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LIMITE

ENV

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	WK 11352/2023
N° Cion doc.:	ST 14223/22 + ADD 1
Subject:	Urban Wastewater Treatment Directive: Follow-up to WPE on 11 September 2023 - comments from a delegation

Following the call for comments on the above set out with WK 11352/2023, delegations will find attached comments from MT.

MALTA

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies¹ highlight the need to take action to address the issue of micro-pollutants, which are now detected usually in all waters in the Union. Some of those micropollutants are hazardous for public health and the environment even in small quantities low concentrations of micrograms per litre or below. An additional treatment, i.e. quaternary treatment, should therefore be introduced in order to ensure that a large spectrum of micro-pollutants is removed from urban wastewater. Quaternary treatment should first focus on organic micro-pollutants, which represent a significant part of the pollution and for which removal technologies are already designed. The treatment should be imposed based on the precautionary approach combined with a risk-based approach. Therefore, all urban wastewater treatment plants of 100 000 p.e. and above should provide quaternary treatment, as those facilities represent a significant share of micro-pollutant discharges in the environment and the removal of micro-pollutants by urban wastewater treatment plants at such scale is cost-effective. For agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to apply quaternary treatment to areas identified as sensitive to pollution with micro-pollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the		

¹ 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).

PUBLIC

Recitals Amended		
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the hazardouness of their residues. The contributions should cover, but not exceed, the investment and operational costs for the monitoring activities for micro-pollutants, the collection, reporting and impartial verification of statistics on the quantities and hazardouness of products placed on the Member States market, and the application of the quaternary treatment to urban wastewater in an efficient manner and in accordance with this Directive, including the pre-financing of installations already in place at the date of entry into force of this Directive . Since urban wastewater is treated collectively, it is appropriate to introduce a requirement for producers to join a centralised organisation which can implement their obligations under the extended producer responsibility on their behalf.		
(17) Since the transboundary nature of water pollution requires cooperation between neighbouring Member States or third countries in addressing such pollution and identifying measures to tackle its source, Member States should be required to inform each other or the third country if significant water pollution originating from urban wastewater discharges in one Member State or third country impacts or is likely to impact the water quality of another Member State or third country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the		

Recitals Amended		
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <i>United Nations Economic Commission for Europe (UNECE) Water Convention</i> ² or other relevant regional Conventions such as the Regional Seas or Rivers Conventions.		
24) In order to protect the environment and human health, Member States should identify the risks caused by urban wastewaters management. <u>A broad chemical screening and/or biological effect-based methods can be part of the risk assessment.</u> On the basis of that identification, and where necessary to comply with the requirements of the Union water legislation, Member States should take more stringent measures for the urban wastewater collection and treatment than the measures required to comply with the minimum requirements set out in this Directive. Depending on the situation, those more stringent measures can include, inter alia, the establishment of collecting systems, the development of integrated urban wastewater management plans or the application of secondary, tertiary or quaternary treatment to urban wastewater for agglomerations or urban wastewater treatment plants that do not reach the p.e. thresholds triggering the application of the standard requirements. They can also include more advanced treatment than the treatment necessary to respect the minimum requirements or disinfection of treated urban wastewaters necessary to comply with Directive 2006/7/EC of the European Parliament and of the Council ³ .		
(25) Sustainable Development Goal 6 and the associated target requiring Member States to 'achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations' by 2030. ⁴ Furthermore, Principle 20 of the		

² UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes as amended, along with decision VI/3 clarifying the accession procedure.

³ 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).

⁴ Resolution adopted by the United Nations General Assembly on 25 September 2015 ([A/70/L.1](#))

Recitals Amended		
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
European Pillar of Social Rights⁵ states that everyone has the right to access essential services of good quality, including water and sanitation. Against that background, and in accordance with the recommendations in the WHO Guidelines for Sanitation and Health⁶ and the provisions of the Protocol on Water and Health⁷ Member States should tackle the issue of access to sanitation at national level. That should be done through actions aimed at improving access to sanitation for all, for example by setting up sanitation facilities in public spaces, as well as by encouraging the availability of appropriate sanitation facilities in public administrations and public buildings free of charge and/or making them affordable to all, <u>including all kind of facilities and services, such as flush and dry toilets</u>. Sanitation facilities should allow the safe management and disposal of human urine, faeces and menstrual blood. They should be safely managed, which implies that they should be accessible to all at all times, including for people with particular needs, such as children, older persons, persons with disabilities and homeless people, that they should be placed in a location that ensures minimal risk to the safety of users, and that they should be hygienically and technically safe to use. Such facilities should also be sufficient in number to ensure that the needs of people are met and waiting times are not unreasonably long. <u>The sufficient number of sanitation facilities in public spaces will be decided at national level.</u>		
(30) In order to reduce administrative burden and better use the possibilities offered by digitalisation, the reporting on the implementation of the Directive should be improved and simplified by removing the obligation for Member States to report every two years to the Commission and for the Commission to publish bi-yearly reports. It should be replaced by a requirement for Member States to improve, with the support of the European Environment Agency (EEA), the existing national standardised data sets established under Directive 91/271/EEC, and to regularly update them. <u>These data sets will be used by the Commission to verify compliance with</u>		

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Establishing a European Pillar of Social Rights (COM/2017/0250 final).

⁶ WHO Guidelines on Sanitation and Health, 2018.

⁷ Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 17 June 1999.

