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WK 10952/2023 INIT

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MEETING DOCUMENT

From: General Secretariat of the Council
To: Working Party on the Environment

Subject: Urban Wastewater Treatment Directive: Follow-up to WPE on 4 September 2023 -
Call for comments and Presidency presentation

Following the above WPE meeting, delegations will find attached a table with Articles and Annexes of the "New text proposal on Clusters 1, 3 and 5".

Comments should be sent to the Presidency ([REDACTED]),
[REDACTED] and [REDACTED], copying the
Commission ([REDACTED]) and
[REDACTED] and the Council Secretariat ([REDACTED]),
[REDACTED] and
environment@consilium.europa.eu) by **Monday 11 September 2023, cob.**

Delegations will find attached for information the presentation given by the Presidency at the meeting.

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WPE – Urban Wastewater Treatment Directive

4th September 2023

Cluster of articles and related provisions

Cluster 1

- **Subject matter** – Art 1. Recital 2.
- **Collecting systems** - Art 3, Art 2(1-4, 7, 10), Art 23(5). Annex I.A. Recitals 4 and 5.
- **Individual systems** - Art 4, Art 2(1-4, 7, 10). Recital 6.
- **Integrated urban wastewater management plans** - Art 5 + Art 2(3, 5-6, 8-9). Annex V. Recitals 7 and 8.
- **Secondary treatment** - Art 6, Art 2(11), Art 23(5). Annex I.B, I.D (Table 1). Recitals 8 and 12.

Cluster of articles and related provisions

Cluster 3

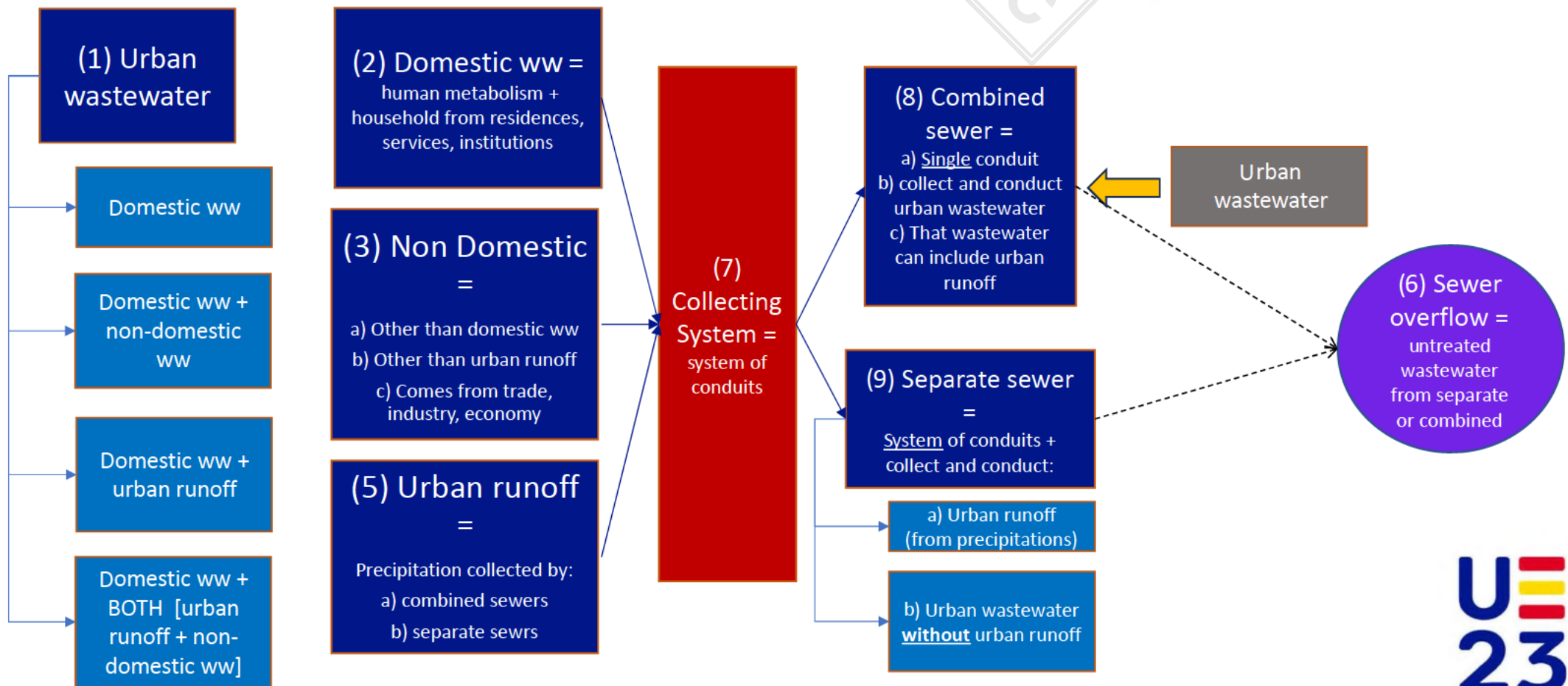
- **Energy neutrality of UWWTP** - Art 11. Recital 16.
- **Local climate conditions** - Art 13. Recital 18.
- **Discharges of non-domestic wastewater** - Art 14. Art 16.
Art 2(3). Annex I.C. Annex IV. Recital 19 and 21.
- **Urban wastewater surveillance** - Art 17. Art 2(21). Recital 22
and 23.
- **Sludge** - Art 20. Art 2(14). Recital 28.
- **Monitoring** - Art 21. Recital 29.

Cluster of articles and related provisions

Cluster 5

- **Access to Justice** – Art. 25. Recital 34.
- **Compensation** – Art. 26.
- **Exercise of delegation** – Art. 27. Recital 35
- **Committee** – Art. 28. Recital 36
- **Penalties** – Art. 29. Recital 37.
- **Evaluation** – Art. 30. Recital 3 and 38.
- **Review** – Art. 31.
- **Transposition** – Art 33. Recitals 41, 42 and 43.
- **Entry into force** – Art 34.
- **Addressees** – Art 35.

Rationale behind definitions: types of wastewater and sewers



Rationale behind Article 11.2

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WHAT?	Member States shall ensure that, at national level, urban wastewater treatment plants treating a load of 10 000 p.e. and above produce energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001...
BASED ON...	...based on the results of the audits referred to in paragraph 1
HOW?	<p>This energy will be produced from urban wastewater resources, on or off-site.</p> <p>A maximum of 25% of energy may be produced or purchased from external renewable sources.</p>
RESULT & WHEN?	<p>Member States shall ensure that total annual energy from renewable sources produced by urban wastewater treatments plants or purchased under paragraphs 1 and 2 is equivalent to at least:</p> <ul style="list-style-type: none">(a) 20 % of the total annual energy used by such plants by 31 December 2030;(b) 60% of the total annual energy used by such plants by 31 December 2035;(c) 100 % of the total annual energy used by such plants by 31 December 2040



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¡Gracias!

Dear Delegates,

Kindly find attached the articles and annexes of the «New text proposal_Clusters1,3,5» discussed at the meeting on **04th September** for the UWWTD in a table form. We kindly ask for your detailed and specific comments by **11th of September**.

Kindly note the following important instructions when completing the table:

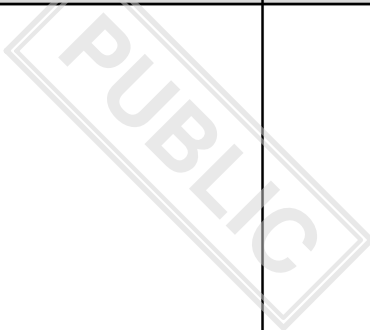
- Please do not delete any lines or squares from the table and do not insert any new lines or squares;
- Insert your comments into the 2nd and 3rd columns of the table only, in the line/square corresponding the provision concerned.
- For drafting suggestions, For drafting suggestions, please highlight amendments in bold and deletions in bold strikethrough **in another colour**.
- You are free to change header/footer of the attached file as you wish - but please keep the table intact.

