



Council of the European Union
General Secretariat

**Interinstitutional files:
2022/0345 (COD)**

Brussels, 05 September 2023

WK 10950/2023 INIT

LIMITE

ENV

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 14223/22 + ADD 1
Subject:	Urban Wastewater Treatment Directive: WPE on 11 September 2023 - Presidency steering note

With a view to the above WPE meeting on 11 September 2023, delegations will find attached the Presidency steering note.

WORKING PARTY ON THE ENVIRONMENT (WPE) **11th September 2023**

Urban Wastewater Treatment Directive (UWWTD) (recast) – 2022/0345 (COD)

Presidency steering note

On 11th September 2023, Delegations will continue the discussion on clusters 2 and 4 of the UWWTD recast, during the fourth Working Party on Environment (WPE) of this file under the Spanish Presidency.

Based on the comments received from the Member States (MS) on clusters 2 and 4 after the WPE of 19th July, the Presidency has drafted a new text to be discussed in the next WPE on 11th September. It can be found as Annex I in this Steering Note. Recitals, definitions and annexes related to the articles of clusters 2 and 4 are also included.

New additions to the last version of the text discussed in the WPE of 19th July are marked in bold underlined. Previous additions are set out in bold, while previous deletions are indicated as strikethrough (without bold and underlined). Finally, new deletions are set out strikethrough, bold and underlined.

Please consider that only relevant changes to the mentioned clusters are detailed in this steering note. A summary of the main changes is included below for further clarification.

Some recitals have been included in the compromise text to be discussed during the next WPE. They have been modified to provide greater coherence with the articles they refer to, or to include concepts that did not seem appropriate to appear in the articles.

Article 2 (definitions) is again appearing in full form in the text, in order to keep all definitions together and not to split them. However, only modifications for the definitions related to articles in clusters 2 and 4 have been set out underlined.

Finally, a similar situation happens with **Article 23 (National Implementation Programme)**, which Presidency understands it is related to other articles and therefore is also presented in this Steering Note, but new amendments have been made based on the comments received on these clusters 2 and 4.

Next steps:

After the meeting, the Presidency will invite delegations to submit written specific text proposals on track changes **on clusters 2 and 4 no later than 15th September**. More information will be given at the meeting on next steps.

Summary of the main changes and relevant issues identified by the Presidency.

CLUSTER 2

Recitals 11, 15, 24, 25 and 38; Article 7 -Tertiary treatment + Annex I.B and I.D (Table 2+Table 4) + Annex II; Article 8 – Quaternary Treatment + Annex I.D (Table 3); Article 9 - Extended producer responsibility + Annex 3; Article 10 - Minimum requirements for producer responsibility organisations; Article 15 - Water reuse and discharges of urban wastewater; Article 18 - Risk assessment and management and their associated definitions make cluster 2.

In **article 2** some changes have been introduced in the relevant definitions, such as ‘micropollutants’ and ‘placing on the market’ following the comments of the Member States.

Some of the concepts previously included in those definitions have now been moved to the related Recitals to simplify the definitions. It is the case of the “micropollutants” (**Article 2(16)**) and **Recital 11**, where some changes have been made to state that these substances are hazardous even in low concentrations, and that for the context of this Directive, they can be present in the aquatic environments, urban wastewaters and/or sludge.

Article 2(24), referring to “placing in the market”, and **Recital 15** try to clarify that although the concept of 'placing on the market' does indeed come from internal market law, it has been adapted to the environmental field when used in the context of the extended responsibility of the producer (EPR). The system of EPR can only work at national level - because it consists in the payment of contributions to finance the costs of quaternary treatments, necessary on the territory of a MS. So, as in articles 3(6) and (7) of the Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment: ‘placing on the market’ means the first making available of a product on the market of a Member State.

In **Article 7** (Tertiary treatment), Presidency keeps its approach as a compromise solution. In the previous text proposal, the threshold to apply the requirements for larger agglomerations was increased up to 150.000 p.e. and the compliance deadlines for smaller agglomerations were made progressive and extended up to 2045. The Presidency would like to recall that agglomerations above 10,000 h.e. may benefit from a time derogation if they meet the requirements of article 23(5).

In article 7(1) the deadlines have been slightly extended as suggested by the delegations who considered that the planning and adaptation or refurbishment of this type of infrastructures require a minimum of 6-7 years.

A new addition has been made in article 7(3) to regulate the situation of those plants that are currently in tendering processes or in construction (previously in article 32).

In article 7(5) a new subparagraph a (7(5)(a)) has been added just to clarify which minimum percentage shall apply in each period, and more specifically to clarify the percentage to be applied from the entry into force of this directive until 2039.

In addition, in Table 2 of Annex I.D a new minimum removal percentage for total phosphorus has been proposed, as requested by some delegations. New amendments are proposed in the footnotes of the table: Note 1 bis regarding natural nitrogen retention, and new Note 3 for covering the concerns for the removal of nutrients in adverse temperature conditions (10°C or below).

In **Article 8** (Quaternary treatment), very few comments have been expressed by Delegations and therefore, no major changes have been introduced.

Some delegations have expressed in their comments that it could be difficult to achieve, from a technical point of view, the 80% removal of pollutants in low concentrations or during certain months of the year. That is why an amendment has been made in Annex 1.D(4)(d) related to the way of sampling to verify compliance with the micropollutants percentage of reduction set in Table 3.