Recitals Amended		
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access Access to the national databases should be provided to the Commission and the EEA. In order to ensure complete information on the application of this Directive, the data sets should include information on compliance of urban wastewater treatment plants with the treatment requirements (pass/fail, loads and concentration of pollutants discharged), on the level of achievement of the objectives of energy neutrality, on GHG emissions of the treatment plants above 10 000 p.e. and on measures taken by the Member States in the context of storm water overflows/ urban runoff, access to sanitation and treatment by individual systems. Moreover, full coherence with Regulation (EC) 166/2006 of the European Parliament and of the Council⁸ should be ensured to optimise the use of the data, as well as to support full transparency.		
(31) In order to ensure a timely and proper implementation of this Directive, it is essential that Member States establish a national implementation programme including long-term programming of the required investments accompanied with a financing strategy. Those national programmes should be reported to the Commission. To limit administrative burden, that requirement should not apply to Member States showing a level of compliance of more than 95 % of the agglomerations are compliant with articles 3 to 8 with regard to the main obligations to collect and treat wastewater.		
(38) Pursuant to the Interinstitutional Agreement on Better Law-Making⁹, the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the		

⁸ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) OJ L 33, 4.2.2006, p. 1–17

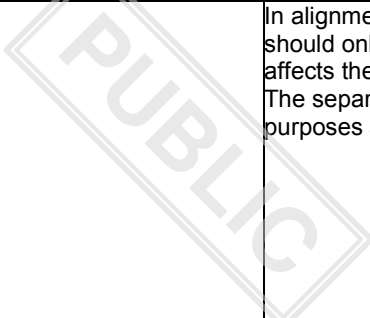
⁹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

Recitals Amended		
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		
(1) 'urban wastewater' means domestic wastewater or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and with and urban runoff, or both of them ;		
(2) 'domestic wastewater' means wastewater from residential settlements, and services and institutions which originates predominantly from the human metabolism and/or from household activities;		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
(3) 'non-domestic wastewater' means any wastewater, other than domestic wastewater and urban runoff, which is discharged into collecting systems from premises used for either of the following: (a) the exercise of a trade; (b) activities carried out by an institution; (c) or industrial or economical activities; The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.		
(4) 'agglomeration' means an area where the population combined or not with and/or economic activities pollution load of urban wastewater is sufficiently concentrated (taking as a reference 10 p.e. per hectare or above) for urban wastewater to be collected and conducted to one or more an urban wastewater treatment plants or to a one or more final discharge points into receiving waters;		
(5) 'urban runoff' means precipitation rainwater from agglomerations collected by combined or separate sewers;		Text should clarify that this definition is only for the purpose of this Directive – as urban runoff can occur even when it is not collected by combined or separate sewers.
(6) 'sewer storm-water overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers caused by rainfall;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a single conduit that that designed to collect and conducts urban wastewater including urban runoff including urban runoff;		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
(9) 'separate sewer' means a system of conduits that separately collects and conducts either urban runoff or either of the following: (a) domestic urban wastewater not including urban runoff; (b) non domestic wastewater non domestic wastewater; (c) a mixture of domestic and non domestic wastewater; (d) rainwater from agglomerations;		In alignment with comments on other clusters, urban runoff should only be considered under this Directive when it affects the treatment of urban wastewater. The separate management of urban runoff for flood relief purposes should not be the subject of this Directive.
(10) '1 population equivalent' or '(1 p.e.)' means the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day per day;		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which reduces removes most of biodegradable organic matter in from urban wastewater;		
(12) 'tertiary treatment' means treatment of urban wastewater by a process which reduces removes most of by a process which removes nitrogen and/or phosphorus from the urban wastewaters;		
(13) 'quaternary treatment' means treatment of urban wastewater by a process which removes reduces a broad spectrum of micro-pollutants in from the from urban wastewaters;		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
(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 and any other screenings residues from the first pre-treatment step);		
(15) 'eutrophication' means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;		
(16) 'micropollutant' means a substance, including its breakdown products, that is usually present in the environment and urban wastewaters <u>present in the aquatic environment, urban wastewater and/or sludge in low concentrations</u> 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>1272/2008¹⁰</u> ; <u>even in low concentrations</u> ;		
(17) 'dilution ratio' means the ratio of between the last five years average volume of annual flow of the receiving waters at the point of discharge and to the last five years average of the annual discharge volume of urban wastewater into surface waters; discharged from a treatment plant;		
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		MT notes that definition (18) – 'producer' is not aligned with the following definition in Regulation 1223/2009 on cosmetics. Where 'importer' means any natural or legal person established within the Community, who places a cosmetic product from a third country <u>on the Community market.</u>

¹⁰ Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
(19) 'Producer Responsibility Organisation' means a nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services such as flush and dry toilets , for the safe management and disposal of human urine, faeces, and menstrual blood, among others		
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(22) 'public concerned' means the public affected or likely to be affected by, or having an interest in, the decision-making procedures for the implementation of the obligations laid down in this Directive, including non-governmental organisations promoting the protection of human health or the environment;		
(23) 'plastic biomedica' means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;		
(24) 'placing on the market' means the first making available of a product on the Member States market of a Member State ;		MT notes that related definition (18) – 'producer' is not aligned with the following definition in Regulation 1223/2009 on cosmetics. Where 'importer' means any natural or legal person established within the Community, who places a cosmetic product from a third country <u>on the Community market.</u> Similarly by definition in Regulation 1223/2009 on cosmetics, 'placing on the market' means the first making available of a cosmetic product <u>on the Community market;</u>
(25) 'load' means the amount of 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).		