If appropriate, Delegations may include at the end of the table any comments they wish that have not been included in the table. Since the table does not include the recitals, Delegations are kindly requested to include comments to the recitals in the related articles if they deem it necessary

RECITALS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Recitals amended:</i>		
<p>(2) Directive 91/271/EEC sets the legal framework for the collection, treatment and discharge of urban wastewater and the discharge of biodegradable wastewaters from certain industrial sectors. <u>Urban wastewaters can be formed by different mixtures of domestic wastewaters, urban runoff and non-domestic wastewater from other origins. Wastewater from institutions such as offices, schools, kitchens with food preparation, etc. which are predominantly originated from the human metabolism, qualifies as domestic wastewaters as well.</u> Its objective is to protect the environment from being adversely affected by insufficiently treated urban wastewater discharges. This Directive should continue to pursue the same objective, whilst also contributing to the protection of public health, when for instance urban wastewater is discharged in bathing waters or in water bodies used for the abstraction of drinking water, or when urban wastewater is used as an indicator for parameters relevant for public health. It should also improve access to sanitation and to key information related to the governance of the urban wastewater collection and treatment activities. Finally, this Directive should contribute to the progressive elimination reduction of greenhouse gas (GHG) emissions from urban wastewater collection and treatment activities, notably by further reducing nitrogen emissions but also by promoting energy efficiency and production of renewable energies, and thus should contribute to the 2050 objective of Climate Neutrality established under Regulation (EU) 2021/1119 of the European Parliament and of the Council¹.</p>		

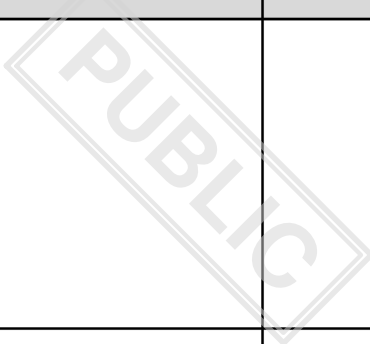
¹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of 1 000 p.e. and above should be collected in centralised collecting systems, <u>unless they justify a derogation for the use of individual systems under paragraph 1 of Article 4.</u> When delineating their agglomerations, Member States should take into account the <u>indicative reference threshold of 10 to 25 p.e. per hectare above which the population, possibly combined with economic activities, located in a specific area are considered sufficiently concentrated.</u> Where centralised <u>such</u> systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.</p>		
<p>(6) Exceptionally, where <u>Where</u> it can be demonstrated that the establishment of a centralised urban wastewater collecting system would produce no environmental benefit, <u>would not be technically feasible,</u> or <u>would</u> involve excessive costs, Member States should be allowed to use individual systems to <u>collect and</u> treat urban wastewater, as long as they ensure the same level of <u>protection of the environment</u> treatment as secondary and tertiary treatment. For this purpose, Member States should establish national registers to identify individual systems used on their territory and take all necessary measures to ensure that the design of such systems is adequate, that the systems are properly maintained and that they are subject to a regular compliance control. In particular, Member States should ensure that individual systems used for the collection and storage of urban wastewater are impervious and leak-proof, and that monitoring and inspection of the systems are carried out at regular and fixed intervals. <u>Where individual systems are used to collect and treat more than 2% of the urban wastewater load at national level from agglomerations of 2 000 p.e. and above, Member States should provide the Commission with justifications for the reasons for the use of individual systems instead of collecting systems, the level of compliance of those systems with established standards under this Directive and</u></p>		

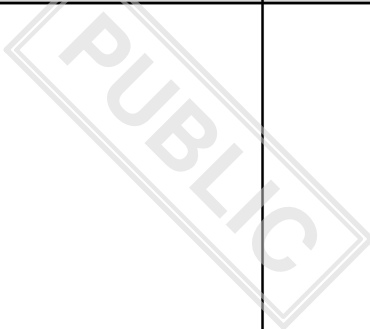
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><u>measures taken to reduce the use of such systems. The Commission should be empowered to adopt implementing acts to establish the format of the reporting and the level of details of the information to be provided by national authorities.</u></p>		
<p>(7) During rainfall, storm water overflows and urban runoff represent a sizeable remaining source of pollution discharged into the environment. Those emissions are expected to increase due to the combined effects of urbanisation and progressive change of the rain regime linked with climate change. Solutions to reduce that source of pollution should be defined at local level taking into account the specific local conditions. They should be based on an integrated quantitative and qualitative water management in urban areas. Therefore, Member States should ensure that integrated urban wastewater management plans are established at local level for all agglomerations of 100 000 p.e. and above as those agglomerations are responsible for a significant share of the pollution emitted. Furthermore, integrated urban wastewater management plans should also be put in place for agglomeration of between 10 000 p.e. and 100 000 p.e. where storm water overflows or urban runoff poses a risk for the environment or public health. <u>In order to ensure an adequate coverage of the integrated management plans and a comprehensive solution to storm water problems, they should be established for each urban wastewater drainage area of the concerned agglomerations.</u></p>		
<p><u>(8 bis) In order to protect the environment, in particular the coastal and marine environment, and public health from being adversely affected by the discharge of insufficiently treated urban wastewater, secondary treatment should be applied to all discharges of urban wastewater from agglomerations of 1 000 p.e. and above. Nevertheless enough time should be given to Member States to adapt their treatment infrastructures for agglomerations discharging their wastewaters into 'less sensitive areas' in coastal areas where 'appropriate treatment' is applied as defined in Council</u></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><u>Directive 91/271/EEC. This adaptation time should be expanded in the case of Madeira due to the difficulty to install secondary treatment due to the specific geographical condition of the island.</u></p>		
<p>(11) Recent scientific knowledge underpinning several Commission strategies² highlight the need to take action to address the issue of micropollutants, which are now detected <u>usually</u> in all waters in the Union. Some of those micropollutants are hazardous for public health and the environment even in <u>small quantities low concentrations of micrograms per litre or below</u>. An additional treatment, i.e. quaternary treatment, should therefore be introduced in order to ensure that a large spectrum of micropollutants is removed from urban wastewater. Quaternary treatment should first focus on organic micropollutants, which represent a 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 micropollutant discharges in the environment and the removal of micropollutants 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 micropollutants 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</p>		

² 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).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>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.</p>		
<p>(16) The evaluation has also shown that the wastewater treatment sector offers the opportunity to significantly reduce its own energy consumption and to produce renewable energy, for example by better use of the available surfaces in urban wastewater treatment plants for solar energy production or by producing biogas from sludge. The evaluation also illustrated that, without clear legal obligations, only partial progress can be expected in this sector. In this context, Member States should be required to ensure that the total annual energy used by all urban wastewater treatment plants on their national territory treating a load of 10 000 p.e. and above does not exceed the production of energy from renewable sources as defined in Article 2(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council³, by those urban wastewater treatment plants. <u>In order to take into account the specificities of each urban wastewater treatment plant, optimise the investments needed and provide for the required flexibility to reach the abovementioned objective, while ensuring that the potential for renewable energy production and for energy savings is fully seized, the energy neutrality objective should be met at national level and not for each treatment plant. All renewable energies produced by the urban wastewater treatment plant or from the transformation of urban wastewater residues, whether on-site or off-site, such as hydraulic, solar, thermal, wind energy or biogas, should be taken into account.</u></p>		

³ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><u>A maximum share of 25% of renewable energy, not directly linked to urban wastewater treatment activities, may be purchased or produced from external sources.</u> That objective should be progressively met with interim targets by 31 December 2040. Reaching this energy neutrality target will contribute to reduce the avoidable greenhouse gas (GHG) emissions from the sector by 46 %, while supporting the achievement of the 2050 climate neutrality objectives and related national and Union objectives, such as the objectives set out in Regulation (EU) 2018/842 of the European Parliament and of the Council⁴. Encouraging EU-based biogas or solar energy production while enhancing energy efficiency measures in line with the Energy Efficiency First principle⁵, which means taking utmost account of cost-efficient energy efficiency measures in shaping energy policy and making relevant investment decisions, will also help reduce the Union energy dependence, one of the objectives expressed in the Commission "Repower EU" Plan⁶. It is also in line with Directive (EU) 2018/844 of the European Parliament and of the Council⁷ and with Directive (EU) 2018/2001 in which urban wastewater treatment sites are qualified as 'go-to' areas for renewables, meaning a location designated as particularly suitable for the installation of plants for the production of energy from renewable sources. In order to reach the objective of energy neutrality via optimal measures for each urban wastewater treatment plant and for the collection system, Member States should ensure that energy audits are carried out in accordance with Article 8 of Directive 2012/27/EU of the European Parliament and of the</p>		

⁴ Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

⁵ Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond.

⁶ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: REPowerEU Plan (COM/2022/230 final).

⁷ Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>Council⁸ every four years. Those audits should include an identification of the potential for cost-effective use or production of renewable energy following the criteria set out in Annex VI to Directive 2012/27/EU.</p>		
<p>(19) Urban wastewater treatment plants also receive non-domestic wastewater, including industrial wastewater, which can contain a range of pollutants not explicitly covered by Directive 91/271/EEC, such as heavy metals, microplastics, micropollutants and other chemicals. <u>This non-domestic wastewater may come from industries, or commercial establishments, or hospitals and other medical facilities, etc.</u> In most instances, there is a poor understanding and knowledge of such pollution which could deteriorate the functioning of the treatment process and contribute to the pollution of the receiving waters, but also prevent the recovery of sludge and the reuse of treated wastewater. Member States should therefore regularly monitor and report on such non-domestic pollution that enters the urban wastewater treatment plants and is discharged into water bodies. To prevent pollution from non-domestic wastewater discharges at source, releases from industries or enterprises connected to collecting systems should be subject to prior authorisation. In order to ensure that collecting systems and urban wastewater treatment plants are technically capable of receiving and treating the incoming pollution, the operators who manage urban wastewater treatment plants receiving non-domestic wastewater should be consulted before those permits are issued and should be able to consult the issued permits in order to be able to adapt their treatment processes. Where non-domestic pollution is identified in the incoming waters, Member States should take appropriate measures to reduce pollution at source, by enhancing the monitoring of pollutants in collecting systems so that the pollution sources can be identified and, where necessary, by</p>		