In **Articles 9** (Extended producer responsibility) and **10** (Minimum requirements for producer responsibility organisations) there have been almost no drafting proposals. Therefore, no amendments in this sense have been made. It is the Presidency understanding that keeping the current drafting could simplify the implementation of the Directive, avoiding also the interference with REACH Regulation, which already set rules for substances. However, a specific date for the adoption of Commission's implementing act in Article 9 has been set, 2 years, in order to align the obligations of establishing an EPR scheme and the implementation of the quaternary treatment.

In **Article 15** (Water reuse and discharges of urban wastewater), a few additional amendments have been made only to clarify some aspects of the Article that seemed to be confusing for MS.

In **Article 18** (Risk assessment and management), most of comments received from delegations were oriented to clarify or complete the text. Therefore, some changes in paragraphs (1) and (2) have been introduced to detail the scope of the risk assessment to be performed.

An addition has also been made in **Recital 24** to indicate that a broad chemical screening and/or biological effect-based methods could be part of the risk assessment, leaving it to the choice of the Member States.

The Presidency would like to know the views of delegations regarding the proposed text for this set of articles.

CLUSTER 4

Recital 17, 30 and 31; Article 12 – Transboundary cooperation; Article 19 – Access to sanitation; Article 22 – Information on monitoring; Article 23 – National Implementation Programme; Article 24 - Information to public + Annex VI; Article 32 – Repeal and transitional provisions + Annex VII + Annex VIII and their associated definitions make cluster 4.

As indicated above, in **Article 2** some changes have been made to the definitions relevant to cluster 4. In **Article 2(20)** some changes have been made to further clarify the scope of "sanitation" and some amendments have also been made to **Recital 25**.

In **Article 12** (Transboundary cooperation) very few comments have been made, so Presidency has decided to keep the text as it was in the previous version.

In **Article 19** (Access to sanitation), comments from Delegations expressed the need to fully harmonise it with the Drinking Water Directive. Amendments in Article 19 are following these suggestions, while other minor clarifications have been added both in **Definition 2(20)** and **Recital 25**, as already explained.

In **Article 22** (Information on monitoring), minor changes have been made to maintain the consistency of the text with other articles and regulations. In previous WPE some delegations raised doubts about the fact that this article states that a permanent access to the datasets shall be ensured. Written comments have also been received in this regard. Therefore, the Presidency proposes the deletion of 'permanent' as a compromise text. Finally, since the deadlines were extended in previous text proposals based on Member States requests, it has been necessary to introduce in **Article 32** a transitional period to extend the validity of the current reporting system.

Further clarifications to Article 22 have been included in **Recital 30**, to state that the new reporting model will be developed by the European Environmental Agency in collaboration with Member States.

Article 23 (National Implementation Programme) was discussed in the previous WPE (4th September). As explained in the introduction of this steering note, this article has also been introduced in this text proposal for clusters 2 and 4 because of its direct relationship to articles 7 and 8. Not only minor changes have been made to clarify the drafting of this article, but also in **Recital 31** some amendments have been proposed to explain that compliance will be considered when the level of compliance achieved is 95% for the main articles (art. 3 – 8).

In **Article 24** (Information to public), a wide range of comments and doubts were expressed by Delegations. In general, delegations have expressed that it implies heavy burden, because of the amount of information to be provided. Therefore, a set of thresholds and flexibilities have been introduced to reduce it. Besides, in **Annex VI** further comments were expressed by MS regarding the content of the information that has to be provided to the public. However, the comments were too general or in some cases, they suggested the deletion of whole paragraphs and subparagraphs. Presidency would like to receive more concrete and specific text proposals. So far, amendments in **Annex VI** have followed the same approach as in Article 24.

In **Article 32** (Repeal and transitional provisions) a few changes have been made. Firstly, appropriate transitional provisions for Mayotte were included, in order to align them with provisions for other outermost regions, which had also been added. Besides, thresholds and deadlines have been adjusted to be coherent with those stated in Article 7. Finally, the transitional regimes for facilities in construction, or that have been recently commissioned, have been moved to Article 7 as well, and the specific provision for outermost regions have been deleted, since it appears now in article 6 (discussed in the WPE on 4th September).

In regard to cluster 4, the Presidency would like to know the views of delegations regarding the proposed changes.



2022/0345 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning urban wastewater treatment (recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (11) Recent scientific knowledge underpinning several Commission strategies³ highlight the need to take action to address the issue of micro-pollutants, which are now detected **usually** in all waters in the Union. Some of those micropollutants are hazardous for public health and the environment even in ~~small quantities~~ **low concentrations of micrograms per litre or below**. An additional treatment, i.e. quaternary treatment, should therefore be introduced in order to ensure that a large spectrum of micro-pollutants is removed from urban wastewater. Quaternary treatment should first focus on organic micro-pollutants, which represent a

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Strategy for Plastics in a Circular Economy (COM/2018/028 final); Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, European Union Strategic Approach to Pharmaceuticals in the Environment (COM(2019) 128 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment (COM(2020) 667 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' (COM/2021/400 final).

significant part of the pollution and for which removal technologies are already designed. The treatment should be imposed based on the precautionary approach combined with a risk-based approach. Therefore, all urban wastewater treatment plants of 100 000 p.e. and above should provide quaternary treatment, as those facilities represent a significant share of micro-pollutant discharges in the environment and the removal of micro-pollutants by urban wastewater treatment plants at such scale is cost-effective. For agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to apply quaternary treatment to areas identified as sensitive to pollution with micro-pollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.