ARTICLE 7 – TERTIARY TREATMENT

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(12) 'tertiary treatment'; (15) 'eutrophication'; (23) 'plastic biomedica';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(9); (10)		
1. By 31 December 2030 2033, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of 400 000 150.000 p.e. and above and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] meet the relevant requirements for are subject to tertiary treatment in accordance with Part B and Table 2 of Annex I before discharge into receiving waters paragraph 4. By 31 December 2035 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 400 000 150.000 p.e. and above are subject to meet the relevant requirements for tertiary treatment in Part B and Table 2 of Annex I before discharge into receiving waters accordance with paragraph 4.		Malta reiterates the need to apply tertiary treatment in urban wastewater treatment plants treating a load of 150,000 p.e. and above on a risk-based approach. This would ensure that investments are made where there is a need to address potential deterioration of receiving waters. Such risks depend on the characteristics of receiving waters and are not necessarily a function of the load being treated. Furthermore, MT calls for more flexibility with respect to the application of total Nitrogen and total Phosphorus. The application of these parameters needs to be determined on the basis of the sensitivities of the receiving waters.
2 By 31 December 2025 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every five six years starting on 31 December 2030 2033.		

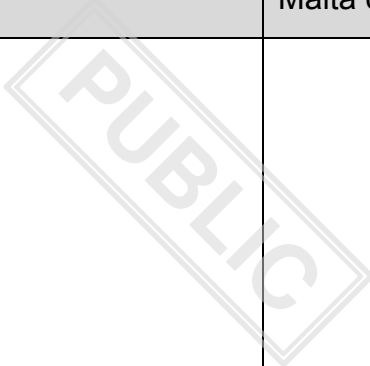
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with paragraph 4 Part B and Table 2 of Annex I in its entire territory.		
3. Without prejudice to paragraph 1, Member States shall ensure that <u>discharges from</u> agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by: (a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all these agglomerations.	 discharges from UWWTPs serving agglomerations ...	Discharges are not from agglomerations but from UWWTPs
3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas. By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e. Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
3 bis. Tertiary treatment Discharges of urban wastewater referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. 3 ter. [NEW] For urban wastewater treatment plants that are already in construction or were commissioned after 31 December 2020 and before the date of entry into force of this Directive, the requirements set out in Article 7 of this Directive, shall apply as from 31 December 2040.		
4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
5. By way of derogation from paragraphs 3 and 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 and 4 where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area is : <u>(a) At least 75 % for total phosphorus and at least 75 % for total nitrogen from the date of entry into force of this Directive.</u> (a) (b) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2035 2039; (b) (c) 90-85 87,5 % for total phosphorus and 85 82,5 % for total nitrogen by 31 December 2040 2045.		
6. Discharges from urban wastewater wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 shall also be subject to paragraphs 3,4 and 5.		
7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list.		

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 400 000 150.000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater are subject quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) 31 December 2030 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) By 31 December 2035 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants: (c) 31 December 2040 2045 for all discharges from these urban wastewater treatment plants.		MT does not agree with mandatory quaternary treatment for urban wastewater treatment plants treating a load of 150 000 p.e. and above. In this regard, Malta calls for the deletion of Article 8(1), with such urban wastewater treatment plants being subject to a <u>risk-based approach as per Article 8(2) and (4).</u>

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
2. On 31 December 20302027 2030 Member States shall have established a list a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter</u> every five six years thereafter and update it if necessary. The list referred to in the first subparagraph shall be based on an assessment of the risks for human health or the environment that the discharge of micropollutants in urban wastewater poses on include the following areas, unless the absence of risk for human health or the environment in those areas can be demonstrated based on a risk assessment: (a) water bodies used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) bathing water falling within the scope of Directive 2006/7/EC; (c) lakes as defined in Article 2, point (5), of Directive 2000/60/EC; (d) rivers as defined in Article 2, point (4), of Directive 2000/60/EC or other water streams where the dilution ratio is below 10; (e) areas where aquaculture activities, as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹¹, take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC.		

