invite a special meeting (preferably a special session of the WPE) on Articles 8-10, for a deeper understanding of the many technical issues that need to be resolved, either through developed provisions in the directive or in guidance to the Member States in their national implementation. If the rules are not clarified, SE sees a risk that the system will not be in place in time to finance measures, in which case there may be a need for government guarantees for financing before the system is in place.
2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following: (a) the quantity of the product they place on the Union market is below 2 tonnes per year; (b) the products they place on the market do not generate micro-pollutants in wastewaters <u>at the end of their life.</u>		Regarding whether 2 tonnes should refer to "product" or "substance", SE cannot find the justification behind the 2 tonnes limit in the Impact Assessment which make it difficult to grasp the consequences of either. The EU COM needs to clarify the chosen limit. If a limit is set for "substance" instead of "product", SE believes that the limit probably will need to be lowered to avoid that the exemption is made possible to more producers than was probably intended. SE notes that the amount of hazardous substance is more crucial, but in this context of exonerating producers, but for reasons of simplification there could be justified to use product instead. SE are thankful for an elaboration one the conflict with the REACH regulation if the limit is set for substances instead of products.
3. The Commission is empowered to adopt implementing acts to establish detailed criteria on the uniform application of the condition laid down in paragraph 2, point (b) to specific categories of products and its hazardourness. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		SE cannot see the relevance of the added wording in relation to paragraph 2b and 4(a)(iii). If it is kept, we suggest writing "and their hazardousness", in stead.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States shall ensure that: (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).		
5. Member States shall ensure that:		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
(a) the roles and responsibilities of all relevant actors involved, including producers referred to in paragraph 1, producer responsibility organisations, private or public operators of urban wastewater treatment plants and local competent authorities, are clearly defined; (b) urban wastewater management objectives are established in order to comply with the requirements and deadlines set under Article 8(1), (4) and (5) and any other quantitative or qualitative objectives that are considered relevant for the implementation of the extended producer responsibility; (c) a reporting system is in place to gather data on the products referred to in paragraph 1 placed on the market of the Member State by the producers and data on the quaternary treatment of wastewater, as well as other data relevant for the purposes of point (b).		

ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(15)		

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
1. Member States shall take the necessary measures to ensure that any producer responsibility organisation established under Article 9(4): (a) has a clearly defined geographical coverage coherent with the requirements set out in Article 8; (b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers, <u>including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances;</u> (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.		SE welcome the attempt to clarify how this will work. However, as written above, we ask for further discussions on this issue including Article 9. It may also need to be clarified how far back pre-financing of installations should apply. One possibility could be to clarify that the system should cover the ongoing costs (interest and depreciation) of any previous investment before the system is in place.
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.		
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).		
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.		
6. [NEW] By <u>the date of entry into force of this Directive</u>, the Commission shall provide for the organisation of exchange of <u>information</u>, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on: (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations;		SE support the suggested new article, including the changes.

New text proposal_Clusters 2, 4	Swedens proposal	Swedens comments
(b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of (i) the coverage of the full cost as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions by the producer responsibility organisation as referred to in point c of paragraph 9(4); (d) the exonerations provided according to Article 9; (e) any other issue in relation to the effective implementation of Articles 9 and 10. <u>The Commission shall publish the results of the exchange of information, experience and best practices on these and other relevant aspects, and where relevant, provide recommendations to Member States.</u>		

ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(17)		
1. Where waters within the area of jurisdiction of a Member State are adversely affected by discharges of urban wastewater from another Member State or third-country, the Member State whose waters are affected shall notify the other Member State or the third country and the Commission of the relevant facts. This notification shall be immediate in case of incidental pollution that may significantly affect downstream water bodies. The Member States concerned shall cooperate in order to identify the discharges in question and the measures to be taken at source to protect the waters that are affected in order to ensure conformity with this Directive.		
2. The concerned Member States shall inform the Commission of any cooperation referred to in paragraph 1. The Commission shall participate in such cooperation at the request of the concerned Member States.		

ARTICLE 15 – WATER REUSE AND PRE-AUTHORISED DISCHARGES OF URBAN WASTEWATER

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

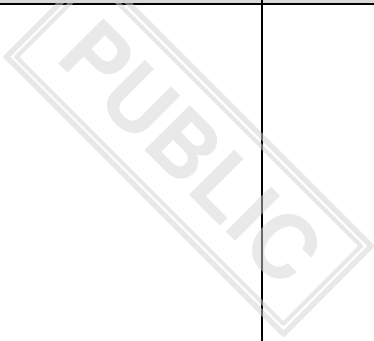
New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
		SE suggest clarifying in the heading that this Article concerns pre-authorisations of urban wastewater discharges. SE sees the need to include a new paragraph relating to the necessary adaptation of urban wastewater infrastructure in relation to the non-deterioration requirement in Article 4 of the Water framework directive. SE is preparing a non-paper on this issue.
1. Member States shall systematically promote the reuse of treated wastewater from all urban wastewater treatment plants. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. <u>Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:</u> <u>(a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and</u> <u>(b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and</u> <u>(c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.</u>		Support in general, however, perhaps it could be considered avoiding the wording “no risks” and in stead use “the risks are ...minimized”.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
	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).	SE suggest moving paragraph 20.2 to a new paragraph 15.2 to determine the minimum recovery rate for phosphorus and nitrogen related to the amount of nutrients in urban wastewater rather than the amount in sludge. This is to obtain a more technology-neutral and long-term regulation and being able to consider measures taken upstream of the treatment plant aimed to increase utilisation of wastewater as a resource or to ease the incoming load to a wastewater treatment plant. In this context, SE would like to stress the importance of returning nutrients in a form that is accessible to plants.
2. Member States shall ensure that discharges from urban wastewater treatment plants of 200 p.e and above, are subject to regulations and /or specific authorisation. Such authorisation shall ensure that the requirements set out in Part B of Annex I are fulfilled. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.	23. Member States shall ensure that discharges from urban wastewater treatment plants of 1 000 p.e and above, are subject to regulations and/or specific authorisation. Such authorisation shall ensure that the requirements set out in Part B of Annex I are fulfilled.	SE urge to include a limit for when specific authorisations ensuring the fulfilment of the requirements set out in Part B of Annex I is required. We prefer the limit of 1 000 p.e. but can support any limit between 200-2000 p.e. As earlier suggested, SE is of the opinion that the management of urban wastewater from agglomerations smaller than 1000 p.e. should not be included in the scope of this directive (including article 18). This should be clearly stated in the directive, if not here, then preferably in a new article containing the scope e.g.: “-This Directive covers urban wastewater discharges from agglomerations of more than 1 000 pe. Urban wastewater discharges from agglomerations smaller than 1 000 pe are not covered by this Directive but may need to be addressed to comply with other Union water legislation. -Urban runoff not collected by sewers is not covered by this Directive. -Emissions of unintentionally formed greenhouse gas in the collecting system is not covered by this Directive.”