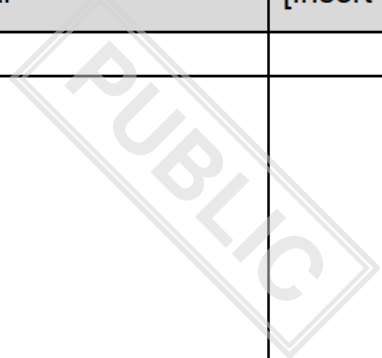
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⁸ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>reviewing the authorisations provided to relevant, connected urban wastewater treatment plants.</p>		
<p>(18) (19 bis) The water resources of the Union are increasingly under pressure, resulting in permanent or temporary water scarcity in some areas of the Union. The Union's ability to respond to the increasing pressures on water resources could be improved through a wider reuse of treated urban wastewater, limiting freshwater abstraction from surface and groundwater bodies. Therefore, the reuse of treated urban wastewater should be encouraged and applied whenever appropriate, whilst taking into account the need to ensure that the objectives of good ecological and chemical status of the receiving bodies, as defined in Directive 2000/60/EC, are met. The reinforcement of the requirements for the treatment of urban wastewater, and the actions to better monitor, track and reduce pollution at source, will have impacts on the quality of treated urban wastewater, and will therefore support water reuse. Where water reuse serves the purpose of agricultural irrigation, it should be carried out in accordance with Regulation (EU) 2020/741 of the European Parliament and of the Council⁹.</p>		
<p>(28) The evaluation concluded that sludge management could be improved to better align it with the principles of the circular economy and of the waste hierarchy as defined in Article 4 of Directive 2008/98/EC. The actions to better monitor and reduce pollution at source from non-domestic discharges will help improving the quality of the sludge produced and ensure its safe use in agriculture. In order to ensure a proper and safe recovery of nutrients, including the critical substance phosphorus, from the sludge, minimum recovery rates should be defined at Union level. <u>The recovered nutrients shall be used as substitutes for primary nutrients, for example, in the production of fertilizers.</u></p>		

⁹ Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (OJ L 177, 5.6.2020, p. 32).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>(29) Additional <u>Adequate</u> monitoring is necessary to verify compliance with the new requirements concerning micropollutants, non-domestic pollution, energy neutrality, GHG emissions, storm-water <u>sewer</u> overflows and <u>polluted urban runoff discharges. Microplastics and relevant micropollutants should be monitored, where relevant, in sewer overflow discharges with a representative sampling programme which would inform concentration adopted for water quality modelling. This monitoring should be updated on a regular basis to ensure the modelling continues to be representative of local conditions.</u> To verify the performance of the quaternary treatment concerning the reduction of micropollutants in urban wastewater discharges, it is sufficient to monitor a limited set of representative micropollutants. The monitoring frequencies should be aligned to the current best practices, as currently practiced in Switzerland. To remain cost-effective, those obligations should be adapted to the size of the urban wastewater treatment plants and of the agglomerations. The monitoring will also contribute to provide data for the overall Environmental Monitoring Framework as set up under the 8th Environmental Action Programme, and more specifically feed the Zero Pollution Monitoring Framework underpinning it.</p>		
<p>(36) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission for the adoption of standards for the design of individual systems, for the adoption of monitoring and assessment methods for the indicators of the quaternary treatment, for the establishment of common conditions and criteria for the application of the exoneration for certain products from extended producer responsibility, for establishing methodologies to support the development of integrated urban wastewater management plans, <u>for the development of alternative indicators to load-based indicative objective of pollution reduction based for instance on volume, frequency of sewer overflows, or other relevant alternative indicator, and for establishing methodologies</u> to measure antimicrobial</p>		



New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>resistance and microplastics in urban wastewater, and for the adoption of the format of, and modalities for, presenting the information to be provided by Member States and compiled by the EEA on the implementation of this Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁰.</p>		
<p>(39) Directive 91/271/EEC provides for specific deadlines for Mayotte due to its inclusion in 2014 as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union. Therefore, the application of the obligations to establish collecting systems and apply secondary treatment to urban wastewater from agglomeration of 2 000 p.e. and above should be deferred with respect to Mayotte.</p>		
<p>(39 bis) It is appropriate to consider the specific situation of Mayotte and the other Union's outermost regions, as listed in Article 349 of the TFEU, which provides for specific measures to support those regions. In terms of urban wastewater treatment of these territories, special attention should be given to the difficult topography and insularity.</p>		

¹⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

ARTICLE 1 – SUBJECT MATTER

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(2); (3)		
<p>1. This Directive lays down rules on the collection, treatment, and discharge of urban wastewater, to protect the environment and human health while progressively eliminating reducing greenhouse gas emissions <u>to sustainable levels</u> and improving the energy balance of urban wastewater collection and treatment activities. It also lays down rules on access to sanitation, on transparency of the urban wastewater sector and on the regular surveillance of public health relevant parameters in urban wastewaters.</p>		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
<p>For the purpose of this Directive, the following definitions apply:</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>(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;</p>		
<p>(2) 'domestic wastewater' means wastewater from residential settlements, and services and institutions which originates predominantly from the human metabolism and/or from household activities;</p>		
<p>(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:</p> <ul style="list-style-type: none"> (a) the exercise of a trade; (b) activities carried out by an institution; (c) or industrial or economical activities; <p><u>The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.</u></p>		
<p>(4) 'agglomeration' means an area where the population <u>(expressed in population equivalent)</u>, combined or not with and/or economic activities pollution load of urban wastewater is sufficiently concentrated (taking as a reference 10 p.e. per hectare or above) for urban wastewater to be collected and conducted to one or more an urban wastewater treatment plants or to a one or more final discharge points, <u>into receiving waters</u>;</p>		
<p>(5) 'urban runoff' means precipitation rainwater from agglomerations collected by combined or separate sewers;</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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;		
(8) 'combined sewer' means a <u>single</u> conduit that that designed to collects and conducts urban wastewater <u>including urban runoff</u> ; including urban runoff ;		
(9) 'separate sewer' means a <u>system of conduits</u> that separately collects and conducts <u>either urban runoff</u> or either of the following: (a) domestic urban wastewater <u>not including urban runoff</u> ; (b) non-domestic wastewater <u>non-domestic wastewater</u> ; (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%.		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>(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;</p>		
<p>(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;</p>		
<p>(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;</p>		
<p>(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);</p>		
<p>(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;</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>(16) 'micropollutant' means a substance, including its breakdown products, that is usually present in the environment and urban wastewaters in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC <u>1272/2008</u>¹¹;</p>		
<p>(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;</p>		
<p>(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;</p>		
<p>(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10;</p>		
<p>(20) 'sanitation' means facilities and services for the safe disposal of human urine, faeces, and menstrual blood;</p>		
<p>(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;</p>		

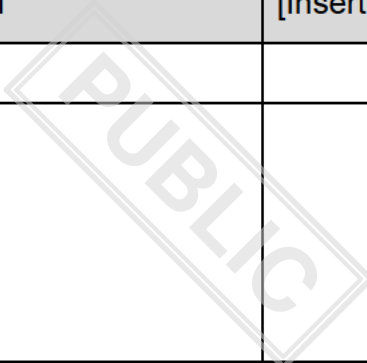
¹¹ Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(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 market of a Member State		
(25) ' <u>load</u> ' means the amount of <u>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).</u>		

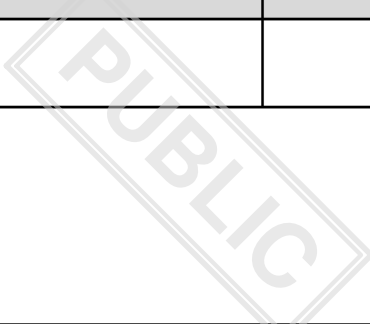
ARTICLE 3 – COLLECTING SYSTEMS AND CALCULATION OF THE LOAD EXPRESSED IN P.E

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>1. Unless they justify a derogation under paragraph 1 of Article 4, Member States shall ensure that all agglomerations with a p.e. of 2 000 p.e. and above comply with the following requirements:</p> <ul style="list-style-type: none"> (a) they are provided with collecting systems; (b) all their sources of domestic urban wastewater are connected to the collecting system. 		
<p>2. Unless they justify a derogation under paragraph 1 of Article 4, By 31 December 2030 2033, Member States shall ensure that all agglomerations with a p.e. of between 1000 and 2000 p.e. comply with the following requirements of paragraph 1 by 31 December 2033:</p> <ul style="list-style-type: none"> (a) they are provided with collecting systems; (b) all their sources of domestic urban wastewater are connected to a the collecting system. <p>Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.</p>		
<p>3. The calculation of the load of an agglomeration expressed in p.e. shall be based <u>calculated</u> on the <u>basis of the maximum average weekly load entering the treatment plant generated in that agglomeration</u> during the year, excluding unusual situations such as those due to heavy rain. The calculation of the load expressed in p.e. subject to treatment in an urban wastewater treatment plant, shall also be based on the maximum average weekly load;</p>		



New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
4 3 . Collecting systems shall fulfil the requirements of Part A of Annex I.		