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

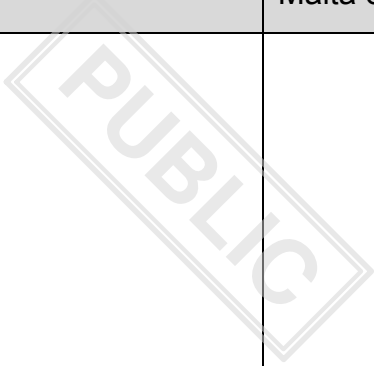
New text proposal_Clusters 2, 4	Malta proposal	Malta comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2); no later than 10P <u>please insert the date = the last day of the sixth month from the date of entry into force of this Directive</u>.		
4. By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 100 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by: (a) 31 December 2035 for 30 20 % of these agglomerations; (b) 31 December 2040 for 60 % of these agglomerations; (c) 31 December 2045 for all these agglomerations. Urban wastewater treatment plants treating a load of 100 000 p.e. and above must still meet the deadlines set in Article 8(1). By 31 December 2040, member States shall ensure that urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
5. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph, fulfil the requirements <u>laid down in paragraph 4</u> in Part B and Table 3 of Annex I within seven years of the inclusion in that list. In case of conflict between Article 8(4) and Article 8(5), Article 8(4) takes precedence.		
6. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 3 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 3 of Part B of Annex I is set out in table 4 of Part D of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.		
6.7 6. By 31 December 2030 [OP please insert the date = the last day of the second year from the date of entry into force of this Directive], The Commission shall may adopt implementing acts to establish the monitoring and sampling methods to be used by the Member States to determine the presence and quantities in urban wastewater of the indicators set out in Table 3 of Part B of Annex I. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(18) 'producer'; (19) 'Producer Responsibility Organisation'; (24) 'placing on the market';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(13); (14), (15)		
1. Member States shall take measures to ensure that by [OP please insert the date = the last day of the second year from the date of entry into force of this Directive], producers who place any of the products listed in Annex III on the market have extended producer responsibility. Such measures shall ensure that those producers cover: a) the full costs for complying with the requirements set out in Article 8, including the costs for the quaternary treatment of urban wastewater to remove micropollutants resulting from the products and their residues they place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and b) the costs for gathering and verifying data on products placed on the market; and c) other costs required to exercise their extended producer responsibility.		MT is currently carrying out internal consultations to better understand the implications of the proposal. In this context, MT would like to retain a scrutiny reserve. That said MT would like to highlight some areas which still need to be clarified, specifically on how the EPR will function in practice mainly: • How will double-costing of the product which could be borne by the consumers through importation be avoided? • Is the EPR taking into consideration the fact that medicinal products are regarded as essential public health goods? • It is not clear whether the threshold would apply at product level (noting that EU CION is indicating that control for MS is easier on the basis of the products, but that substances should be considered at PRO level). MT maintains a reservation on all EPR related articles, however we reiterate the paragraph on EPR of document wk11482.en23 of the non-paper.

New text proposal_Clusters 2,4	Malta proposal	Malta comments
2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following: (a) the quantity of the product they place on the Union market is below 2 tonnes per year; (b) the products they place on the market do not generate micro-pollutants in wastewaters at the end of their life at the end of their life.		
3. The Commission is empowered to adopt implementing acts to establish detailed criteria on the uniform application of the condition laid down in paragraph 2, point (b) to specific categories of products and its hazardourness. 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 second year from the date of entry into force of this Directive]</u>.		
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States shall ensure that: (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2;		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
(b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).		
5. Member States shall ensure that: (a) the roles and responsibilities of all relevant actors involved, including producers referred to in paragraph 1, producer responsibility organisations, private or public operators of urban wastewater treatment plants and local competent authorities, are clearly defined; (b) urban wastewater management objectives are established in order to comply with the requirements and deadlines set under Article 8(1), (4) and (5) and any other quantitative or qualitative objectives that are considered relevant for the implementation of the extended producer responsibility; (c) a reporting system is in place to gather data on the products referred to in paragraph 1 placed on the market of the Member State by the producers and data on the quaternary treatment of wastewater, as well as other data relevant for the purposes of point (b).		

ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(15)		
1. Member States shall take the necessary measures to ensure that any producer responsibility organisation established under Article 9(4): (a) has a clearly defined geographical coverage coherent with the requirements set out in Article 8; (b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers, including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
paragraph prior to their effective establishment and operation.		
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.		
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).		
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of		

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
urban wastewater treatment plants local authorities and civil society organisations.		
6. [NEW] By the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on: (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations; (b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of (i) the coverage of the full cost as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions by the producer responsibility organisation as referred to in point c of paragraph 9(4); (d) the exonerations provided according to Article 9; (e) any other issue in relation to the effective implementation of Articles 9 and 10. The Commission shall publish the results of the exchange of information, experience and best practices on these and other relevant aspects, and where relevant, provide recommendations to Member States.		

ARTICLE 12 – TRANSBOUNDARY COOPERATION

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

ARTICLE 15 – WATER REUSE AND DISCHARGES OF URBAN WASTEWATER

New text proposal_Clusters 2,4	Malta proposal	Malta 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. Member States shall systematically promote the reuse of treated wastewater from all urban wastewater treatment plants <u>where appropriate</u>. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.	Malta's proposal refers: Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in of Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops the provision of the treated urban wastewater is included as part of the Risk Assessments required under Regulation (EU) 2020/741; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms the nutrient content in the fraction reused is included in the Nitrates Action Plan required under Directive 91/676/EEC, and (c) the use of the treated urban wastewater does not affect the achievement of the Environmental Objectives of Directive 2000/60/EEC; and (d) the treatment plant has sufficient operational	The possibility for Member States to derogate from the requirements for tertiary treatment for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation is positively welcomed as it opens up the possibility for “fertigation practices”, i.e. using the nutrient content of treated wastewaters in agriculture. It is however recommended that links are established with Regulation (EU) 2020/741 on minimum requirements of water reuse.

	flexibility enough capacity to treat or store urban wastewater, to avoid the discharge to receiving waters of treated urban wastewater that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.	
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New text proposal_Clusters 2,4	Malta proposal	Malta comments
2. Member States shall ensure that <u>at least all</u> discharges from urban wastewater treatment plants <u>of 1000 p.e and above</u> of 200 p.e and above, are subject to <u>prior regulations and/or</u> specific authorisation. Such <u>regulations and/or</u> authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every 6 ten years and, if necessary, adapted. <u>The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the discharges from non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions requirements set out in Part B of Annex I remain fulfilled.</u>		

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(24)		
1. By {OP please insert the date – the last day of the second year after the date of entry in force of this Directive} 31 December 2027, Member States shall identify <u>and assess</u> the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; (c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC; (d) c) the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place. (e d) the <u>quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in</u>		Risk assessments should reflect/be based on the assessment processes undertaken through the listed policies to avoid duplication of work and overlapping reporting obligations.