- (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 hazardousness of their residues. The contributions should cover, but not exceed, the **investment and operational** costs for the monitoring activities for micro-pollutants, the collection, reporting and impartial verification of statistics on the quantities and hazardousness of products placed on the Member States market, and the application of the quaternary treatment to urban wastewater in an efficient manner and in accordance with this Directive, **including the pre-financing of installations already in place at the date of entry into force of this Directive**. 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.
- (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 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. **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.** 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 Convention*⁴ or other relevant regional Conventions such as the Regional Seas or Rivers Conventions.
- (24) In order to protect the environment and human health, Member States should identify the risks caused by urban wastewaters management. **A broad chemical screening and/or biological**

Commented [EGD1]: PRES: in order to be consistent with definition 24.

Commented [EGD2]: PRES: as suggested by some MS, this sentence has been included to clarify that these types of methods could also be part of the risk assessment.

⁴ UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes as amended, along with decision VI/3 clarifying the accession procedure.

effect-based methods can be part of the risk assessment. On the basis of that identification, and where necessary to comply with the requirements of the Union water legislation, Member States should take more stringent measures for the urban wastewater collection and treatment than the measures required to comply with the minimum requirements set out in this Directive. Depending on the situation, those more stringent measures can include, inter alia, the establishment of collecting systems, the development of integrated urban wastewater management plans or the application of secondary, tertiary or quaternary treatment to urban wastewater for agglomerations or urban wastewater treatment plants that do not reach the p.e. thresholds triggering the application of the standard requirements. They can also include more advanced treatment than the treatment necessary to respect the minimum requirements or disinfection of treated urban wastewaters necessary to comply with Directive 2006/7/EC of the European Parliament and of the Council⁵.

- (25) Sustainable Development Goal 6 and the associated target requiring Member States to ‘achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations’ by 2030.⁶ Furthermore, Principle 20 of the European Pillar of Social Rights⁷ states that everyone has the right to access essential services of good quality, including water and sanitation. Against that background, and in accordance with the recommendations in the WHO Guidelines for Sanitation and Health⁸ and the provisions of the Protocol on Water and Health⁹ Member States should tackle the issue of access to sanitation at national level. That should be done through actions aimed at improving access to sanitation for all, for example by setting up sanitation facilities in public spaces, as well as by encouraging the availability of appropriate sanitation facilities in public administrations and public buildings free of charge and/or making them affordable to all. **including all kind of facilities and services, such as flush and dry toilets.** Sanitation facilities should allow the safe management and disposal of human urine, faeces and menstrual blood. They should be safely managed, which implies that they should be accessible to all at all times, including for people with particular needs, such as children, older persons, persons with disabilities and homeless people, that they should be placed in a location that ensures minimal risk to the safety of users, and that they should be hygienically and technically safe to use. Such facilities should also be sufficient in number to ensure that the needs of people are met and waiting times are not unreasonably long. **The sufficient number of sanitation facilities in public spaces will be decided at national level.**
- (30) In order to reduce administrative burden and better use the possibilities offered by digitalisation, the reporting on the implementation of the Directive should be improved and simplified by removing the obligation for Member States to report every two years to the Commission and for the Commission to publish bi-yearly reports. It should be replaced by a requirement for Member States to improve, with the support of the European Environment Agency (EEA), the existing national standardised data sets established under Directive 91/271/EEC, and to regularly update them. **These data sets will be used by the Commission to verify compliance with the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access** Access to the national databases should be provided to the Commission and the EEA. In order to ensure complete information on the

Commented [EGD3]: PRES: this phrase appeared in the previous version in Article 2.20 but the PRES understands that such clarifications should be made better in a recital.

Commented [EGD4]: PRES: as suggested by some MS, the PRES has tried to clarify the scope.

Commented [EGD5]: PRES: addition made in order to clarify the scope and purpose of reporting and the involvement of the EEA and to be coherent with amendments in Article 22.

⁵ 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).

⁶ Resolution adopted by the United Nations General Assembly on 25 September 2015 ([A/70/L.1](#))

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Establishing a European Pillar of Social Rights (COM/2017/0250 final).

⁸ WHO Guidelines on Sanitation and Health, 2018.

⁹ Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 17 June 1999.

application of this Directive, the data sets should include information on compliance of urban wastewater treatment plants with the treatment requirements (pass/fail, loads and concentration of pollutants discharged), on the level of achievement of the objectives of energy neutrality, on GHG emissions of the treatment plants above 10 000 p.e. and on measures taken by the Member States in the context of storm water overflows/ urban runoff, access to sanitation and treatment by individual systems. Moreover, full coherence with Regulation (EC) 166/2006 of the European Parliament and of the Council¹⁰ should be ensured to optimise the use of the data, as well as to support full transparency.

- (31) In order to ensure a timely and proper implementation of this Directive, it is essential that Member States establish a national implementation programme including long-term programming of the required investments accompanied with a financing strategy. Those national programmes should be reported to the Commission. To limit administrative burden, that requirement should not apply to Member States showing a level of compliance of more than 95 % **of the agglomerations are compliant with articles 3 to 8, with regard to the main obligations to collect and treat wastewater.**
- (38) Pursuant to the Interinstitutional Agreement on Better Law-Making¹¹, 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 monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. **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.**

Commented [EGD6]: PRES: amendment introduced to align this recital with Article 23(2).

