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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
Subject:	Urban Wastewater Treatment Directive: Non-paper proposal

Delegations will find in the Annex a non paper from FI and SE delegations.



Ministry of Climate and Enterprise
Natural Environment Division



Non-paper on necessary adaptation of urban wastewater infrastructure under the Urban Wastewater Treatment Directive in relation to the non-deterioration requirement in the Water Framework Directive

Sweden (SE) and Finland (FI) propose to include in the Urban Wastewater Treatment Directive (UWWTD) currently under revision (July 2023), a possibility to authorise the sustainable development of urban wastewater collection and treatment infrastructure in line with the requirements of the Water Framework Directive (WFD), and in particular regarding the non-deterioration requirement as clarified by the Weser ruling.

SE and FI suggest that the new paragraph is placed in Article 15 as a new fourth paragraph, since it is related to the specific authorisation of urban wastewater treatment plants in Article 15(2).

New paragraph in Article 15(4)

“Member States shall take all necessary measures to anticipate and adapt their urban wastewater collection and treatment infrastructures to possible increased loads of domestic wastewater, including the construction of new infrastructures where necessary. By doing so, Member States shall be considered to comply with the objectives set out in Article 4 of Directive 2000/60/EC if all the following conditions are met:

(a) authorising the construction or expansion of an urban wastewater treatment plant is necessary to treat increased or otherwise untreated loads of domestic wastewater in accordance with this Directive;

(b) alternative ways to address increased domestic wastewater loads, including the consideration of alternative points of discharge from urban wastewater treatment

plants, would not produce more environmental benefits, are not technically feasible or involve excessive cost;

(c) all technically feasible mitigating measures are set out in the authorisations granted in accordance with this Directive and effectively implemented to minimize the negative impacts on the affected water bodies including where so is required, more stringent treatment requirements than those applied prior to the increase of domestic wastewater load, aiming to meet the requirements of the directives referred to in Part B point 6 of Annex I;

(d) all technically feasible mitigation measures are implemented to minimize the negative impact of other activities causing similar pressures in the same water body or other water bodies in the same river basin as defined in Article 2(13) of Directive 2000/60/EC.

Compliance with these conditions shall be demonstrated in the relevant River Basin Management Plans developed under Directive 2000/60/EC.”

Background and justification

The possibilities for cities to fulfil the WFD non-deterioration requirement can be foreseen to become more difficult when urban wastewater treatment plants have been expanded to a level where further technological development can no longer compensate for increases in domestic wastewater load from the connected agglomeration. According to the WFD, expansion of a wastewater treatment plant cannot be permitted if the increased discharges risk deteriorating the status of the receiving water body. A possible consequence could be that these cities must stop or limit their growth to avoid the treatment plant to be overloaded.

Referring to the SCG Minutes of the 25th May 2021: “SE requested an update on the possible EC guidance on new/existing UWWTD plants and exemptions under Article 4(7). COM responded that no guidance is planned, as opportunities exist in the European Green Deal context to address the issue. Notably, the ongoing legal reviews of the UWWTD and IED provide the right fora for considering it.”

Hence, SE and FI suggest a new paragraph applicable for discharges from a newly constructed or upgraded urban wastewater treatment plant if the expansion was prompted by the need to treat an increased or otherwise untreated load of domestic wastewater in accordance with the UWWTD.