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) the ecological and chemical status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive <u>for the receiving surface water body.</u>		
2. Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate the following measures: <u>(aa) taking additional measures to prevent and reduce pollution of wastewater at source in complement to the measures referred to in Article 14(2);</u> (a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of less than 1 000; (b) applying secondary treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of less than 1 000; (c) applying tertiary treatment in accordance with Article 7 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000; (d) applying quaternary treatment in accordance with Article 8 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000; (e) establishing integrated urban wastewater management plans in accordance with Article 5 for agglomerations below 10 000 p.e. and adoption of measures referred to in Annex <u>V</u>; (f) applying more stringent requirements for the treatment of collected urban wastewaters than the requirements set out in Annex 11, part Part B.		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every <u>5</u> six years aligned with the timing of the review of the River Basin Management Plans developed under the Directive 2000/60/EC and starting on 31 December 2033. A summary of the identified risks accompanied with a description of the measures adopted in accordance with paragraph 2 of this Article shall be included in the appropriate River Basin Management Plans and in the national implementation programmes referred to in Article 23 and communicated to the Commission on request.		

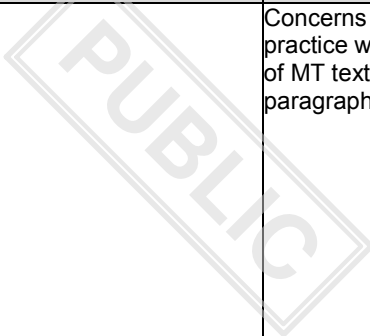
ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(20) 'sanitation'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(25); (26); (27)		
<u>Without prejudice to Article 9 of Directive 2000/60/EC and to the principles of subsidiarity and proportionality, whilst taking into account the local, regional and cultural perspectives and circumstances</u>		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<u>for sanitation</u>, Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups. For that purpose, Member States shall by 31 December 2027 12 January 2029: (a) identify categories of people without access, or with limited access, to sanitation facilities, including vulnerable and marginalised groups, and provide reasons for such lack of access; (b) assess the possibilities for improving access to sanitation facilities for the categories of people referred to in point (a) such people; (c) for all agglomerations of 10 000 p.e. and above, encourage the establishment of a sufficient number of sanitation facilities in public spaces, which are freely and, in particular for women, safely accessible <u>and ensure the information of the public</u>.		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	Malta proposal	Malta 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>		
(30)		

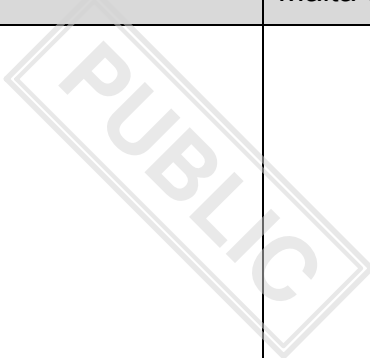
New text proposal_Clusters 2,4	Malta proposal	Malta comments
1. Member States, assisted by the European Environment Agency (EEA), shall: (a) by 31 December 2025 2030, set up a data set containing information collected in accordance with Article 21 including information concerning the parameters referred to in Article 21(1), point (a), and the results of the tests with regard to the pass/fail criteria established in Part D of Annex I and update that data set annually thereafter; (b) by 31 December 2025 2030, set up a data set indicating the percentage of urban wastewater which is collected and treated in accordance with Article 3 and update that data set annually thereafter; (c) by 31 December 2025 2030, set up a data set containing information on <u>the implementation of measures taken to implement</u> Article 4(4 5) and on the percentage of the urban wastewater load from agglomerations above 2 000 p.e. which is treated in individual systems and update that data set annually thereafter; (d) by 31 December 2025 2030, set up a data set containing information on the number of samples collected and the number of samples taken in accordance with Part D of Annex I that have failed; (e) by 31 December 2025 2030, set up a data set containing information on greenhouse gas emissions with a breakdown between different gasses and on the total energy used and renewable energy produced by each urban wastewater treatment plant of 10 000 p.e. and above as well as a calculation of the percentage of achievement of the targets set out in Article 11(2) and update that data set annually thereafter; (f) by 31 December 2025 2030, set up a data set containing information on measures taken in accordance with point 3 of Annex V and update that data set annually thereafter;		Concerns on how paragraph (k) can be implemented in practice with the current text under Article 15. The adoption of MT text under Article 15 will facilitate the application of paragraph (k)