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every 6 ten years and, if necessary, adapted. <u>The provisions of the specific authorisations shall be updated in the cases where the characteristics of non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.</u>	34. The specific authorisations referred to in paragraph 23 shall be reviewed at least every 6 ten years and, if necessary, adapted. The regulations referred to in paragraph 23 shall be reviewed at regular intervals and, where necessary, adapted. If the characteristics of the urban wastewater treatment plant or the receiving water body change significantly, the specific authorisations shall be reviewed and adapted to these changes. The provisions of the specific authorisations shall be updated in the cases where the characteristics of non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.	SE suggest using the same wording in this paragraph as in paragraph 14. However, it may be necessary to clarify further (in both 14 and 15) than in our suggestion, that the adaptation may need to take place at an earlier stage than after ten years if the characteristics of the urban wastewater treatment plant or the receiving water body change significantly.

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(24)		
1. By 10P please insert the date – the last day of the second year after the date of entry in force of this Directive 31 December 2027, Member States shall identify the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following:	(e) the environmental objective as stated in Article 4 of the same Directive.	SE support the clarification of the deadline and propose a simplification of the wording in (e).

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
(a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; (c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC; (d) (c) the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place. (e d) the quality of groundwater as defined in Article 2 point (1) of Directive 2006/118/EEC. <u>(e) the ecological and chemical status as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive.</u>		
2. Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate the following measures: (a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of less than 1 000; (b) applying secondary treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of less than 1 000; (c) applying tertiary treatment in accordance with Article 7 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000; (d) applying quaternary treatment in accordance with Article 8 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000;	2. Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate the following measures: (a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of more less than 1 000; (b) applying secondary treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of more less than 1000; (c) applying tertiary treatment in accordance with Article 7 to discharges of urban wastewater from agglomerations with a p.e. of more than 1 000 and less than 10 000; (d) applying quaternary treatment in accordance with Article 8 to discharges of urban wastewater from	SE see the need to have a lower limit for the measures covered by this article. Measures in agglomerations smaller than 1000 pe should not be included in the scope of this directive. This should be clearly stated in the directive, if not in subparagraphs 18(2) a-e then perhaps in a new article containing the scope. See SE comment on Article 15.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
(e) establishing integrated urban wastewater management plans in accordance with Article 5 for agglomerations below 10 000 p.e. and adoption of measures referred to in Annex V; (f) applying more stringent requirements for the treatment of collected urban wastewaters than the requirements set out in Annex 1, part Part B.	agglomerations with a p.e. of more than 1 000 and less than 10 000; (e) establishing integrated urban wastewater management plans in accordance with Article 5 for agglomerations of more than 1 000 and below 10 000 p.e. and adoption of measures referred to in Annex V; (f) applying more stringent requirements than in (b,c,d) for the treatment of collected urban wastewaters, than the requirements set out in accordance with Annex I, Part B point 6.	
3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every 5 six years <u>aligned with the timing of the review of the River Basin Management Plans developed under the Directive 2000/60/EC.</u> A summary of the identified risks accompanied with a description of the measures adopted in accordance with paragraph 2 of this Article shall be included <u>in the appropriate River Basin Management Plans and</u> in the national implementation programmes referred to in Article 23 and communicated to the Commission on request.		SE support

ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(20) 'sanitation'		See under Article 2, above.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(25); (26); (27)		
Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups. For that purpose, Member States shall by 31 December 2027 12 January 2029 : (a) identify categories of people without access, or with limited access, to sanitation facilities, including vulnerable and marginalised groups, and provide reasons for such lack of access; (b) assess the possibilities for improving access to sanitation facilities for the categories of people referred to in point (a) such people ; (c) for all agglomerations of 10 000 p.e. and above, encourage the establishment of a sufficient number of sanitation facilities in public spaces, which are freely and, in particular for women, safely accessible.	Member States shall are encouraged to take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups. For that purpose, Member States shall are encouraged to by 31 December 2027 12 January 2029 : (a) identify categories of groups of people without access, or with limited access, to sanitation facilities, including vulnerable and marginalised groups, and provide reasons for such lack of access; (b) assess the possibilities for improving access to sanitation facilities for the categories of people referred to in point (a) such groups of people ;	Further, we suggest changing “shall” with “are encouraged to”. Another option could be to delete this Article and make do with a reminder of the SDG commitments in the recitals. If the Article is kept, SE support to adapt the timeline to the Drinking Water Directive and suggest using the wording “groups of people”.