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. 1–17

¹¹ 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).

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
HAVE ADOPTED THIS DIRECTIVE:

Article 2
Definitions

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 and 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;
- (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 the following:~~
 - (a) the exercise of a trade;
 - (b) ~~activities carried out by an institution;~~
 - (e) ~~or industrial or economical~~ activities;~~The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.~~
- (4) 'agglomeration' means an area where the **population (expressed in population equivalent), 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. ~~into receiving waters;~~
- (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;~~
- (7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;

Commented [IMS7]: PRES: Deletion suggested by MS

Commented [IMS8]: PRES: these clarifications were adapted and moved to Recital 2

Commented [IMS9]: PRES: clarification

Commented [IMS10]: PRES: the addition has been eliminated because some MS commented that discharges could be also made to watercourses that occasionally run dry. Furthermore, « into receiving waters » do not appear in the current Directive

- (8) 'combined sewer' means a **single conduit that that designed to** collects and conducts urban wastewater **including urban runoff, including urban runoff;**
- (9) 'separate sewer' means a **system of** conduits 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;
- (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%.**
- (11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or ~~another process which reduces~~ **removes most of biodegradable organic matter in from urban wastewater;**
- (12) 'tertiary treatment' means treatment of urban wastewater by a process which ~~reduces~~ **removes most of** by a process which ~~removes~~ nitrogen and/or phosphorus from ~~the~~ urban wastewaters;
- (13) 'quaternary treatment' means treatment of urban wastewater by a process which ~~removes~~ **reduces** a broad spectrum of micropollutants ~~in from the~~ **from** urban wastewaters;
- (14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ **organic residue and inorganic sludge residue** resulting from the treatment of urban wastewater **in an urban wastewater treatment plant (excluding debris, grit, grease, other debris and any other screenings residues from the first pre-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;

Commented [IMS11]: PRES has analysed clarifications and suggestions made by MS to find a fine solution for definitions 8 and 9. PRES understands that the current wording of definition 9 already covers all situations, given the definition of 'urban wastewater' established above.

Commented [EGD12]: PRES: following some MS comments and also in consistency with 2(12)

Commented [IMS13]: PRES: some MS considered that definition should not include sludge from primary treatment. It is the PRES understanding that "first treatment step" were referring to the "pretreatment" instead of « primary treatment ». In this sense, some changes have been made to clarify it.

(16) ‘micropollutant’ means a substance, including its breakdown products, ~~that is usually present in the environment and urban wastewaters~~ **present in the aquatic environment, urban wastewater and/or sludge 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 **1272/2008**¹²; **even in low concentrations;**

Commented [IMS14]: PRES: Addition made as suggested by some MS to define the type of environmental matrix to be considered. A clarification has also been added to recital 11 to state that these substances can be hazardous even in low concentration when present in aquatic environments, wastewaters and/or sludge in the context of this Directive.

(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;

(19) ‘Producer Responsibility Organisation’ means ~~a~~ **nationally recognised** organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 **and 10**;

(20) ‘sanitation’ means facilities and services ~~such as flush and dry toilets,~~ for the safe **management and** disposal of human urine, faeces, and menstrual blood, **among others;**

Commented [EGD15]: PRES: this clarification has been moved to the Recital 25.

Also further additions were included because as some MS have suggested, it seems reasonable to consider not only the disposal but also the management of these types of biological/human wastes.

(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;

(24) ‘placing on the market’ means the first making available of a product on the **Member States** market ~~of a Member State~~;

Commented [EGD16]: PRES: some MS suggested to change Member States market by union market. However, PRES understands that the system of EPR can only work at national level - because it consists in the payment of contributions to finance the costs of quaternary treatments, necessary on the territory of a MS. Please see also Art 3(6) and (7) from Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment.

¹² 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).

- (25) 'load' means the amount of organic biodegradable matter **measured** as 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 (usually kilogram per day or year).

Commented [IMS17]: PRES: minor changes have been made to clarify the definition

Article 7

Tertiary treatment

1. By 31 December ~~2030~~ **2033**, 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.~~

Commented [EGD18]: PRES: the deadlines have been slightly extended as suggested by the delegations who considered that the planning and adaptation or refurbishment of this type of infrastructures require a minimum of 6-7 years.

By 31 December ~~2035~~ **2039**, 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.~~

- 2 By 31 December ~~2025~~ **2027**, 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 ~~2030~~ **2033**.

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.

3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that ~~discharges from~~ 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:**

Commented [IMS19]: PRES: some MS commented that this sentence basically means the same as the last one in the next subparagraph, and therefore is not needed

Commented [EGD20]: PRES: to clarify the text

- (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.

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]~~, meet the relevant requirements for 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).

- 3 bis. ~~Tertiary treatment~~ Discharges of urban wastewater 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.

Commented [EGD21]: PRES: amendments made for consistency with paragraphs 1 and 3.

- 3 ter. [NEW] For urban wastewater treatment plants that are already in construction or were commissioned after 31 December 2020 and before the date of entry into force of this Directive, the requirements set out in Article 7 of this Directive, shall apply as from 31 December 2040.

Commented [EGD22]: PRES: following MS requests this paragraph has been moved from Article 32 and adapted with a deadline.