New text proposal_Clusters 2,4	Malta proposal	Malta comments
(g) by 31 December 2025 2030, set up a data set containing the monitoring results referred to in accordance with Article 17(1) and (4) (3) and update that data set annually thereafter; (h) by 31 December 2025 2030, set up a data set containing the list of areas identified as sensitive to eutrophication in accordance with Article 7(2) and update that data set every 5 years thereafter in accordance with Article 7(2); (i) by 31 December 2030, set up a data set containing the list of areas identified as areas where the concentration or the accumulation of micro-pollutant represents a risk for human health or the environment in accordance with Article 8(2) and update that data set every 5 years thereafter in accordance with Article 8(2); (j) by 12 January 2029, set up a data set containing information on measures taken to improve access to sanitation in accordance with Article 19, including information on the share of their population that has access to sanitation and update that data set every 6 years thereafter. (k) by 31 December 2027 2030, set up a data set containing the monitoring results referred to in point (c) of Article 21(1) with a comparison of the monthly water and nutrient demand of the crops targeted by the reused fraction of treated urban wastewater referred to in Article 15(2) (1), and update that dataset annually thereafter;		
2. Member States shall ensure that the Commission and the EEA have permanent access to the data sets referred to in paragraph 1.		
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
shall be taken into account for the reporting required under this Article <u>for those pollutants related with urban wastewaters.</u> With regard to the information referred to in paragraph 1, the EEA shall provide the public with access to relevant data through the European Pollutant Release and Transfer Register established under Regulation (EC) No 2006/166.		
4. The Commission is empowered to adopt implementing acts specifying the format of the information to be provided in accordance with paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). The Commission will provide the format by [the last day of the second first year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
1. By [OP please insert date = the last day of the twenty-third thirty fifth month after the date of entry into force of		

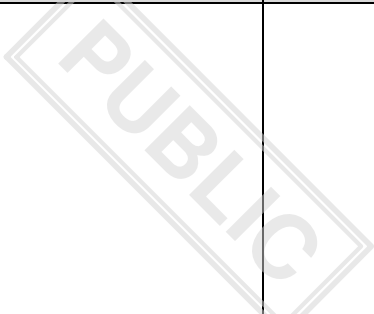
New text proposal_Clusters 2,4	Malta proposal	Malta comments
this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the <u>level of</u> environmental impact of untreated urban wastewater <u>and related risks for environment or human health;</u> (c) an estimate of investments needed to renew, <u>upgrade or replacement of</u> existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
2. By ...[OP: please insert the date = the last day of the thirty-fifth fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every 5 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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>		
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 <u>according to the requirements set out in Council Directive</u>		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<u>91/271/EC</u> 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 <u>according to the requirements set out in Council Directive 91/271/EC</u> on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].		

ARTICLE 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	Malta proposal	Malta 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_Clusters 2,4	Malta proposal	Malta comments
1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, <u>in for each agglomeration of above 1000 p.e. or each relevant administrative area.</u> The information shall include at least the data listed in Annex VI. The information referred to in paragraph 1 shall also be provided by other means upon justified request.		
2. In addition, Member States shall ensure that all persons households in agglomerations of above 1000 p.e. connected to collecting systems receive regularly and at least once a year, in the most appropriate and easily accessible form, including for example on their invoice or by digital means such as smart applications, without having to request it, the following information: (a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I; (b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the average household or the connected entity in cubic meter, together with yearly trends and the price of urban wastewater collection and treatment for the that average household (cost per litre and or cubic meter); (c) a comparison of the yearly volume of load of urban wastewater collected and treated for the average household per year and an indication of the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.	Malta's proposal refers: 2. In addition, Member States shall ensure that all persons households in agglomerations of above 1000 p.e. connected to collecting systems receive regularly and at least once a year, in the most appropriate and easily accessible form, including for example on their invoice or by digital means such as smart applications, without having to request it, the following information: (a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I; (b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the average household or the connected entity in cubic meter, together with yearly trends and the price of urban wastewater collection and treatment for the that average household (cost per litre and or cubic meter); (c) a comparison of the yearly volume of load of urban wastewater collected and treated for the average household per year and an indication of the average volume of a household in the concerned agglomeration;	Malta agrees with the principle of ensuring the availability of adequate and up-to date information on urban wastewater collection and treatment to the public. Article 24(2) has no added value to the implementation of the Directive and will only result in creating an administrative burden with no tangible benefits. It is preferable if information is kept at the agglomeration level. Hence, information requested under point (a) is to be retained, but the information requested under points (b), (c) and (d) are to be removed. The level of detail reported should be left to the Member States' discretion, in particular when this goes to the user level. The information referred to in point (a) should however be included under Annex VI, and hence applicable under sub-article (1). Information included under sub-article 2(a) is to be included under Annex VI. MT suggests that sub-articles (b), (c) and (d) are deleted.

	(d) a link to the online content referred to in paragraph 1.	
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PUBLIC

New text proposal_Clusters 2,4	Malta proposal	Malta comments
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 of this Article and Annex VI by updating the information to be provided to the public online and to the persons households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.	3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 of this Article and Annex VI by updating the information to be provided to the public online and to the persons households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field	It is not recommended to delegate the updating of the item-list of information which is to be provided to the public. Member State competence on the list of information is to be retained. MT suggests deletion of Sub-article 3.
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). The Commission will provide the format and methods by [12 months from the entry into force of this Directive].	4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). The Commission will provide the format and methods by [12 months from the entry into force of this Directive].	In relation to sub-article 4, such information is to be provided online in the format decided by the Member State. Member State competence on the format in which information is presented to the public is to be retained. MT suggests deletion of sub-article 4.