ARTICLE 4 – INDIVIDUAL SYSTEMS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(1) 'urban wastewater'; (2) 'domestic wastewater'; (3) 'non-domestic wastewater'; (4) 'agglomeration'; (7) 'collecting system'; (10) '1 population equivalent'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(4); (5); (6)		
<p>1. By way of derogation Member States may derogate from Article 3, where exceptionally if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental or health benefit, it is not technically feasible or because it would involve excessive cost.</p> <p>If derogating from Article 3, Member States shall ensure that individual systems for the collection, storage and, when applicable, treatment of urban domestic urban wastewaters ('individual systems') are used for in for in agglomerations of 1 000 p.e. and above.</p>		

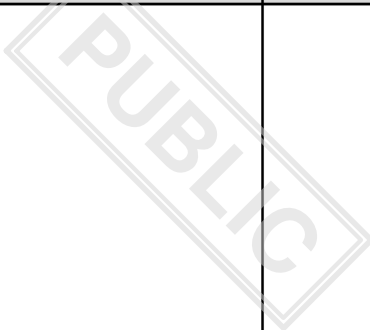
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ensures at least achieves the same level of environmental protection treatment as the secondary and tertiary treatments referred to in Articles 6 and 7. Tertiary treatment for individual systems will only be required in those cases that individual systems are discharging in a sensitive area or a catchment area.</p> <p>This requirement will apply to existing individual systems six years after 2033.</p>		
<p>3. [NEW] Member States shall ensure that individual systems <u>that are used</u> in agglomerations of 1 000 p.e. and above, where individual systems are used are registered in a <u>public national, or regional or local</u> registry and that regular inspections or other means of regular checks or control of those systems, on the basis of a risk-based approach, are carried out by the appropriate authority or other body authorised at <u>national, or regional or local</u> level.</p>		
<p>34. The Commission is empowered to adopt delegated implementing acts in accordance with the procedure referred to in Article 27 to supplement this Directive by that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for establishing minimum requirements or for:</p> <p>(a) the design, operation, and maintenance of individual system; and</p> <p>(b) by specifying the requirements for the regular inspections referred to in paragraph 2 3, on the basis of a risk-based approach second subparagraph.</p> <p><u>The Commission will provide the requirements by {24 months from the entry into force of this Directive}.</u></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>45. Member States that use individual systems to treat more than 2% of the urban wastewater load at national level from agglomerations of 2 000 p.e. and above shall provide the Commission with a detailed justification for the use of individual systems in each of the agglomerations in each of the agglomerations. That justification shall:</p> <p>(a) demonstrate for each of those agglomerations that the conditions for using individual systems set out in paragraph 1 are fulfilled;</p> <p>(b) describe the measures taken in accordance with paragraph 2 and 3;</p> <p>(c) demonstrate compliance with the minimum requirements referred to in paragraph 34 where the Commission has exercised its delegated implementing power under that paragraph.</p>		
<p>56. The Commission is empowered to adopt implementing acts establishing the format for submitting the information referred to in paragraph 45. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). The Commission will provide the format by <u>124 months</u> from the entry into force of this Directive.</p>		

ARTICLE 5 - INTEGRATED URBAN WASTEWATER AND POLLUTED URBAN RUNOFF MANAGEMENT PLANS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(3) 'non-domestic wastewater'; (5) 'urban runoff'; (6) 'sewer overflow'; (8) 'combined sewer'; (9) 'separate sewer'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(7); (8)		
1. By 31 December 2030 2035, Member States shall ensure that an integrated urban wastewater management plan is established for each <u>drainage area of agglomerations</u> of 100 000 p.e. and above.		

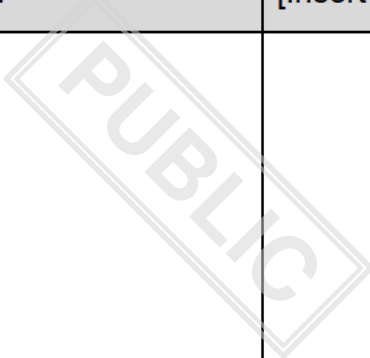
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>2. By 31 December 2025 2027 2030 Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, one or more of the following conditions apply:</p> <p>(a) sewer storm water overflow or <u>polluted discharges of urban runoff discharges</u> poses a risk to the environment or human health;</p> <p>(b) sewer storm water overflow represents more than 4% 3% of the annual collected urban wastewater load of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I, calculated in dry weather flow conditions;</p> <p>(c) sewer storm water overflow or <u>polluted discharges of urban runoff discharges</u> prevents the fulfilment of any of the following:</p> <p>(i) the requirements established under Article 5 of Directive (EU) 2020/2184;</p> <p>(ii) the requirements set out in Article 5(3) of Directive 2006/7/EC of the European Parliament and of the Council¹²;</p> <p>(iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council¹³;</p> <p>(iv) the environmental objectives set out in Article 4 of Directive 2000/60/EC.</p> <p>(v) the requirements established under Article 3 of Directive 2006/118/EC¹⁴</p> <p>Member States shall review the list referred to in the first subparagraph every five six years after its establishment and update it where necessary.</p> <p><u>Following an update of the list, Member States shall ensure that integrated management plans are established for agglomerations within six years of their inclusion in that list.</u></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
3. By 31 December 2035 2040, Member States shall ensure that an integrated urban wastewater management plan is established for <u>each drainage area of agglomerations</u> referred to in paragraph 2		
4. Integrated urban wastewater management plans shall be made available to the Commission on request.		
5. Integrated urban wastewater management plans shall include at least the elements set out in Annex V.		

¹² 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).

¹³ Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84)

¹⁴ Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration

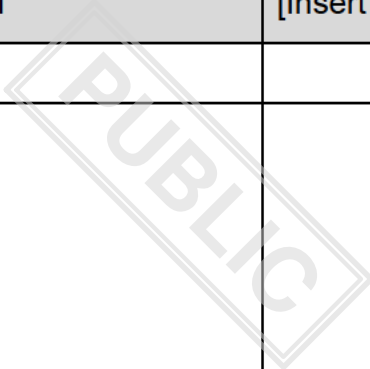
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>6. The Commission is empowered to adopt implementing acts to:</p> <p>(a) provide methodologies for the identification of the measures referred to in point 3 of Annex V;</p> <p>(b) provide methodologies for the determination of alternative indicators to verify whether the indicative objective of pollution reduction referred to in point 2 (a) of Annex V is achieved;</p> <p>(c) determine the format by which integrated urban wastewater management plans are to be made available to the Commission where requested in accordance with paragraph 4.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). The Commission will provide the methodologies and formats by <u>124 months</u> from the entry into force of this Directive.</p>		
<p>7. Member States shall ensure that integrated urban wastewater management plans are reviewed at least every six 5 years after their establishment and updated where necessary.</p>		

ARTICLE 6 – SECONDARY TREATMENT

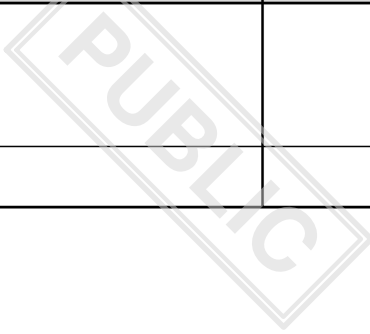
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		
<p>(11) 'secondary treatment'</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(12); (8bis)		
<p>1. For agglomerations of 2 000 p.e. and above, Member States shall ensure that urban wastewater treatment plants serving agglomerations of 2 000 p.e. and above urban wastewater entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment of urban wastewater, set out in accordance with Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I paragraph 3 or an equivalent treatment before discharge into receiving waters.</p> <p>For agglomerations of between 2 000 p.e. and 1 000 p.e. which are discharging into coastal areas, the obligation set out in the first paragraph shall not apply until 31 December 2027 for:</p> <p>(a) For For agglomerations of between 2 000 p.e. and 10 000 p.e. which are discharging into coastal areas waters as defined under Directive 2000/60/EC and which apply appropriate treatment in accordance with Article 7 of Council Directive 91/271/EEC on [please insert the date = date if entry into force of this directive]; the obligations set out in the first paragraph shall not apply until 31 December 2030.</p> <p>(b) For agglomerations discharging into less sensitive areas as referred to in Article 6(1) of Council Directive 91/271/EEC the obligations set out in the first paragraph shall apply in seven years after the on [please insert the date = date if entry into force of this Directive] and fifteen years in the case of Madeira after the entry into force of this Directive.</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>2. For agglomerations of between 1 000 p.e. and 2 000 p.e., <u>Unless they justify a derogation under paragraph 1 of Article 4,</u> Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December 2033 urban waste water entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I accordance with paragraph 3 or an equivalent treatment before discharge into receiving waters by 31 December 2030.</p> <p>Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.</p>		
<p>3. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.</p> <p><u>3. Urban wastewater discharges to waters situated in high mountain regions (over 1500 m above sea level) where it is difficult to apply an effective biological treatment due to low temperatures may be subjected to treatment less stringent than that prescribed in paragraph 1, provided that detailed studies demonstrate that such discharges do not adversely affect the environment and that those studies are communicated to the Commission on request.</u></p>		

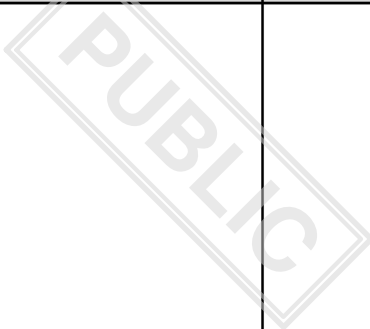


New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
4. The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the urban wastewater treatment plant during the year, excluding unusual situations due to heavy rain.		