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		The term “storm water overflow” need to be changed to “sewer overflow”.
1. Member States, assisted by the European Environment Agency (EEA), shall:	1. Member States, assisted by the European Environment Agency (EEA), shall:	To reduce the administrative burden due to reporting obligations, SE suggest keeping an ambitious but still feasible timetable for the transfer from the present reporting format under 91/271/EEC to Article 22 of the recast. However, there need to be time enough to adapt the technical systems and build the requested data sets. Methods to correct and verify the requested data before giving access to them need also to be developed. At present reporting according to 91/271/EEC is done for even-numbered years. Accordingly, SE suggest starting at the end of 2027 referring to the situation of 31th December 2026 instead of 2025.
(a) by 31 December 2025 2030 , set up a data set containing information collected in accordance with Article 21 including information concerning the parameters referred to in Article 21(1), point (a), and the results of the tests with regard to the pass/fail criteria established in Part D of Annex I and update that data set annually thereafter;	(a) by 31 December 2025 2030 2027 , set up a data set containing information collected in accordance with Article 21 including information concerning the parameters referred to in Article 21(1), point (a), and the results of the tests with regard to the pass/fail criteria established in Part D of Annex I and update that data set annually thereafter;	With regard to:
(b) by 31 December 2025 2030 , set up a data set indicating the percentage of urban wastewater which is collected and treated in accordance with Article 3 and update that data set annually thereafter;	(b) by 31 December 2025 2030 2027 , set up a data set indicating the percentage of urban wastewater which is collected and treated in accordance with Article 3 and update that data set annually thereafter;	(b) It should be clarified if this should be done nationally or per every agglomeration.
(c) by 31 December 2025 2030 , set up a data set containing information on measures taken to implement Article 4(4 5) and on the percentage of the urban wastewater load from agglomerations above 2 000 p.e. which is treated in individual systems and update that data set annually thereafter;	(c) by 31 December 2025 2030 , set up a data set containing information on the percentage of the urban wastewater load from agglomerations above 2 000 p.e. which is treated in individual systems and when relevant information on the measures taken to implement Article 4(4 5) and on the percentage of the urban wastewater load from agglomerations above 2 000 p.e. which is treated in individual systems and update that data set annually thereafter;	(c) according to Article 4(5), justifications and measures need only to be reported for agglomerations using individual system for more than 2 % of the load. SE notes that it is unclear whether the 2 % criteria of 4(5) is considering the national level or is referring to (each) agglomeration.
(d) by 31 December 2025 2030 , set up a data set containing information on the number of samples collected and the number of samples taken in accordance with Part D of Annex I that have failed;	(d) by 31 December 2025 2030, set up a data set containing information on the number of samples collected and the number of samples taken in accordance with Part D of Annex I that have failed;	(d deleted) it is unclear if the loads and concentration referred to in 21.1(a) refers to annual means or each taken sample. If 21.1(a) refers to the latter, the requested information in (d) seem redundant. Having said that, SE question the relevance to gather this type of data on a European level.
(e) by 31 December 2025 2030 , set up a data set containing information on greenhouse gas emissions with a breakdown between different gasses and on the total energy used and renewable energy produced by each urban wastewater treatment plant of 10 000 p.e. and	(de) by 31 December 2025 2030 2027 , set up a data set containing information on greenhouse gas	(d new) Under the precondition that greenhouse gases may be estimated using standardised values or remote sensing methods, this should be possible to compile rather easily. SE thus suggest going for data from the end of 2026.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
above as well as a calculation of the percentage of achievement of the targets set out in Article 11(2) and update that data set annually thereafter; (f) by 31 December 2025 2030, set up a data set containing information on measures taken in accordance with point 3 of Annex V and update that data set annually thereafter; (g) by 31 December 2025 2030, set up a data set containing the monitoring results referred to in accordance with Article 17(1) and (4) and update that data set annually thereafter; (h) by 31 December 2025 2030, set up a data set containing the list of areas identified as sensitive to eutrophication in accordance with Article 7(2) and update that data set every 5 years thereafter in accordance with Article 7(2); (i) by 31 December 2030, set up a data set containing the list of areas identified as areas where the concentration or the accumulation of micro-pollutant represents a risk for human health or the environment in accordance with Article 8(2) and update that data set every 5 years thereafter in accordance with Article 8(2); (j) by 12 January 2029, set up a data set containing information on measures taken to improve access to sanitation in accordance with Article 19, including information on the share of their population that has access to sanitation and update that data set every 6 years thereafter. (k) by 31 December 2027 2030, set up a data set containing the monitoring results referred to in point (c) of Article 21(1) with a comparison of the monthly water and nutrient demand of the crops targeted by the reused fraction of treated urban wastewater referred to in Article 15(2), and update that dataset annually thereafter;	emissions from each urban wastewater treatment plant of 10 000 p.e. and above with a breakdown between different gasses gases; (e) ... (f) by 31 December 202520302031, for the relevant agglomerations, set up a data set containing information on measures taken in accordance with point 3 of Annex V and update that data set annually thereafter; (g) ... (h) by 31 December 202520302027, set up a data set containing the list of areas identified as sensitive to eutrophication in accordance with Article 7(2) and update that data set every 5 years thereafter in accordance with Article 7(2); (i) by 31 December 2030, set up a data set containing the list of areas identified as areas where the concentration or the accumulation of micro-pollutant represents a risk for human health or the environment in accordance with Article 8(2) and update that data set every 5 years thereafter in accordance with Article 8(2); (j) ... (k) by 31 December 20302027, set up a data set containing the monitoring results referred to in point (c) of Article 21(1) with a comparison of the monthly water and nutrient demand of the crops targeted by the reused fraction of treated urban wastewater referred to in Article 15(21), and update that dataset annually thereafter;	(e) should contain information on the methane produced and the energy used and produced by urban wastewater treatment plants of 10 000 p.e and above. And hopefully the share of renewable energy used in relation to the total usage. Since the target still is under negotiation, it is hard to suggest a suitable wording. (f) measures according to annex V point 3 should be included in the IUWURMP. The first ones are to be established on the 31 December 2030. Hence, there cannot be any measures taken to be reported until 2031 for the largest agglomerations (>100 000 p.e.) and 2036 for those above 10 000 p.e. (g) Since Article 17 is still negotiated, this subpara need to be adjusted accordingly. (h) SE support to refer to Article 7(2) but suggest changing the reporting date to 31 december 2027 in accordance with the requirement of that article. (i) SE support to refer to Article 8(2). If the date is changed back to 2027, so should the date of reporting be. (j) SE question the relevance to gather this type of data on a European level and suggest that this requirement is coordinated with the data needed to follow up the related SDG. (k) consequential change due to the ES Pres. suggested move of the derogation from article 15(2) to 15(1).