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	Malta proposal	Malta 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>		
(39); (40)		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.		
2. Article 3(1) and Article 6(1) shall apply from 31 December-2027 2030 and Article 3(2) and Article 6(2) shall apply from [OP please insert the date = last day of the fifteenth year after the entry into force of this Directive] in respect of Mayotte.		
3. For urban wastewater discharges that are treated by urban wastewater treatment plants treating a load of 150 000 p.e. 100 000 p.e. and above and that are not required to comply with the requirements set out in Article 7(1) by 31 December-2030 2033, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December-2035 2039. For urban wastewater discharges from agglomerations of between 10 000 p.e. and above 100 000 p.e. that are not required to comply with the requirements set out in Article 7(3) by 31 December 2035, Article 5 of Council Directive 91/271/EC shall continue to apply: until 31 December 2040- (a) <u>until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u> (b) <u>until 31 December 2039 for agglomerations that are not required to comply</u>		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<u>with the requirements set out in Article 7(3) by 31 December 2033;</u> <u>(c) until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the derogation provided for in Article 7(3) third subparagraph.</u>		
<u>3 bis. [NEW] For urban wastewater treatment plants referred to in Article 7(3)(ter), the requirements set out in Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2040.</u>		
<u>3 ter. [NEW] From [OP please insert the date = the date of entry into force of this Directive], Articles 15 and 17 of Council Directive 91/271/EC and Commission Implementing Decision 2014/431/EU[2] shall apply to Member States until 31 December 2030.</u>		
<u>3 bis. For urban wastewater treatment plants that are already in tendering procedure, or are already in construction, or were commissioned after 31 December 2020 and are compliant with the requirements set out in Article 5 of Council Directive 91/271/EC, this Article 5 shall continue to apply until 31 December 2040.</u>		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
4. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex [VIII].		
5. Outermost regions may derogate for a period of maximum 15 years from [OP please insert the date = the date of entry into force of this Directive] the provisions of articles 6, 7 and 8, for discharges into coastal waters of urban wastewater from agglomerations of less than 150 000 p.e., and adopt an appropriate level of treatment, but not less stringent than primary treatment, if it is not technically feasible or it would involve excessive cost according to the cost-benefit ratio and scientific studies that sustain it. For the purposes of the preceding paragraph, the Member States comprising the outermost region shall submit to the Commission the studies referred to in the preceding paragraph. The scientific studies shall consider, in particular, the characteristics of the wastewater discharged into coastal waters as well as the receiving environment.		

ANNEX I 4– REQUIREMENTS FOR URBAN WASTEWATER

A.COLLECTING SYSTEMS

New text proposal_Clusters 2, 4	Malta proposal	Malta comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Collecting systems shall take into account wastewater treatment requirements. The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding: - volume and characteristics of urban wastewater, - prevention of leaks of wastewater, - prevention of inflow and infiltration into the collecting systems, - limitation of pollution of receiving waters due to storm-water sewer overflows considering the relevant requirements in Article 5 and annex V.		

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters 2,4	Malta proposal	Malta comments
1. Wastewater treatment plants shall be designed or modified so that representative samples of the incoming wastewater and of treated effluent can be obtained before discharge to receiving waters.		
2. Discharges from urban wastewater treatment plants serving agglomerations referred to in subject to treatment in accordance with Articles 6, 7 and 8 shall meet the requirements shown in Table 1 of this Annex.		
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, <u>except in cases where Article 7(5) is applied.</u>		
4. Discharges from urban wastewater treatment referred to in Article 8(1) or serving agglomerations and included in the list referred to in Article 8(2 4) shall, in addition to the requirements referred to in points 2 and 3, meet the requirements set out in Table 3 of this Annex.		
5. Authorisations 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.		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
6. More stringent requirements than those set out in Tables 1, 2 and 3 shall be applied where necessary to ensure that the receiving waters fulfil the requirements laid down in Directives 2000/60/EC, 2008/56/EC, 2008/105/EC and 2006/7/EC, <u>2006/118/EEC and 2020/2184/EC</u> .		
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize the <u>harmful</u> effects on receiving waters.		

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	Malta proposal	Malta comments
1. Member States shall ensure that a monitoring method is applied which fulfils the requirements set out in points 2 to 5. All methods of analysis shall comply with minimum performance criteria as the ones defined in the Directive 2009/90/EC and other relevant rules. Alternative methods to those referred to in points 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained. Member States shall provide the Commission with all relevant information concerning the applied monitoring method.		
2. Flow-proportional or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and, if necessary, in the inlet of the urban wastewater treatment plant. However, any time-based samples used to monitor micro-pollutants shall be 48-hour samples. Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.		

New text proposal_Clusters 2,4	Malta proposal	Malta comments										
3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 to 99 999 p.e. or above</td><td>One sample per week. For micropollutants, two samples per week month</td></tr><tr><td>— 150 000 p.e. or above</td><td><u>Two samples per week.</u> <u>For micropollutants, two samples per month</u></td></tr><tr><td>— 100 000 p.e. or over:</td><td>One Two sample per day week For micropollutants, two one samples per week</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 to 99 999 p.e. or above	One sample per week. For micropollutants, two samples per week month	— 150 000 p.e. or above	<u>Two samples per week.</u> <u>For micropollutants, two samples per month</u>	— 100 000 p.e. or over:	One Two sample per day week For micropollutants, two one samples per week		
— 1000 to 9 999 p.e.:	One sample per month (see Note 1)											
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month											
— 50 000 to 99 999 p.e. or above	One sample per week. For micropollutants, two samples per week month											
— 150 000 p.e. or above	<u>Two samples per week.</u> <u>For micropollutants, two samples per month</u>											
— 100 000 p.e. or over:	One Two sample per day week For micropollutants, two one samples per week											
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: (a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted;												