ARTICLE 11 – ENERGY ~~AND CLIMATE~~ NEUTRALITY OF URBAN WASTEWATER TREATMENT PLANTS ~~AND COLLECTING~~ SYSTEMS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(16)		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective measures to reduce the use of energy and or enhance the production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing greenhouse gas methane emissions. The first audits shall be carried out:</p> <p>(a) by 31 December 2025 2030 for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them;</p> <p>(b) by 31 December 2030 2035 for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>2. Member States shall ensure that, <u>at national level, urban wastewater treatment plants treating a load of 10 000 p.e. and above produce energy from renewable sources, the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level, on or off-site, by urban wastewater treatment plants treating a load of 10 000 p.e. and above is equivalent to at least, based on the results of the audits referred to in paragraph 1.:</u></p> <p><u>This energy will be produced from urban wastewater resources, on or off-site. A maximum of 25% of energy may be produced or purchased from external renewable sources.</u></p> <p><u>Member States shall ensure that total annual energy from renewable sources produced by urban wastewater treatments plants or purchased under paragraphs 1 and 2 is equivalent to at least:</u></p> <p>(a) 50 20 % of the total annual energy used by such plants by 31 December 2030;</p> <p>(b) 75 60% of the total annual energy used by such plants by 31 December 2035;</p> <p>(c) 100 % of the total annual energy used by such plants by 31 December 2040₂.</p> <p>In the calculation of the total annual energy produced from renewable sources as referred to in the first subparagraph, Member States may take into account a maximum of 10 % of renewable energy neither produced by urban wastewater treatment operators nor produced within a 5 kilometer radius from an urban wastewater treatment plants.</p> <p>Member States shall ensure that the potential for energy produced from urban wastewater resources, as demonstrated by the energy audit as referred in paragraph 1, is used to full extent, representing at least 80% of the energy used by urban wastewater treatment plants referred to in points (a), (b) and (c) of the first subparagraph.</p>	<p>[Insert MS name] proposal</p>	<p>[Insert MS name] comments</p>

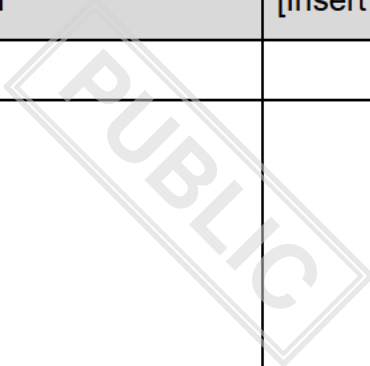
ARTICLE 13 – LOCAL CLIMATIC CONDITIONS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(18)		
Member States shall ensure that the urban wastewater treatment plants built to comply with the requirements set out in Articles 6, 7, and 8 are designed, constructed, operated and maintained to ensure sufficient performance under all normal local climatic conditions. When designing the plants, seasonal variations of the load shall be taken into account.		

ARTICLE 14 – DISCHARGES OF NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(3) 'non-domestic wastewater'		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant recitals (please comment on recitals linked to this article)</i></p>		
<p>(19)</p>		
<p>1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior general binding rules regulations and/or specific authorisations by the competent authority or appropriate body.</p> <p>Those general binding rules <u>prior</u> regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled, <u>and, when applicable, that quality and quantity of relevant discharges of non-domestic wastewater is monitored.</u></p> <p>Where general binding rules regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority or appropriate body:</p> <p>(a) consults <u>and informs</u> the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations;</p> <p>(b) <u>on request</u> allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas on request.</p> <p>(c) <u>Where prior regulations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the operators of collecting systems and urban wastewater into which the non-domestic wastewater is discharged, are consulted before the prior regulations are adopted.</u></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>2. Member States shall ensure that competent authorities or appropriate bodies take the appropriate measures, including a review of the general binding rules regulations and/or specific authorisations, to identify, prevent and reduce as far as possible the sources of pollution in non-domestic wastewater referred to in paragraph 1 of this Article where any of the following situations arise:</p> <p>(a) pollutants have been identified at the inlets and outlets of the urban wastewater treatment plant under the monitoring of Article 21(3);</p> <p>(b) sludge arising from urban wastewater treatment is to be used in accordance with Council Directive 86/278/EEC¹⁵;</p> <p>(c) treated urban wastewater is to be reused in accordance with Regulation (EU) 2020/741;</p> <p>(d) the receiving waters are used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;</p> <p>(e) the pollution of the non-domestic wastewater discharged into the collecting system, or the urban wastewater treatment plant poses a risk to the operation of that system or plant.</p>		

15 Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>3. The general binding rules regulations and specific authorisations referred to in paragraph 1 of this Article shall fulfil the requirements set out in Part C of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend Part C of Annex I in order to adapt it to technical and scientific progress in the field of environmental protection.</p>		
<p>4. The specific authorisations referred to in paragraph 1 shall be reviewed and, where necessary, adapted at least every 6 ten years.</p> <p>The general binding rules regulations referred to in paragraph 1 shall be reviewed at regular intervals and, where necessary, adapted.</p> <p>If the characteristics of the non-domestic wastewater, the urban wastewater treatment plant or the receiving water body change significantly, the provisions of the specific authorisations shall be reviewed and adapted to these changes updated in the cases where the characteristics of the non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.</p>		

ARTICLE 16 – BIODEGRADABLE NON-DOMESTIC WASTEWATER

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(3) 'non-domestic wastewater'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(21)		
<p>1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental protection as the requirements set out in partPart B of Annex I.</p>		
<p>2. The requirements referred to in paragraph 1 of this Article shall apply when the following conditions are fulfilled:</p> <p>(a) the wastewater originates from plants treating a load of 4 000 p.e. and above that belong to the industrial sectors listed in Annex IV and that do not carry out any of the activities listed in Annex I to Directive 2010/75/EU of the European Parliament and of the Council¹⁶;</p> <p>(b) the wastewater does not enter an urban wastewater treatment plant before it is discharged to receiving waters ('direct discharge').</p>		

16 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334 17.12.2010, p. 17).

ARTICLE 17 – URBAN WASTEWATER SURVEILLANCE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(21) 'antimicrobial resistance'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(22); (23)		

~~1. Member States shall monitor the presence of the following public health parameters in urban wastewater:~~

~~(a) SARS-CoV-2 virus and its variants;~~

~~(b) poliovirus;~~

~~(c) influenza virus;~~

~~(d) emerging pathogens;~~

~~(e) contaminants of emerging concern;~~

~~(f) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring.~~

21. For the purpose of paragraph 1, Member States shall set up a national system for ~~permanent~~ cooperation and coordination between competent authorities responsible for public health and competent authorities responsible for urban wastewater treatment with regard to:

(a) the identification of ~~other~~ **relevant** public health parameters ~~than the ones referred to in paragraph 1~~ that are to be monitored **at least in the inlet of** urban wastewater **treatment plants, such as those in the following list:**

(i) SARS-CoV-2 virus and its variants of interest;

(ii) poliovirus;

(iii) influenza virus;

(iv) emerging pathogens;

~~**(v) contaminants of emerging concern;**~~

~~**(vi)**~~ **(v) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring;**

(b) the determination of the location and the frequency of urban wastewater sampling and analysis for each public health parameter identified in accordance with ~~paragraph 1(a)~~, **taking into account thus regarding** the available health data and the needs in terms of public health data and, where relevant, the local epidemiological situations;

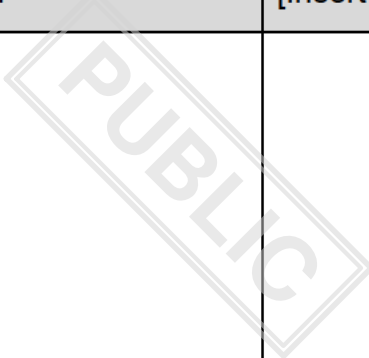
(c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union

PUBLIC

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
platforms, where such platforms are available, <u>and in accordance with data protection law.</u>		
<p>32. When a public health emergency due to SARS-CoV-2 is declared by the competent authority responsible for public health in the Member State, the presence of SARS-CoV-2 and its variants relevant public health parameters shall be monitored in urban wastewaters from a representative distribution at least 70 % of the national population. Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population, and at least one sample shall be taken per week for agglomerations of 100 000 p.e. and more. This monitoring shall continue until this the competent authority declares that the public health emergency due to SARS-CoV-2 has ended, <u>or during a longer period if deemed useful for other purposes, according to the same competent authority.</u></p> <p>To determine whether there is a public health emergency, the competent authority shall take into account consider Commission decisions adopted pursuant to Article 23(1) of Regulation (EU) 2022/2371 of the European Parliament and of the Council¹⁷, assessments of the European Centre for Disease Prevention and Control, and decisions of the World Health Organisation (WHO) taken in accordance with the International Health Regulations and Commission decisions adopted pursuant to Article 23(1) of Regulation .../... of the European Parliament and of the Council¹⁸+.</p>		

¹⁷ Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU. (OJ L 314, 6.12.2022, p. 26–63).