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.

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 overall load entering all urban wastewater treatment plants in that area is:

(a) At least 75 % for total phosphorus and at least 75 % for total nitrogen from the date of entry into force of this Directive.

(b) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2039;

(c) 90 % for total phosphorus and 85 % for total nitrogen by 31 December 2045.

Commented [EGD23]: PRES: this addition has been made as transitional provision to ensure that percentages from D/91/271 keep applying until new deadlines in b) and c) are applicable. Also this is consistent with what Recital 40 states.

Commented [EGD24]: PRES: phosphorus percentage has been increased by request of MS. PRES considers that this will help to reach a better level of environmental ambition.

6. Discharges from urban 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.
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.

Article 8

Quaternary treatment

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 to 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 2033 for discharges from 20% of these urban wastewater treatment plants;

(b) By 31 December 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 2045 for all discharges from these urban wastewater treatment plants.

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 in **2033**, and thereafter every ~~five~~ **six** years ~~thereafter~~ and update it if necessary.

Commented [EGD25]: PRES: addition made as proposed by some MS. It is important to have a first list in 2030 for EPR but after that, it seems better to align the revisions with the WFD cycles.

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 Council¹³, 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.

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). ~~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]~~
4. ~~By 31 December 2035,~~ Member States shall ensure that ~~for 50 % of the agglomerations of between 10 000 p.e and 100 000 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**

Commented [EGD26]: PRES: even though several MS asked for a deadline in this paragraph 3, PRES considers that Article 8(2) is clear enough and it does not requires any methodology to be immediately applied.

¹³ 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).

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:

- (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 100 000 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 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 laid down in paragraph 4 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.

- 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.

676. ~~By 31 December 2030 [OP 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Commented [EGD27]: PRES: to better align it with previous paragraph.

Commented [EGD28]: PRES: since 'may' has been kept, it does not seem necessary to establish a deadline.

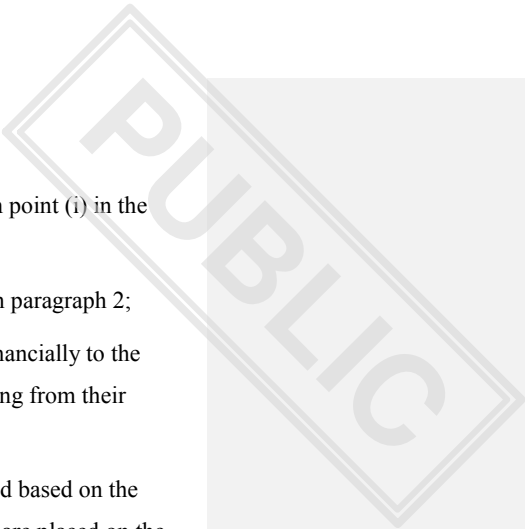
Article 9

Extended producer responsibility

1. Member States shall take measures to ensure that **by [OP please insert the date = the last day of the second year from the date of entry into force of this Directive]**, producers who place any of the products listed in Annex III 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
 - (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.
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 micropollutants in wastewaters ~~at the end of their life~~ **at the end of their life**.
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 their hazardousness**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) ~~no later than [OP~~ **please insert the date = the last day of the second year from the date of entry into force of this Directive**.
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;

Commented [EGD29]: PRES: as some EEMM indicated, « at the end of their life » has been taken back, because it is important that they do not generate micropollutants at that stage either.

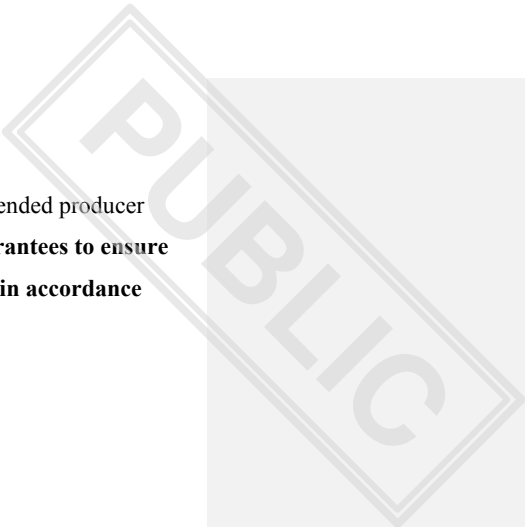
Commented [EGD30]: PRES: a date for this implementing act was missing. Also it should be aligned with the obligation of establishing an EPR scheme in two years.

- 
- (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:
- (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

- 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, **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;**
 - (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.

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.
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 the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, 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;**
- (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.**

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.

Article 12

Transboundary cooperation

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 discharges of urban wastewater

1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from ~~all~~ urban wastewater treatment plants ~~where appropriate~~. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741.

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 there are no risks to human health particularly in relation to pathogenic organisms, 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.

2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations 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~~

Commented [EGD31]: PRES: as requested by MS, addition made to clarify that water reuse should be promoted only where it is appropriate.

Commented [EGD32]: PRES: amendments proposed by MS to clarify this paragraph and also to give consistency with other articles, specially in coherence with Articles 3 and 6 (regarding the threshold).

~~(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.~~

3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every ~~6~~ ten years and, if necessary, adapted. **The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the discharges from non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions requirements set out in Part B of Annex I remain fulfilled.**

Commented [EGD33]: PRES: last sentence was added previously following the suggestions of MS and now it has been amended in order to improve the wording which was confusing according to some MS.