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
2. Member States shall ensure that the Commission and the EEA have permanent access to the data sets referred to in paragraph 1.		SE support the intention to improve the possibilities of data sharing, giving EEA and the COM permanent access once the data sets have been properly verified and set up.
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article. With regard to the information referred to in paragraph 1, the EEA shall provide the public with access to relevant data through the European Pollutant Release and Transfer Register established under Regulation (EC) No 2006/166.		
4. The Commission is empowered to adopt implementing acts specifying the format of the information to be provided in accordance with paragraph 1. 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 [the last day of the first year from the entry into force of this Directive].</u>		SE support to include a deadline for this implementing act but suggest to change from "will" to "shall".

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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.		SE wishes that the COM clarify the need for and expected usage of the information and data required in relation to these programmes. The requested information is at present not compiled on a national level in Sweden, rather the opposite, as the planning of investments and maintenance is a responsibility of the local authorities and the local operators. If the EU COM sees the need to have information and data at this requested detailed level, SE is of the opinion that MS should be allowed to base the programmes on indicative data. Preferably, SE suggests that detailed programmes should only be requested if a MS is planning to use EU funding for investments. SE suggests that the deadlines are expressed using years instead of months.
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.		

New text proposal_Clusters 2,4	Swedens proposal	Swedens 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.		SE support the suggested change.
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) <u>no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].</u>		SE support the suggested changes.
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		SE can support either the prolonged deadlines in article 6 and 7 suggested by the ES Pres. or this derogation. Not both of them.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
- 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 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, in each agglomeration. The information shall include at least the data listed in Annex VI. The information referred to in paragraph 1 shall also be provided by other means upon justified request.	1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, in each agglomeration . The information shall include at least the data listed in Annex VI. The information referred to in paragraph 1 shall also be provided by other means upon justified request.	SE foresee large administrative burden connected with a requirement to compile all the requested information in Annex VI for each agglomeration. Since Swedish agglomerations rarely coincides with e.g. municipalities, wastewater treatment plant operators or other administrative entities, this would neither be feasible nor practical. Instead we suggest to let each Member State decide on the most appropriate and for the public most convenient local scale.
2. In addition, Member States shall ensure that all persons connected to collecting systems receive regularly and at least once a year, in the most appropriate form, <u>including for example</u> on their invoice or by smart applications, without having to request it, the following information:	2. In addition, Member States shall ensure that all persons households connected to collecting systems receive regularly and at least once a year, in the most appropriate form, <u>including for example</u> on their invoice or by smart applications, without having to request it, the following information:	SE support the suggested changes and further suggest changing the word "persons" in the first sentence to "households", since it usually is households (or rather properties) and not persons that are connected to a collecting system.
(a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I;	(a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I;	
(b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the <u>average</u> household or the connected entity in cubic meter, together with yearly trends and the price of urban wastewater collection and treatment for the <u>average</u> household (cost per litre and cubic meter);	(b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the <u>average</u> household or the connected entity in cubic meter, together with yearly trends and the price of urban wastewater collection and treatment for the <u>average</u> household (cost per litre and cubic meter);	
(c) a comparison of the yearly volume of load of urban wastewater collected and treated for the <u>average</u> household per year and an indication of	(c) a comparison of the yearly volume of load of urban wastewater collected and treated for the <u>average</u> household per year and an indication of	

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.	the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.	
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 and Annex VI by updating the information to be provided to the public online and to the persons connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. 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 and methods by [XX months from the entry into force of this Directive].</u>	4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. 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 and methods by [XX months from the entry into force of this Directive].</u>	SE does see the need to force the COM to produce implementing acts if the Member States are solving this in a sufficiently satisfactory way without such acts.