¹⁸ + OP: Please insert in the text the number of the Regulation contained in document PE-CONS 40/22 (2020/0322(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>43. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January 2025 2026 <u>[OP please insert the date = the last day of the second year from the date of adoption of the implementing act in the following subparagraph]</u>, ensure that antimicrobial resistance is monitored at least twice a year in at the inlets and outlets of urban wastewater treatment plants and, when relevant, in the collecting systems.</p> <p>By <u>[OP please insert the date = the last day of the second year from the date of entry into force of this Directive]</u>, The the Commission shall may shall adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure an a uniform application of this Directive by establishing a minimum frequency of sampling and a harmonised methodology for measuring antimicrobial resistance in urban wastewaters.</p>		
<p>54. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).</p>		

ARTICLE 20 – SLUDGE AND RESOURCE RECOVERY

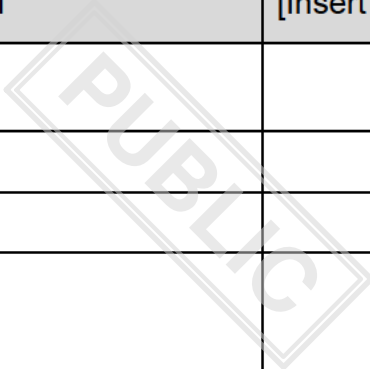
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		
<p>(14) 'sludge'</p>		
<p><i>Relevant recitals (please comment on recitals linked to this article)</i></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(28)		
<p>1. Member States shall take the necessary measures to ensure that sludge management routes are conform to the waste hierarchy provided for in Article 4 of Directive 2008/98/EC. Such routes shall maximize prevention, preparing for reuse, and recycling and other material recovery of resources and minimize the adverse effects on the environment.</p>		
<p>2. The Commission is empowered to adopt delegated implementing acts in accordance with the procedure referred to in Article 27 to supplement this Directive by setting out promoting to set out the minimum reuse and recycling rates for phosphorus and nitrogen from wastewater and sludge, and from urban wastewater not reused under the derogation of Article 15(1), taking in order to take into account available technologies, resources, and economic viability for phosphorus and nitrogen recovery, in sludge and wastewater. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</p>		

ARTICLE 21 – MONITORING

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(29)		
<p>1. Member States shall ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant monitor:</p> <p>(a) discharges from urban wastewater treatment plants in order to verify compliance with the requirements of part Part B of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I and, this monitoring shall include including loads and concentrations of the parameters listed in Part B Tables 1, <u>and 2 and 3</u> of Annex I;</p> <p>(b) amounts, composition and destination of sludge, <u>taking into account requirements of Directive 86/278/EEC for sludge intended to be used in agriculture;</u></p> <p>(c) the destination of the treated urban wastewater including the share of reused water quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2 1); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater;</p> <p>(d) the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of above 10 000 p.e. and above, <u>by means of analysis, calculations or modelling where appropriate;</u></p> <p>(e) the greenhouse gases methane produced and the energy used and produced by urban wastewater treatment plants of above 10 000 p.e and above.</p>		



New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>2. For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, appropriate bodies or operators of the collecting system monitor carry out sufficient sufficient representative monitoring of sewer the concentration and loads of pollutants from storm water overflows and polluted discharges of urban runoff discharged into water bodies in order to be able to model the concentration and loads of the parameters listed in Table 1 and 2 of Annex I as well as the content of microplastics and relevant micropollutants in these discharges.</p>		

3. For all agglomerations of ~~above~~ 10 000 p.e. **and above**, Member States shall **ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant** monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the following elements:

(a) pollutants **that are expected to be found in urban wastewaters** listed in:

(i) Annexes VIII and X to Directive 2000/60/EC, the Annex to Directive 2008/105/EC, Annex I to Directive 2006/118/EC and Part B of Annex II to Directive 2006/118/EC;

(ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council¹⁹;

(iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council²⁰;

(iv) Annexes I and II to Directive 86/278/EEC.

(b) parameters listed in Part B of Annex III to Directive (EU) 2020/2184, where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive;

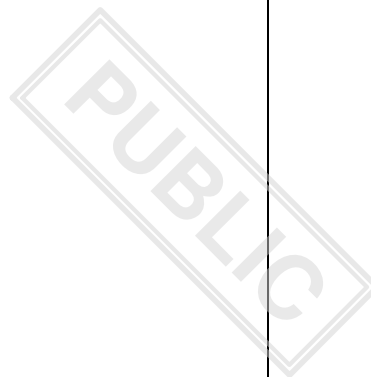
(c) the presence of microplastics.

[NEW] Pollutants listed under points (a) and (b) may be excluded from the monitoring under this paragraph as long as it can be demonstrated, inter alia on the basis of monitoring results, that they are absent in urban wastewaters.

For all agglomerations of above 10 000 p.e., Member States shall **ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant** monitor the presence of micro-plastics in the sludge **when relevant and, notably, when it is reused in agriculture.**

~~4.~~ The monitoring referred to in ~~the first and second sub~~ **this** paragraphs ~~3~~ shall be carried out with the following frequencies:

(a) at least two samples per year, with maximum ~~6-7~~ months between the samples, for agglomerations of ~~100 000~~ **150.000** p.e. and ~~more above~~;



New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>(b) at least one sample every 2 two years for agglomerations of between 10 000 p.e. and 100 000 p.e.</p> <p><u>[NEW] The This monitoring frequency established in this paragraph may be halved in subsequent years if the monitoring results for the pollutants referred to in this paragraph 3 are below standards applicable Environmental Quality Standards under Directive 2008/105/EC or below detection limits or below limits of quantification during the first three successive years of the monitoring. The monitoring frequency should be reviewed at least every year.</u></p> <p><u>5. The Commission is empowered to adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure a uniform application of this Directive by establishing a methodology for measuring greenhouse gas emissions from urban wastewater treatment plants and microplastics in urban wastewater and sludge. The Commission will provide the methodologies by [24 months from the entry into force of this Directive].</u></p>		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		

- 19 Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (Text with EEA relevance) (OJ L 331, 15.12.2001, p. 1).
- 20 Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) (OJ L 33, 4.2.2006, p. 1).

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
<p>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.</p> <p>Those programmes shall include:</p> <p>(a) an assessment of the level of implementation of Articles 3 to 8;</p> <p>(b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the environmental impact of untreated urban wastewater;</p> <p>(c) an estimate of investments needed to renew existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates;</p> <p>(d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.</p>		
<p>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.</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>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.</p>		
<p>4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <u>no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].</u></p>		

5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines:

(a) the deadlines referred to in Article 3(2) and/or in Article 6(2) on the conditions that:

(i) less than 50 % of these agglomerations are provided with collecting systems and are not subject to secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and

(ii) the national implementation programme includes:

- the number of agglomerations between 1 000 and 2 000 p.e. that lacks a collecting system and secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and

- a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines;

(b) the deadline for agglomerations referred to in Article 7(3) on the conditions that:

(i) at least 50 % of these agglomerations are not applying tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and

(ii) the national implementation programme includes:

- the number of agglomerations referred to in Article 7(3) lacking tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and

- a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines;

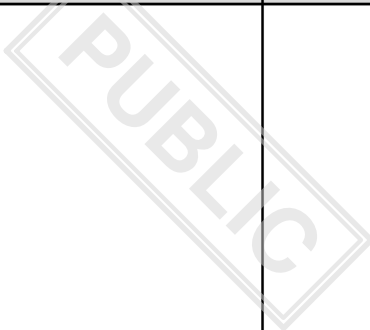
The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if

PUBLIC

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].		