Article 18

Risk assessment and management

1. By ~~[OP 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 **and assess** the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following:
- (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 status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.**
 - (e) the ~~ecological and chemical~~ **status of the receiving surface water body 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 for the receiving surface water body.**

Commented [EGD34]: PRES: addition made as suggested by some MS. It seems reasonable that the risk are not only identified but also assessed (as also it is stated in the title of this article).

Commented [EGD35]: PRES: amendments in (d) and e), and the addition of (f) were made by suggestion of some MS.

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:

(aa) taking additional measures to prevent and reduce pollution of wastewater at source in complement to the measures referred to in Article 14(2);

Commented [IMS36]: PRES: new clause added as suggested by some MS to increase the protection against industrial discharges

- (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;
- (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 I, ~~part~~ Part B.

3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every ~~5~~ six years **aligned with the timing of the review of the River Basin Management Plans developed under the Directive 2000/60/EC and starting on 31 December 2033.** 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 **in the appropriate River Basin Management Plans and** in the national implementation programmes referred to in Article 23 and communicated to the Commission on request.

Article 19

Access to sanitation

Without prejudice to Article 9 of Directive 2000/60/EC and to the principles of subsidiarity and proportionality, whilst taking into account the local, regional and cultural perspectives and circumstances for sanitation, Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups.

Commented [EGD37]: PRES: addition in order to better align this article with Article 16 of the Drinking Water Directive, as suggested by MS.

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 **and ensure the information of the public**;

Commented [EGD38]: PRES: seeking for more consistency with the provisions of the DWD on access to water.

Article 22

Information on monitoring of implementation

1. Member States, assisted by the European Environment Agency (EEA), shall:

- (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;
- (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;
- (c) by 31 December ~~2025~~ **2030**, set up a data set containing information on **the implementation of** ~~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;
- (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;
- (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 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;

Commented [EGD39]: PRES: as pointed out by MS more information than just measures are requested in Article 4(5). The amendments try to better align this subparagraph with 4(5).

(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)~~ **(3)** and update that data set annually thereafter;

Commented [EGD40]: PRES: references in subparagraphs (g) and (k) have been updated.

(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) (1), and update that dataset annually thereafter;**

2. Member States shall ensure that the Commission and the EEA ~~have~~ **permanent** access to the data sets referred to in paragraph 1.

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 ~~for those~~ **pollutants related with urban wastewaters.**

Commented [EGD41]: PRES: Some Member States indicated that ensuring permanent access entailed a high administrative burden. Others suggested to change « permanent acces » to « send the data upon request ». PRES proposes this compromise solution.

Commented [EGD42]: PRES: addition suggested by MS to set out the scope.

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). **The**

Commission will provide the format by [the last day of the ~~second~~ first year from the entry into force of this Directive].

Article 23

National implementation programme

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 level of environmental impact of untreated urban wastewater **and related risks for environment or human health**;
 - (c) an estimate of investments needed to renew, upgrade or replacement of 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.
 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) **no**

Commented [EGD43]: PRES: some clarifications requested by MS were added in subparagraphs b) and c) to highlight the relation with environmental and human health risks and no to limit the estimate of investments to the renew of existing urban wastewater infrastructures, but also for the ones which are being upgraded or replaced.

later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].

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 as set out in Part B and Table 2 of Annex I 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 according to the requirements set out in Council Directive 91/271/EC 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 according to the requirements set out in Council Directive 91/271/EC 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)].

Commented [EGD44]: PRES: addition has been made to clarify that until deadline is reached, the requirements for tertiary treatment that are applying are those of the old D/91/271/EC.

Article 24

Information to the public

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 for~~ **for each agglomeration of above 1000 p.e. or each relevant administrative area.** 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.
2. In addition, Member States shall ensure that all ~~persons~~ **households in agglomerations of above 1000 p.e.** connected to collecting systems receive regularly and at least once a year, in the most appropriate **and easily accessible** form, ~~including for example~~ **by digital means such as** smart applications, without having to request it, the following information:
 - (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 ~~average~~ household or the connected entity in cubic meter, together with ~~yearly~~ trends and the price of urban wastewater collection and treatment for the ~~that average~~ household (cost per litre ~~and or~~ cubic meter);
 - (c) a comparison of the yearly volume ~~of load~~ of urban wastewater collected and treated for the ~~average~~ household per year and an indication of 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 **of this Article** and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ **households** 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

Commented [EGD45]: PRES: different amendments have been made following MS suggestions to clarify the scope

Commented [EGD46]: PRES: new amendments have been made to clarify text and also to better align it with Article 17 of the Drinking Water Directive.

Commented [EGD47]: PRES: the references to 'average' in subparagraphs b) and c) made the comparisons confusing. Amendments try to clarify this.

Commented [EGD48]: PRES: as suggested by MS, usually only one of these values is enough. In any case, conversion from one to another is almost immediate.

Commented [EGD49]: PRES: minor amendments to clarify the text.

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). ~~The Commission will provide the format and methods by 12 months from the entry into force of this Directive.~~

Commented [EGD50]: PRES: the Commission could adopt an implementing act for this matter, but it is not compulsory. Therefore, a fixed deadline seems not to be necessary. MS can give access to the public for all these data under their own established reporting systems, as there is no legal obligation to do so under a certain way.