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.		
2. Article 3(1) and Article 6(1) shall apply from 31 December 2027 in respect of Mayotte.		
3. For urban wastewater discharges that are treated by urban wastewater treatment plants treating a load of 100 000 p.e. and above and that are not required to comply with the requirements set out in Article 7(1) by 31 December 2030, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2035. For urban wastewater discharges from agglomerations of between 10 000 p.e. and 100 000 p.e. that are not required to comply with the requirements set out in Article 7(3) by 31 December 2035, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2040 or a later date compliant with the derogation provided for in Article 7(3) third subparagraph.	3. For urban wastewater discharges that are treated by urban wastewater treatment plants treating a load of 100 150 150 000 p.e. and above and that are not required to comply with the requirements set out in Article 7(1) by 31 December 2030, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 20392035. For urban wastewater discharges from agglomerations of between 10 000 p.e. and 100 000 p.e. that are not required to comply with the requirements set out in Article 7(3) by 31 December 20332035, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 20402045 or a later date compliant with the derogation provided for in Article 7(3) third subparagraph.	First sentence needs consequential changes following the changes of Article 7(1). The SE Pres. compromise text suggested prolonging the last deadline of Article 7(1) until <u>2039</u>. The second subparagraph is redundant after the ES Pres. suggested changes in Article 7(3) and the new 3 bis., since there are no longer any urban wastewater treatment plants not required to comply with this provision in Article 7(3). SE however suggest a second subparagraph provided that Article 7(3) is rewritten excluding the treatment plants already providing tertiary treatment according to Article 5 of 91/271/EEC. The last sentence regarding Article 7(3) needs to be revised when the final wording of Article 7(3) is decided.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
<u>3 bis. For urban wastewater treatment plants that are already in tendering procedure, or are already in construction, or were commissioned after 31 December 2020 and are compliant with the requirements set out in Article 5 of Council Directive 91/271/EC, this Article 5 shall continue to apply until 31 December 2040.</u>	3 bis. For urban wastewater treatment plants that are already in tendering procedure, or are already in construction, or were commissioned after 31 December 2020 and are compliant with the requirements set out in Article 5 of Council Directive 91/271/EC, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 20402045.	SE suggest having this reflected directly in Article 7 instead. Alternatively, the second subpara of 32.3 should be replaced by this. If this is kept consequential changes is needed from 2020 to 2045.
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].		
5. <u>Outermost regions may derogate for a period of maximum 15 years from [OP please insert the date = the date of entry into force of this Directive] the provisions of articles 6, 7 and 8, for discharges into coastal waters of urban wastewater from agglomerations of less than 150 000 p.e., and adopt an appropriate level of treatment, but not less stringent than primary treatment, if it is not technically feasible or it would involve excessive cost according to the cost-benefit ratio and scientific studies that sustain it.</u> <u>For the purposes of the preceding paragraph, the Member States comprising the outermost region shall submit to the Commission the studies referred to in the preceding paragraph.</u> <u>The scientific studies shall consider, in particular, the characteristics of the wastewater discharged into coastal waters as well as the receiving environment.</u>		

ANNEX I 4– REQUIREMENTS FOR URBAN WASTEWATER

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
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.		SE supports the suggested changes
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.		SE supports the suggested changes
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.		SE supports the suggested changes
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 into receiving waters the environment.		SE supports the suggested changes

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
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.	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, 2006/118/EC , 2020/2184/EC and 2006/7/EC.	SE suggests including the Directives of Groundwater and Drinking water in the list of directives to be considered.
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.		

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
1. Member States shall ensure that a monitoring method is applied which fulfils the requirements set out in points 2 to 5. <u>All methods of analysis shall comply with minimum performance criteria as the ones defined in the Directive 2009/90/EC and other relevant rules.</u> 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.		SE supports the suggested changes
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		SE suggests considering the possibility to allow the analysis of weekly pooled samples (7-

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
time-based samples used to monitor micro-pollutants shall be 48-hour samples. Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.		day-samples instead of one daily sample per week) for parameters where preservation methods (e.g. cooling, freezing, acidification) can be used to avoid significant degradation of the target compound(s). This would enable higher representativity in general with regard to parameters required to be monitored in Art 21.3 but without increasing the costs of analyses. For parameters whose compliance is to be assessed using annual averages, this option would provide a considerably better representativity than 52 daily samples.

New text proposal_Clusters 2,4	Swedens proposal	Swedens 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 to <u>99 999</u> p.e. or above</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 sample per day week For micropollutants, two one samples 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 to <u>99 999</u> p.e. or above	One sample per week. For micropollutants, two samples per week month	— 100 000 p.e. or over:	One Two sample per day week For micropollutants, two one samples per week	PUBLIC	SE 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 to <u>99 999</u> p.e. or above	One sample per week. For micropollutants, two samples per week month									
— 100 000 p.e. or over:	One Two sample per day week For micropollutants, two one samples 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 operating conditions must not deviate from the parametric values by more than 100 %. except for the parameter total suspended solids, for	(d) for the parameters specified in Table 3, each sample taken shall be conform to the parametric values set out in that table.									