ARTICLE 25 – ACCESS TO JUSTICE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		

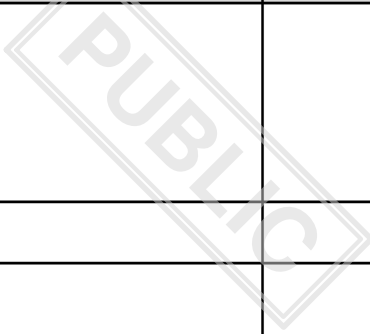
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>1. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions or acts or omissions subject to Articles 6, 7 or 8 of this Directive when at least one of the following conditions is met:</p> <p>(a) they have a sufficient interest;</p> <p>(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.</p> <p>Standing in the review procedure shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.</p> <p>The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.</p>		
<p>2. Member States shall determine at what stage the decisions, acts or omissions referred to in paragraph 1 may be challenged.</p>		

ARTICLE 26 – COMPENSATION

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
<p>1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.</p>		
<p>2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.</p>		
<p>3 2. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.</p>		
<p>5 3. Member States shall ensure that may establish ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1</p>		

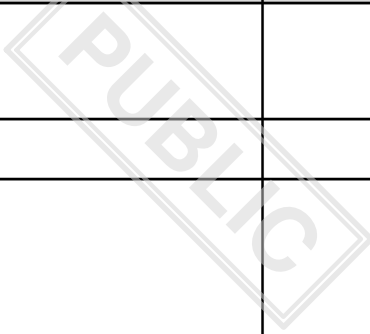


ARTICLE 27 – EXERCISE OF THE DELEGATION

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		
<p><i>Relevant recitals (please comment on recitals linked to this article)</i></p>		
<p>(35)</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>		
<p>2. The power to adopt delegated acts referred to in Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), and 24(3) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>		
<p>3. The delegation of power referred to in Articles 4(3), 6(3), 7(4), 8(5), 14(3), 20(2), and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>		
<p>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		
6. A delegated act adopted pursuant to Articles 4(3), 6(3) , 7(4), 8(5), 14(3), 20(2), or 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		



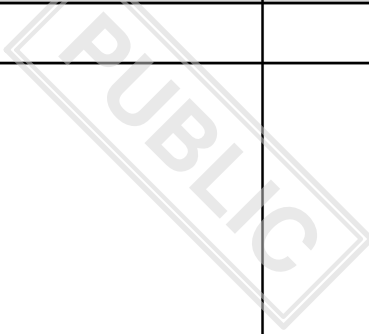
ARTICLE 28 – COMMITTEE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(36)		
1. The Commission shall be assisted by the committee for the adaptation to scientific and technical progress and		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
implementation of the directive on urban wastewater treatment.		
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		

ARTICLE 29 – PENALTIES

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(37)		
<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>2. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:</p> <p>(a) the nature, gravity, and extent of the violation infringement;</p> <p>(b) the intentional or negligent character of the violation;</p> <p>(c) (b) the population or the environment affected by the violation infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment.;</p> <p>(c) the repetitive or singular character of the infringement;</p>		
<p>3. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.</p>		

ARTICLE 30 – EVALUATION

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		
<p><i>Relevant recitals (please comment on recitals linked to this article)</i></p>		

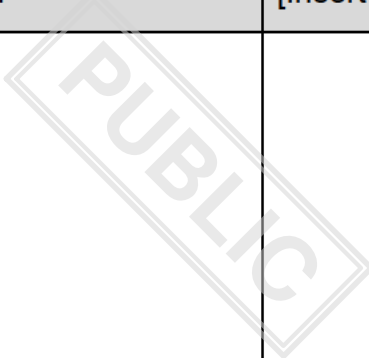
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
(38)		
<p>1. By 31 December 2030 and by 31 December 2040, the Commission shall carry out an evaluation of this Directive based in particular on the following elements:</p> <p>(a) the experience gained through the implementation of this Directive;</p> <p>(b) the data sets referred to in Article 22(1);</p> <p>(c) relevant scientific, analytical and epidemiological data, including results from research projects funded by the Union;</p> <p>(d) WHO recommendations, where available;</p> <p>(e) an analyse of the possible need to adapt the list of products to be covered by extended producer responsibility to the evolution of the range of products placed on the market, improved knowledge on the presence of micropollutants in wastewaters and their impacts on public health and the environment, and data resulting from the new monitoring obligations on micropollutants in the inlets and outlets of the urban wastewater treatment plants.</p> <p>The Commission shall present a report on the main findings of the evaluation referred to in the first subparagraph to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.</p>		
<p>2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1, second subparagraph.</p>		

ARTICLE 31 – REVIEW

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.		

ARTICLE 33 – TRANSPOSITION

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(42); (43)		
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the twenty-third month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.</p> <p>When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.</p>		
<p>2. Member States shall communicate to the Commission the text of the main provisions measures of national law which they adopt in the field covered by this Directive.</p>		

ARTICLE 34 – ENTRY INTO FORCE

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		
<p><i>Relevant recitals (please comment on recitals linked to this article)</i></p>		
<p>This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
Articles [...] and Annexes [...] [refer to the articles and annexes which are unchanged by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].		

ARTICLE 35 – ADDRESSEES

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
<p>This Directive is addressed to the Member States.</p> <p>Done at Brussels,</p> <p>For the European Parliament For the Council</p> <p>The President The President</p>		

ANNEX I 4– REQUIREMENTS FOR URBAN WASTEWATER

A.COLLECTING SYSTEMS

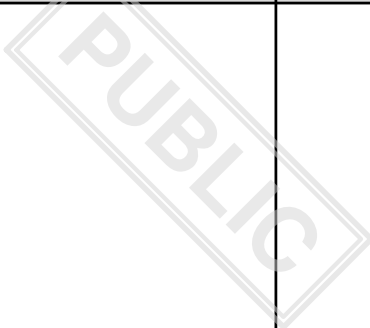
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
<p>Collecting systems shall take into account wastewater treatment requirements.</p> <p>The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding:</p> <ul style="list-style-type: none"> - 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 sewer overflows considering the relevant requirements in Article 5 and annex V. 		

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

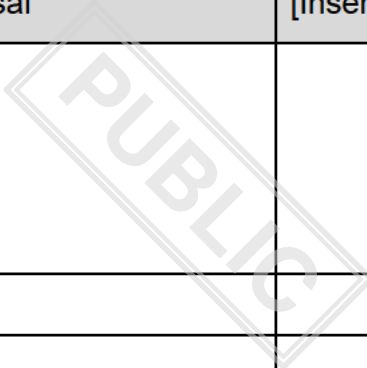
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Wastewater treatment plants shall be designed or modified so that representative samples of the incoming wastewater and of treated effluent can be obtained before discharge to receiving waters.		
2. Discharges from urban wastewater treatment plants serving agglomerations referred to in subject to treatment in accordance with Articles 6, 7 and 8 shall meet the requirements shown in Table 1 of this Annex		
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.		
4. Discharges from urban wastewater treatment referred to in Article 8(1) or serving agglomerations and included in the list referred to in Article 8(24) shall, in addition to the requirements referred to in points 2 and 3, meet the requirements set out in Table 3 of this Annex.		

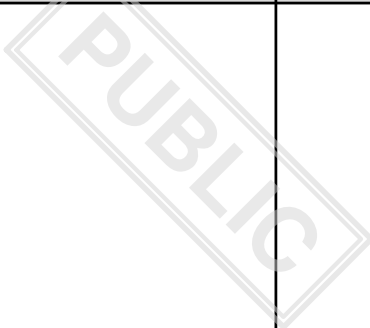
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments								
<p>5. Authorisations and/or regulations for discharges from urban wastewater treatment plants using plastic biomedica shall include an obligation to permanently monitor and prevent all unintentional such biomedica from being released into receiving waters the environment.</p>										
<p>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.</p>										
<p>7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the effects on receiving waters.</p>										
<p>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.</p> <table border="1" data-bbox="165 1038 810 1310"> <thead> <tr> <th data-bbox="165 1038 318 1198">Parameters</th> <th data-bbox="318 1038 488 1198">Concentration</th> <th data-bbox="488 1038 631 1198">Minimum percentage of reduction (see Note 4)²⁴</th> <th data-bbox="631 1038 810 1198">Reference method of measurement</th> </tr> </thead> <tbody> <tr> <td data-bbox="165 1198 318 1310">Biochemical oxygen demand (BOD5 at 20</td> <td data-bbox="318 1198 488 1310">25 mg/l O₂</td> <td data-bbox="488 1198 631 1310">70-90 40 under Article 4 (2)</td> <td data-bbox="631 1198 810 1310">Homogenized, unfiltered, undecanted sample.</td> </tr> </tbody> </table>	Parameters	Concentration	Minimum percentage of reduction (see Note 4) ²⁴	Reference method of measurement	Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.		
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ²⁴	Reference method of measurement							
Biochemical oxygen demand (BOD5 at 20	25 mg/l O ₂	70-90 40 under Article 4 (2)	Homogenized, unfiltered, undecanted sample.							

²⁴ Reduction in relation to the load of the influent.