Article 32

Repeal and transitional provisions

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~~ **2030** and Article 3(2) and Article 6(2) shall apply from [OP please insert the date = last day of the fifteenth year after the entry into force of this Directive] in respect of Mayotte.

Commented [EGD51]: PRES: amendments have been done following MS requests and also to set similar deadlines for the different outermost regions.

3. For urban wastewater discharges that are treated by urban wastewater treatment plants treating a load of **150 000 p.e.** ~~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~~**2033**, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December ~~2035~~**2039**.

Commented [EGD52]: PRES: thresholds and deadlines need to be aligned with those in Article 7, as pointed out by MS. A new wording has been provided for agglomerations of 10 000 p.e. and above in order to reflect the breakdown of deadlines in Article 7(3).

For urban wastewater discharges from agglomerations of ~~between~~ 10 000 p.e. and ~~above 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.~~

(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];

(b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033;

(c) until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the derogation provided for in Article 7(3) third subparagraph.

3 bis [NEW] For urban wastewater treatment plants referred to in Article 7(3)(ter), the requirements set out in Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2040.

Commented [EGD53]: PRES: this paragraph reinforces the transitional provision in Article 7(3)(ter)

3 ter [NEW] From [OP please insert the date = the date of entry into force of this Directive], Articles 15 and 17 of Council Directive 91/271/EC and Commission Implementing Decision 2014/431/EU[2] shall apply to Member States until 31 December 2030.

Commented [EGD54]: PRES: a transitional provision is needed for reporting, since MS asked for an extended deadline in Article 22.

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.~~

Commented [EGD55]: PRES: this transitional provision was moved to Article 7, as requested by MS.

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. 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.~~

~~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.~~

~~The scientific studies shall consider, in particular, the characteristics of the wastewater discharged into coastal waters as well as the receiving environment.~~

ANNEX +I
REQUIREMENTS FOR URBAN WASTEWATER

A. COLLECTING SYSTEMS

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 relevant requirements in Article 5 and annex V.**

B. DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

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.**
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, except in cases where Article 7(5) is applied.**
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(2 4) shall, in addition to the requirements referred to in points 2 and 3, meet the requirements set out in Table 3 of this Annex.**
5. Authorisations **and/or regulations** 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.**

Commented [EGD56]: PRES: as suggested by MS, this clarifications should be added to be more consistent with Article 7(5)

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, 2006/118/EEC and 2020/2184/EC.
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize ~~the~~ **harmful** effects on receiving waters.

Commented [EGD57]: PRES: some MS asked for the inclusion of the reference to these Directives. The presidency understands that it is relevant

Commented [EGD58]: PRES: amendments have been made following MS proposals to focus only in adverse effects and not in all type of effects

D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

1. Member States shall ensure that a monitoring method is applied which fulfils the requirements set out in points 2 to 5. **All methods of analysis shall comply with minimum performance criteria as the ones defined in the Directive 2009/90/EC and other relevant rules.**

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 treatment plant. However, any 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.

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:

— 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 149 999 149 999 to 99 999 p.e. or above	One sample per week. For micropollutants, two samples per week month
150 000 p.e. or above	Two samples per week. For micropollutants, two samples per month
— 100 000 p.e. or over:	One Two sample per day week For micropollutants, two one samples per week

Commented [EGD59]: PRES: as pointed out by some MS, and since thresholds have changed, a slight increase of sampling for larger plants could be acceptable.

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.

4. The treated **urban** 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 the frequency of sampling referred to in paragraph 3 of Part D of Annex I means that one sample is taken in the inlet and one sample is taken in the outlet of the urban wastewater treatment plant in order to verify compliance with the minimum percentage of removal of table 3 of Annex I. The average percentage 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. 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.
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.

Commented [EGD60]: PRES: self-explanatory

Commented [EGD61]: PRES: amendments made to clarify the sampling methodology and how it should work in relation with flexibilities offered in Table 3.

Table 1: Requirements for discharges from urban wastewater treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.			
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	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) <u>40 under Article 6(3)</u>	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 – Centrifuging of a representative sample (for at least five mins with mean acceleration of 2800 to 3200 g), drying at 105 °C and weighing

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.

¹⁴ — Reduction in relation to the load of the influent.

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.~~

Parameters	Concentration	Minimum percentage of reduction ¹⁵ (See Note 1)	Reference method of measurement
Total phosphorus <u>(see Note 2)</u>	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 87,5%	Molecular absorption spectrophotometry
Total nitrogen <u>(see Note 2)</u>	10 mg/L (10 000 – 150 000 p.e.) 8 mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L <u>(see Note 2)</u> (see Note 3)	85 82,5% <u>(see Note 1 bis)</u>	Molecular absorption spectrophotometry

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 1 bis: In exceptional situations due to specific local circumstances where it is demonstrated that part of Nitrogen originated from urban wastewater can be eliminated in the receiving waters, natural nitrogen retention may be taken into account until [OP please insert the date = last day of the fifteenth year after the entry into force of the Directive] for the

¹⁵ — Reduction in relation to the load of the influent.

Commented [EGD64]: PRES: this percentage should be consistent with percentages in Article 7(5). Also it has been slightly increased as suggested by some MS to reach a better level of environmental ambition.

Commented [EGD63]: PRES: Note 2 was moved to ensure that it applies not only to total nitrogen but also to total phosphorus.