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
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.		Should be in line with the expression finally chosen for “dry weather /flow/conditions/something else” in Article 5.2(b) and Annex V.2(b)
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_Clusters 2,4	Swedens proposal	Swedens comments																								
Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) and or serving agglomerations referred to in 7(3). For discharges from urban wastewater treatment plants referred to in Article 7.1, both parameters shall apply. For agglomerations referred to in Article 7.3 One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply. <table><tr><th>Parameters</th><th>Concentration</th><th>Minimum percentage of reduction⁵ (See Note 1)</th><th>Reference method of measurement</th></tr><tr><td>Total phosphorus</td><td>0,5 mg/L 1 mg/L (10 000 – 150 000 p.e.) 0,5 mg/L (more than 150 000 p.e.)</td><td>90-85%</td><td>Molecular absorption spectrophotometry</td></tr><tr><td>Total nitrogen</td><td>10 mg/L (10 000 – 150 000 p.e.) 8 mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L (see Note 2) (see Note 3)</td><td>85 82,5%</td><td>Molecular absorption spectrophotometry</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction ⁵ (See Note 1)	Reference method of measurement	Total phosphorus	0,5 mg/L 1 mg/L (10 000 – 150 000 p.e.) 0,5 mg/L (more than 150 000 p.e.)	90-85%	Molecular absorption spectrophotometry	Total nitrogen	10 mg/L (10 000 – 150 000 p.e.) 8 mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L (see Note 2) (see Note 3)	85 82,5%	Molecular absorption spectrophotometry	Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) and or serving agglomerations referred to in 7(3). For discharges from urban wastewater treatment plants referred to in Article 7.1, both parameters shall apply. For agglomerations referred to in Article 7.3 One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply. <table><tr><th>Parameters</th><th>Concentration</th><th>Minimum percentage of reduction(See Note 1)</th><th>Reference method of measurement</th></tr><tr><td>Total phosphorus</td><td>0,5 mg/L4 mg/L (10 000 – 150 000 p.e.) 0,30,50/L (more than 150 000 p.e.)</td><td>90-85%</td><td>Molecular absorption spectrophotometry</td></tr><tr><td>Total nitrogen</td><td>10 (12) mg/L (10 000 – 150 000 p.e.) 6 (8) mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L (see Note 2) (see Note 3)</td><td>85-82,580% (see Note 4)</td><td>Molecular absorption spectrophotometry</td></tr></table>	Parameters	Concentration	Minimum percentage of reduction(See Note 1)	Reference method of measurement	Total phosphorus	0,5 mg/L4 mg/L (10 000 – 150 000 p.e.) 0,30,50/L (more than 150 000 p.e.)	90-85%	Molecular absorption spectrophotometry	Total nitrogen	10 (12) mg/L (10 000 – 150 000 p.e.) 6 (8) mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L (see Note 2) (see Note 3)	85-82,580% (see Note 4)	Molecular absorption spectrophotometry	SE thinks that the option to consider which nutrient that need to be reduced by further treatment shall be possible also for treatment plants referred to in Article 7(1). SE is hesitant to lower the ambition in relation to phosphorus, and suggest stricter requirements with regard to the larger treatment plants. SE support to include sizeclasses for the required treatment. Perhaps it should be clarified whether the requirements refer to the size of the agglomeration or the size of the connected treatment plant? SE suggests to lower the required nitrogen reduction value to 80 %. Considering the Commission impact assessment, this is an ambitious enough requirement.
Parameters	Concentration	Minimum percentage of reduction ⁵ (See Note 1)	Reference method of measurement																							
Total phosphorus	0,5 mg/L 1 mg/L (10 000 – 150 000 p.e.) 0,5 mg/L (more than 150 000 p.e.)	90-85%	Molecular absorption spectrophotometry																							
Total nitrogen	10 mg/L (10 000 – 150 000 p.e.) 8 mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L (see Note 2) (see Note 3)	85 82,5%	Molecular absorption spectrophotometry																							
Parameters	Concentration	Minimum percentage of reduction(See Note 1)	Reference method of measurement																							
Total phosphorus	0,5 mg/L4 mg/L (10 000 – 150 000 p.e.) 0,30,50/L (more than 150 000 p.e.)	90-85%	Molecular absorption spectrophotometry																							
Total nitrogen	10 (12) mg/L (10 000 – 150 000 p.e.) 6 (8) mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L (see Note 2) (see Note 3)	85-82,580% (see Note 4)	Molecular absorption spectrophotometry																							

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New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
Note 1: Reduction in relation to the load of the influent or to the load generated in an agglomeration if the same level of environmental protection can be ensured. If a fraction of treated urban wastewater is used for agricultural irrigation, nutrients in that fraction may be included in the calculation of the influent load and be excluded from the discharged load. Natural nitrogen retention shall not be taken into account in the calculation of the minimum percentage reduction. <u>This Note shall apply only as from [OP please insert the date = the last day of the XX year following the entry into force of the directive] where Member States were taking into account natural nitrogen retention in the calculation of the minimum percentage reduction of Nitrogen referred to under table 2 of Annex I of Council Directive 91/271/EEC.</u> Note 2: This requirement shall apply to existing urban wastewater treatment plants on [OP please insert the date = date of adoption of this Directive] obliged to meet the deadlines established under Article 7.1 and Article 7.3. Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants. <u>Note 3: This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the waste water treatment plant. Alternatively, the daily average must not exceed 15 mg/l N. As a substitute for the condition concerning the temperature, it is possible to apply a limited time of operation, which takes into account the regional climatic conditions. This alternative applies if it can be shown that paragraph 1 of Annex I.D is fulfilled.</u> <u>Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date = last day of the transposition period of the directive].</u>	Note 1: Reduction in relation to the load of the influent or to the load generated in an agglomeration if the same level of environmental protection can be ensured. If a fraction of treated urban wastewater is used for agricultural irrigation, nutrients in that fraction may be included in the calculation of the influent load and be excluded from the discharged load. Natural nitrogen retention shall not be taken into account in the calculation of the minimum percentage reduction. This Note shall apply only as from [OP please insert the date = the last day of the XX year following the entry into force of the directive] where Member States were taking into account natural nitrogen retention in the calculation of the minimum percentage reduction of Nitrogen referred to under table 2 of Annex I of Council Directive 91/271/EEC. Note 2: The requirements within parenthesis shall apply to existing urban wastewater treatment plants on [OP please insert the date = date of adoption of this Directive] obliged to meet the deadlines established under Article 7.1 and Article 7.3. Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants. Note 3: This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the waste water treatment plant. Alternatively, These values for concentration are annual means as referred to in Annex I, paragraph D.4(c). However, the requirements for nitrogen may be checked using daily averages. In this case, the daily average concentration of nitrogen must not exceed 15 mg/l. for the condition concerning the temperature, it is possible to apply a limited time of operation, which takes into account the regional climatic conditions. This alternative applies if it can be shown that paragraph 1 of Annex I.D is fulfilled. Alternatively, when the temperature in the effluent in the biological reactor is below 12 °C, the results of samples taken may be excluded from the calculation of the annual mean for nitrogen as referred to in point (c) where all the following conditions can be demonstrated: (1) the same level of protection of the environment is obtained; and (2) excessive costs and/or excessive energy consumption would be required to reach the values for nitrogen in Table 2.	Note 1: SE supports the initial part of note 1 but suggest alterations of the latter part. See comments below on Note 4. Note 2: SE cannot see the point of Note 2 in the Presidency proposal. We either suggest deleting Note 2 or introducing alternative limit values for the application of Note 2 into table 2. Note 3: SE can support to reintroduce the possibility to consider temperature in the biological reactor. However, we find that the original footnote of the 91/271/EEC Directive in parts are easier to understand and therefore suggest some alterations to the ES Presidency proposal. SE can support to lower the temperature limit of when to exclude result from the calculation to 10° C given the fact that the evaluation is on an annual basis. Note 4 (not written yet): SE sees the need to revise the footnote regarding natural nitrogen retention. In certain parts of Sweden, more than half of the nitrogen discharged into a catchment area is lost through natural processes that convert the discharged nitrogen into nitrogen gas on its way to a sensitive