New text proposal_Clusters1,3,5				[Insert MS name] proposal	[Insert MS name] comments
°C) without nitrification (see Note 1)		40 under Article 6(3)	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)	<ul style="list-style-type: none"> – 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 		
<p>Note 1: The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen</p>					

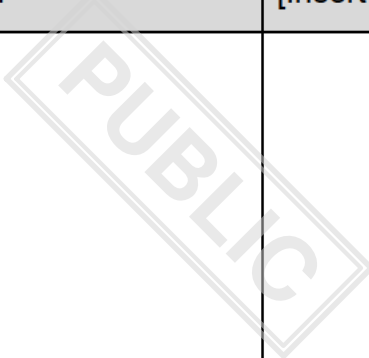
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments																														
<p>demand (TOD) if a relationship can be established between BOD5 and the substitute parameter.</p> <p>Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon.</p> <p>Note 3: This requirement is optional.</p> <p>Note 4: Reduction in relation to the load of the influent.</p>																																
<table border="1"> <thead> <tr> <th colspan="2" data-bbox="165 483 810 542">Table 4: Requirement for samples</th> </tr> <tr> <th data-bbox="165 542 430 632">Series of samples taken in any year</th> <th data-bbox="430 542 810 632">Maximum permitted number of samples which fail to conform</th> </tr> </thead> <tbody> <tr><td data-bbox="165 632 430 691">4-7</td><td data-bbox="430 632 810 691">1</td></tr> <tr><td data-bbox="165 691 430 750">8-16</td><td data-bbox="430 691 810 750">2</td></tr> <tr><td data-bbox="165 750 430 809">17-28</td><td data-bbox="430 750 810 809">3</td></tr> <tr><td data-bbox="165 809 430 868">29-40</td><td data-bbox="430 809 810 868">4</td></tr> <tr><td data-bbox="165 868 430 927">41-53</td><td data-bbox="430 868 810 927">5</td></tr> <tr><td data-bbox="165 927 430 986">54-67</td><td data-bbox="430 927 810 986">6</td></tr> <tr><td data-bbox="165 986 430 1045">68-81</td><td data-bbox="430 986 810 1045">7</td></tr> <tr><td data-bbox="165 1045 430 1104">82-95</td><td data-bbox="430 1045 810 1104">8</td></tr> <tr><td data-bbox="165 1104 430 1163">96-110</td><td data-bbox="430 1104 810 1163">9</td></tr> <tr><td data-bbox="165 1163 430 1222">111-125</td><td data-bbox="430 1163 810 1222">10</td></tr> <tr><td data-bbox="165 1222 430 1281">126-140</td><td data-bbox="430 1222 810 1281">11</td></tr> <tr><td data-bbox="165 1281 430 1340">141-155</td><td data-bbox="430 1281 810 1340">12</td></tr> <tr><td data-bbox="165 1340 430 1422">156-171</td><td data-bbox="430 1340 810 1422">13</td></tr> </tbody> </table>	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		
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126-140	11																															
141-155	12																															
156-171	13																															



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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		

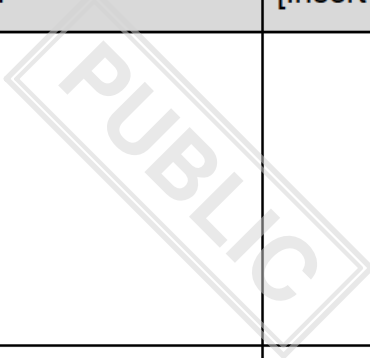
C. **PRIOR REGULATIONS AND/OR** SPECIFIC AUTHORISATIONS FOR DISCHARGE OF NON-DOMESTIC WASTEWATER

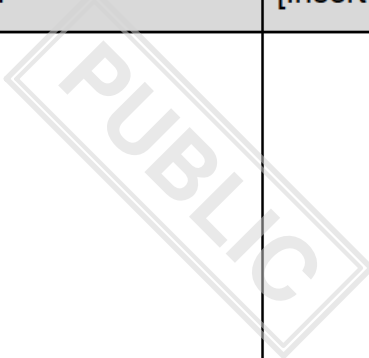
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
<p>1. The prior general binding rules prior regulations and/or specific authorisations referred to in Article 14(1) shall ensure the following:</p> <p>(a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewaters treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of <u>nutrients or other materials from urban wastewater or</u> sludge;</p> <p>(b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants;</p> <p>(c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant <u>except those resulting from the natural degradation of organic matter producing toxic substances (e.g. H₂S)</u>;</p> <p>(d) where an urban wastewater treatment plant treats discharges from an installation holding a permit referred to in Article 4 of Directive 2010/75/EU, the pollutant load from the discharges of that plant does not exceed the pollutant load that would be discharged if the discharges were released directly from the installation and were compliant with the emission limit values applicables according to this Directive set in accordance with Article 15(3) of that Directive and any additional</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>measures taken in accordance with Article 18 of that Directive;</p> <p>(e) the pollutant load in the discharge from the urban wastewater treatment plant does not deteriorate the good ecological status or potential or good chemical good status of the receiving water body, in accordance with the objectives set out in Article 4 of Directive 2000/60/EC.</p> <p>2. The specific authorisation shall include an annex, which documents the fulfilment of all the conditions set out in point 1. The provisions of the specific authorisations shall be updated in the cases where the characteristics of the non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.</p>		

D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		
<p><i>Relevant recitals (please comment on recitals linked to this article)</i></p>		
<p>(12)</p>		
<p>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</p>		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments					
<p>minimum performance criteria as the ones defined in the Directive 2009/90/EC and other relevant rules.</p> <p>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.</p> <p>Member States shall provide the Commission with all relevant information concerning the applied monitoring method.</p>							
<p>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 micropollutants shall be 48-hour samples.</p> <p>Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.</p>							
<p>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:</p> <table border="1" data-bbox="165 1018 784 1378"> <tbody> <tr> <td data-bbox="165 1018 434 1098">— 1000 to 9 999 p.e.:</td> <td data-bbox="434 1018 784 1098">One sample per month (see Note 1)</td> </tr> <tr> <td data-bbox="165 1098 434 1241">— 10 000 to 49 999 p. e.:</td> <td data-bbox="434 1098 784 1241">Two samples per month For micropollutants, one sample per month</td> </tr> <tr> <td data-bbox="165 1241 434 1378">— 50 000 p.e. or above to 99 999 p.e.:</td> <td data-bbox="434 1241 784 1378">One sample per week For micropollutants, two samples per week month.</td> </tr> </tbody> </table>		— 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 p.e. or above to 99 999 p.e.:	One sample per week For micropollutants, two samples per week month.
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— 50 000 p.e. or above to 99 999 p.e.:	One sample per week For micropollutants, two samples per week month.						

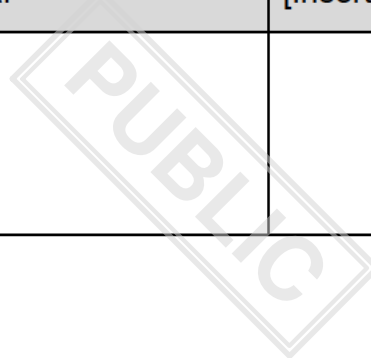
New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments		
<table border="1" data-bbox="168 199 779 331"> <tr> <td data-bbox="168 199 432 331">100.000 p.e. or over.</td> <td data-bbox="432 199 779 331"> One Two samples per day week For micropollutants, two one sample per week </td> </tr> </table> <p data-bbox="168 352 784 515">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.</p>	100.000 p.e. or over.	One Two samples per day week For micropollutants, two one sample per week		
100.000 p.e. or over.	One Two samples per day week For micropollutants, two one sample per week			
<p data-bbox="168 612 784 751">4. The treated <u>urban</u> 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:</p> <p data-bbox="168 767 784 879">(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;</p> <p data-bbox="168 895 784 1062">(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;</p> <p data-bbox="168 1078 784 1238">(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;</p> <p data-bbox="168 1254 784 1342">(d) for the parameters specified in Table 3, each sample taken shall be conform to the parametric values set out in that table.</p>				

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>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.</p>		
<p>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.</p>		

ANNEX 4 IV – INDUSTRIAL SECTORS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p><i>Relevant definitions (please comment on definitions linked to this article)</i></p>		
<p><i>Relevant recitals (please comment on recitals linked to this article)</i></p>		
<ol style="list-style-type: none"> 1. Milk-processing 2. Manufacture of fruit and vegetable products 3. Manufacture and bottling of soft drinks 4. Potato-processing 5. Meat industry 6. Breweries 7. Production of alcohol and alcoholic beverages 		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
8. Manufacture of animal feed from plant products 9. Manufacture of gelatine and of glue from hides, skin and bones 10. Malt-houses 11. Fish-processing industry		



ANNEX 5 V- CONTENT OF THE INTEGRATED URBAN WASTEWATER **AND POLLUTED URBAN RUNOFF** MANAGEMENT PLANS

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. An analysis of the initial situation of the drainage catchment drainage area of the urban wastewater treatment plant of the concerned agglomeration, including at least the following: (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage and conducting capacities of that network and the existing urban wastewater treatment capacities in case of rainfall; (b) a dynamic analysis of the flows of urban runoff, polluted urban runoff and urban wastewaters in		

New text proposal_Clusters1,3,5	[Insert MS name] proposal	[Insert MS name] comments
<p>case of rainfall based on the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I as well as microplastics and relevant micropollutants released in receiving waters in case of rainfall;</p>		
<p>2. Objectives for the reduction of pollution from storm water sewer overflows and polluted discharges of urban runoff discharges, including the following:</p> <p>(a) an indicative indicative objective that storm water sewer overflow; represents only no more than 1% a small percentage, preferably below one 2% percent, of the annual collected urban wastewater load calculated in dry weather conditions;</p> <p>This indicative target objective shall should be met by:</p> <p>(i) 31 December 2035 2040 for all agglomerations of 100 000 p.e. and above;</p> <p>(ii) 31 December 2040 2045 for agglomerations of 10 000 p.e. and above referred to and above identified in accordance with paragraph 2 of Article 5(2);</p> <p>(b) the progressive reduction of pollution load from elimination of untreated discharges of urban runoff through separate sewers collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters;</p> <p>(c) the progressive reduction of macroplastics in sewer overflow and discharges of urban runoff.</p>		

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