Commented [EGD65]: PRES: addition suggested by some MS to consider the natural retention casuistic. This provides the opportunity to take into account natural nitrogen retention when the hydraulic retention time is significant before the discharge reaches an area sensitive to nitrogen. In any case, the removal of nitrogen should be verified by extensive monitoring.

calculation of the minimum percentage reduction of Nitrogen referred to in table 2 of Part B of Annex I if all the following conditions are fulfilled:

- (1) the average hydraulic retention time of the discharged effluent is at least 1,5 years before it reaches the area sensitive to nitrogen designated under Article 7(2);
- (2) representative continuous monitoring programme of the total nitrogen parameter is ensured:
 - (a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 1.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and
 - (b) in the relevant inlets of the concerned area designated under Article 7(2); and
 - (c) at the representative sampling locations in the receiving waters and relevant water bodies in the catchment area of the concerned area designated under Article 7(2);
- (3) the minimum percentage reduction for nitrogen of table 2 is met; this percentage shall be calculated on the basis of the data collected from representative continuous monitoring programme referred to in point (2)
- (4) it can be demonstrated that nitrogen releases from urban wastewater treatment plants in the catchment area are not harmful for the environment, including for biodiversity, and human health and do not modify the ecosystem;
- (5) the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under Annex V.1.2.1 of Directive 2000/60/EC to define the good ecological status of those areas;
- (6) the use of natural nitrogen retention is reported to the Commission in accordance with Article 22(1)(a) together with all the elements necessary to justify that conditions on (1), (2), (3), (4) and (5) above are fulfilled.

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.

~~Note 3: This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the wastewater treatment plant. Below that water temperature, 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.~~

Note 3: ~~Where the temperature in the effluent of the biological reactor is below 10°C, and when feasible below 5°C, the results of the samples taken may be excluded from the calculation of the annual mean for nitrogen as referred to in point (c) where all the following can be demonstrated:~~

- ~~(1) the same level of protection of the environment is obtained;~~
- ~~(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.~~

~~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].~~

Commented [EGD66]: PRES: this note has been modified to ensure an appropriate environmental protection, as requested by some MS.

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(4 3) .	
Indicators	Minimum percentage of removal in relation <u>to the load of the influent</u>
Substances that can pollute water even at low concentrations (see Note 1)	80 % (see Note 2)

Commented [EGD67]: PRES: clarifying addition

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),
- (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~~ **5**-methyl-benzotriazole (CAS No 136-85-6).

Commented [EGD68]: PRES: correction

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	
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
252-268	19
269-284	20
285-300	21
301-317	22
318-334	23
335-350	24
351-365	25

ANNEX II 2
AREAS SENSITIVE TO EUTROPHICATION

1. Areas located in the catchments of the Baltic Sea, the Black Sea, parts of the North Sea and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC and Directive 2000/60/EC, and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC;
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 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 .
5. Any other areas found by the Member States to be sensitive to eutrophication.

Commented [EGD69]: PRES: this paragraph has been rephrased. Previous wording seemed to be confusing.

ANNEX 3III

LIST OF PRODUCTS COVERED BY EXTENDED PRODUCER RESPONSIBILITY

1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council¹⁶.
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 products¹⁷.

¹⁶ 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*).

¹⁷ 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

- (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) **for agglomerations of 10 000 p.e. and above**, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for **polluted** urban runoff and ~~storm-water sewer~~ overflows for 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;

Commented [EGD70]: PRES: amendments were introduced to set threshold for some obligations and in that way, to reduce administrative burden.

Regarding the content of the information that has to be provided to the public, in many cases there were different opinions/approaches.

Also comments were received suggesting the deletion of content, paragraphs and/or subparagraphs, but they were too general and no specific or detailed changes were proposed.

(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;

(8) For each urban wastewater treatment plant **of 10 000 p.e. and above 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);

(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.~~

Commented [EGD71]: PRES: it is already included in (9), as some MS have pointed out

(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 **of 10 000 p.e. and above** in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;

(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])

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

Directive	Time-limit for transposition
91/271/EC	30 June 1993
98/15/EC	30 September 1998
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

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)
-	Article 3(2)
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 4(1)	Article 6(1)
-	Article 6(2)
-	Article 6(3)
Article 4(4)	Article 6(4)
-	Article 7(1)
-	Article 7(2)
Article 5(2)	Article 7(3)
-	Article 7(4)
Article 5(4)	Article 7(5)

Article 5(5)
Article 5(7)
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Article 9
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Article 10
Article 11(1)
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Article 11(3)
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Article 12(2)
Article 12(3)
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Article 15(1)
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Article 17(1)
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Article 18
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Article 7(6)
Article 7(7)
Article 8
Article 9
Article 10
Article 11
Article 12(1)
Article 12(2)
Article 13
Article 14(1)
Article 14(2)
Article 14(3)
Article 14(4)
Article 15(1)
Article 15(2)
Article 15(3)
Article 16
Article 17
Article 18
Article 19
Article 20
Article 21(1)
Article 21(2)
Article 21(3)
Article 22
Article 23(1)
Article 23(2)
Article 23(3)
Article 23(4)
Article 24
Article 25
Article 26
Article 27
Article 28
Article 29
Article 30

-	Article 31
-	Article 32
Article 19	Article 33
-	Article 34
Article 20	Article 35
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