⁵— Reduction in relation to the load of the influent.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
		area. This is partly explained by long hydraulic retention times in Sweden's large lakes. Under such conditions, if those high levels of natural retention in the catchment area of a sensitive area cannot be considered, it would render a need for unjustified investments and use of resources having very limited environmental benefits. Therefore, SE sees the need for the possibility to consider natural nitrogen retention, at least when the hydraulic retention time is significant (tentatively 1-2 years) before reaching an area sensitive to nitrogen. SE aims to suggest revised wording.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments									
<table><tr><td colspan="3">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum</td><td>percentage of removal</td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td colspan="2">80 % (see Note 2)</td></tr></table>	Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).			Indicators	Minimum	percentage of removal	Substances that can pollute water even at low concentrations (see Note 1)	80 % (see Note 2)		PUBLIC	SE suggest having further technical discussion on the appropriate format and content of this table. We would rather see a table to support Member States to make a judicious selection of the most relevant substances within each Member State. To this end, SE welcome further guidance on the difference or specificities between “substances that can be very easily treated” and “substances that can be easily disposed of”. For substances having rather expensive and still not fully developed methods of analysis, perhaps it would be more appropriate to have one list to determine the apprioriate treatment requirement and another for appropriate operational control. Depending on the chosen treatment type, indicators for a fully operational process may be developed.
Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).											
Indicators	Minimum	percentage of removal									
Substances that can pollute water even at low concentrations (see Note 1)	80 % (see Note 2)										
Note 1: The concentration of the organic substances referred to in points (a) and (b) shall be measured. (a) Category 1 (substances that can be very easily treated): (i) Amisulprid (CAS No 71675-85-9), (ii) Carbamazepine (CAS No 298-46-4), (iii) Citalopram (CAS No 59729-33-8), (iv) Clarithromycin (CAS No 81103-11-9),											

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments												
(v) Diclofenac (CAS No 15307-86-5), (vi) Hydrochlorothiazide (CAS No 58-93-5), (vii) Metoprolol (CAS No 37350-58-6), (viii) Venlafaxine (CAS No 93413-69-5); (b) Category 2 (substances that can be easily disposed of): (i) Benzotriazole (CAS No 95-14-7), (ii) Candesartan (CAS No 139481-59-7), (iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and 6-methyl- benzotriazole (CAS No 136-85-6). Note 2: The percentage of removal shall be calculated for at least six substances. The number of substances in category 1 shall be twice the number of substances in category 2. 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. The average of the percentages of removal of all substances used in the calculation shall be used in order to assess whether the required 80 % minimum percentage of removal has been reached.														
Table 4: Requirement for samples <table><tr><th>Series of samples taken in any year</th><th>Maximum permitted number of samples which fail to conform</th></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></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		
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													

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
54-67	6	PUBLIC	
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		

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
351-365	25		

PUBLIC

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
1. Areas located in the catchments of the Baltic Sea, the Black Sea, 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;	A water body must be identified as a sensitive area if it falls into one of the following groups: 1. Water bodies areas located in the catchments or coastal areas of the Baltic Sea, the Black Sea, 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;	SE suggests reintroducing the opening sentence from the current directive 91/271/EEC to facilitate the reading of the content of the Annex. SE finds that the first point is open for interpretation. SE has found it difficult to understand what criteria applies for which marine region. SE interpret the present wording that only the North Sea and the Adriatic Sea should consider the descriptors referred to in 2008/56/EC. However, "catchment and coastal areas" refer to all the mentioned marine regions. Is this correctly understood? One option could be to clarify the paragraph by dividing it into several sentences as well. The coastal areas – at least for the Baltic Sea – are also sensitive to eutrophication and should be included in this list.
2. Natural freshwater lakes, other freshwater bodies, estuaries and coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken. The following elements shall be taken into account when considering which nutrient should be reduced by further treatment: (a) lakes and streams reaching lakes/reservoirs/closed bays which are found to have a poor water exchange, whereby accumulation may take place. In these areas, the removal of phosphorus should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication. Where discharges from large agglomerations are made, the removal of nitrogen may also be considered; (b) estuaries, bays and other coastal waters which are found to have a poor water exchange, or which receive large quantities of nutrients. Discharges from small agglomerations are	2. Natural freshwater lakes, other freshwater bodies, estuaries and coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken. 3. The following elements shall be taken into account when considering which nutrient should be reduced by further treatment: (a) lakes and streams reaching lakes/reservoirs/closed bays which are found to have a poor water exchange, whereby accumulation may take place. In these areas, the removal of phosphorus should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication. Where discharges from large agglomerations are made, the removal of nitrogen may also be considered; (b) estuaries, bays and other coastal waters which are found to have a poor water exchange, or which	For reasons of clarity (and to make it easier to refer to this paragraph), SE would like to see the second subparagraph of paragraph 2 become a separate paragraph.

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication;	receive large quantities of nutrients. Discharges from small agglomerations are usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication;	
3. Surface freshwaters intended for the abstraction of drinking water which could contain more than the concentration of nitrate laid down under the relevant provisions of Directive (EU) 2020/2184 if protective action is not taken;		
4. Areas where further treatment than that prescribed in Article 7 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 .	4. 5. Areas where further treatment than that prescribed in Article 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.	Since this is a requirement to include an area in the list where tertiary treatment according to Article 7 is required it does not make sense to refer to Article 7 here. In the corresponding point of Annex II in Directive 91/271/EEC, the referral is to Article 4 (corresponding to Article 6). Annex I.B point 6 (and Article 18.2(f) which seem redundant) is considering whether more stringent treatment than that prescribed in Article 7 is required.
5. Any other areas found by the Member States to be sensitive to eutrophication.		

ANNEX 3 III - LIST OF PRODUCTS COVERED BY EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ⁶ .		
2. Cosmetic products falling within the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ⁷ .		

⁶ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67–128).

⁷ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59–209).

ANNEX 6 VI – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for urban runoff and sewer overflows for		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
the parameters referred to in Tables 1 and 2 of Annex I.		
(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;	(7) Investment plans for urban wastewater collection and treatment infrastructures at an appropriate local agglomeration level in order to with-foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;	In SE agglomeration is not always the most appropriate organisational level for this type of analyses. The purpose of this information must be to enlight the public on investment needs and the impact of non- investments. This is best made by the actor responsible for these decisions.
y(8) For each urban wastewater treatment plant in the agglomeration: (a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter);		

New text proposal_Clusters 2,4	Swedens proposal	Swedens comments
(b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy; (c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.		
(9) the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;	(9) the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures at the appropriate local scale in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;	SE suggest keeping it open for Member States to choose the appropriate administrative scale for this type of information.
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

PART A. REPEALED DIRECTIVE WITH LIST OF THE SUCCESSIVE AMENDMENTS THERETO (REFERRED TO IN ARTICLE [19])

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
Council Directive 91/271/EEC (OJ L 135, 30.5.1991, p. 40)			
Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p. 29)			
Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1)	only Annex III, point 21		
Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ L 311, 21.11.2008, p. 1)	only Annex, point 4.2		
Council Directive 2013/64/EU (OJ L 353, 28.12.2013, p. 8)	only Article 1		

PART B. TIME-LIMITS FOR TRANSPOSITION INTO NATIONAL LAW

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		
98/15/EC	30 September 1998		

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
2013/64/EU	31 December 2018 as regards Article 1(1), (2) and (3) 30 June 2014 as regards Article 1(5), point (a) 31 December 2014 as regards Article 1(5), point (b)		

ANNEX 8 VIII – CORRELATION TABLE

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
Directive 91/271/EC	This Directive		
Article 1	Article 1		
Article 2, introductory wording	Article 2, introductory wording		
Article 2, points 1 to 4	Article 2, points 1 to 4		
-	Article 2, points 5 and 6		
Article 2, point 5	Article 2, point 7		
-	Article 2, points 8 and 9		
Article 2, point 6	Article 2, point 10		
Article 2, point 8	Article 2, point 11		
-	Article 2 ,points 12 and 13		
Article 2, point 10	Article 2, point 14		
Article 2, point 11	Article 2, point 15		
-	Article 2, point 16 to 23		
Article 3(1)	Article 3(1)		

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
-	Article 3(2)	PUBLIC	
Article 3(2)	Article 3(3)		
Article 3(1) third subparagraph	Article 4(1)		
-	Article 4(2)		
-	Article 4(3)		
-	Article 4(4)		
-	Article 4(5)		
-	Article 5		
-	Article 6(1)		
Article 4(1)	Article 6(2)		
-	Article 6(3)		
-	Article 6(4)		
Article 4(4)	Article 7(1)		
-	Article 7(2)		
-	Article 7(3)		
Article 5(2)	Article 7(4)		
-	Article 7(5)		
Article 5(4)	Article 7(6)		
Article 5(5)	Article 7(7)		
Article 5(7)	Article 8		
-	Article 9		
-	Article 10		
-	Article 11		
-	Article 12(1)		
Article 9	Article 12(2)		
-	Article 13		
Article 10	Article 14(1)		
Article 11(1)	Article 14(2)		

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
-	Article 14(3)	PUBLIC	
-	Article 14(4)		
Article 11(3)	Article 15(1)		
-	Article 15(2)		
Article 12(2)	Article 15(3)		
Article 12(3)	Article 16		
-	Article 17		
-	Article 18		
-	Article 19		
-	Article 20		
-	Article 21(1)		
Article 15(1)	Article 21(2)		
-	Article 21(3)		
-	Article 22		
-	Article 23(1)		
Article 17(1)	Article 23(2)		
-	Article 23(3)		
-	Article 23(4)		
-	Article 24		
-	Article 25		
-	Article 26		
-	Article 27		
-	Article 28		
Article 18	Article 29		
-	Article 30		
-	Article 31		
-	Article 32		
-	Article 33		

New text proposal_Clusters 2,4		Swedens proposal	Swedens comments
Article 19	Article 34	PUBLIC	
-	Article 35		
Article 20			
Annex I	Annex I(A)		
Annex I(B)	Annex I(B)		
Annex I(C)	Annex I(C)		
Annex I(D)	Annex I(D)		
Annex II	Annex II		
-	Annex III		
Annex III	Annex IV		
-	Annex V		
-	Annex VI		
-	Annex VII		
-	Annex VIII		