New text proposal_Clusters 2,4				Malta proposal	Malta comments
(c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall be conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply; (d) for the parameters specified in Table 3, each sample taken shall be conform to the parametric values set out in that table <u>the frequency of sampling referred to in paragraph 3 of Part D of Annex I means that one sample is taken in the inlet and one sample is taken in the outlet of the urban wastewater treatment plant in order to verify compliance with the minimum percentage of removal of table 3 of Annex I. The average percentage of removal of all substances used in the calculation shall be used in order to assess whether the required 80% minimum percentage of removal has been reached.</u>					
5. The samples shall be taken so that they reflect the pollution during dry weather flow conditions. Extreme values for the water quality in question shall not be taken into consideration when they are the result of unusual situations due to heavy rain.					
6. Analyses concerning discharges from lagooning shall be carried out on filtered samples; however, the concentration of total suspended solids in unfiltered water samples of such discharges shall not exceed 150 mg/l.					
Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) and or serving agglomerations referred to in 7(3). For discharges from urban wastewater treatment plants referred to in Article 7.1, both parameters shall apply. For agglomerations referred to in Article 7.3 One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.					MT calls for more flexibility with respect to the application of total Nitrogen and total Phosphorous. The application of these parameters needs to be determined based on the sensitivities of the receiving waters.
Parameters	Concentration	Minimum percentage of reduction ¹² (See Note 1)	Reference method of measurement		

¹² ~~Reduction in relation to the load of the influent.~~

New text proposal_Clusters 2,4				Malta proposal		Malta comments
Total phosphorus (see Note 2)	0,5 mg/L 1 mg/L (10 000 – 150 000 p.e.) 0,5 mg/L (more than 150 000 p.e.)	90 85 87,5%	Molecular absorption spectrophotometry			
Total nitrogen (see Note 2)	10 mg/L (10 000 – 150 000 p.e.) 8 mg/L (more than 150 000 p.e.) 8 mg/L 6 mg/L (see Note 2) (see Note 3)	85 82,5% (see Note 1 bis)	Molecular absorption spectrophotometry			
Note 1: Reduction in relation to the load of the influent or to the load generated in an agglomeration if the same level of environmental protection can be ensured. If a fraction of treated urban wastewater is used for agricultural irrigation, nutrients in that fraction may be included in the calculation of the influent load and be excluded from the discharged load. Natural nitrogen retention shall not be taken into account in the calculation of the minimum percentage reduction. This Note shall apply only as from [OP please insert the date = the last day of the XX year following the entry into force of the directive] where Member States were taking into account natural nitrogen retention in the calculation of the minimum percentage reduction of Nitrogen referred to under table 2 of Annex I of Council Directive 91/271/EEC. <u>Note 1 bis: In exceptional situations due to specific local circumstances where it is demonstrated that part of Nitrogen originated from urban wastewater can be eliminated in the receiving waters, natural nitrogen retention may be taken into account until [OP please insert the date = last day of the fifteenth year after the entry into force of the Directive] for the calculation of the minimum percentage reduction of Nitrogen referred to in table 2 of Part B of Annex I if all the following conditions are fulfilled:</u> <u>(1) the average hydraulic retention time of the discharged effluent is at least 1,5 years before it reaches the area sensitive to nitrogen designated under Article 7(2);</u>						

New text proposal_Clusters 2,4	Malta proposal	Malta comments
<u>(2) representative continuous monitoring programme of the total nitrogen parameter is ensured:</u> <u>(a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 1.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and</u> <u>(b) in the relevant inlets of the concerned area designated under Article 7(2); and</u> <u>(c) at the representative sampling locations in the receiving waters and relevant water bodies in the catchment area of the concerned area designated under Article 7(2);</u> <u>(3) the minimum percentage reduction for nitrogen of table 2 is met; this percentage shall be calculated on the basis of the data collected from representative continuous monitoring programme referred to in point (2)</u> <u>(4) it can be demonstrated that nitrogen releases from urban wastewater treatment plants in the catchment area are not harmful for the environment, including for biodiversity, and human health and do not modify the ecosystem;</u> <u>(5) the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under Annex V.1.2.1 of Directive 2000/60/EC to define the good ecological status of those areas;</u> <u>(6) the use of natural nitrogen retention is reported to the Commission in accordance with Article 22(1)(a) together with all the elements necessary to justify that conditions on (1), (2), (3), (4) and (5) above are fulfilled.</u> Note 2: This requirement shall apply to existing urban wastewater treatment plants on [OP please insert the date = date of adoption of this Directive] obliged to meet the deadlines established under Article 7.1 and Article 7.3. Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants. Note 3: This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the wastewater treatment plant. Below that water temperature, the daily average must not exceed 15 mg/l N. As a substitute for the condition concerning the temperature, it is possible to apply a limited time of operation, which takes into account the regional climatic conditions. This alternative applies if it can be shown that paragraph 1 of Annex I.D is fulfilled. <u>Note 3: Where the temperature in the effluent of the biological reactor is below 10°C, and when feasible below 5°C, the results of the samples taken may be excluded from the calculation of the annual mean for nitrogen as referred to in point (c) where all the following can be demonstrated:</u> <u>(1) the same level of protection of the environment is obtained;</u> <u>(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.</u>	PUBLIC	

New text proposal_Clusters 2,4		Malta proposal	Malta comments
Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date = last day of the transposition period of the directive].			
Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).			
Indicators	Minimum percentage of removal <u>in relation to the load of the influent</u>		
Substances that can pollute water even at low concentrations (see Note 1)	80 % (see Note 2)		
Note 1: The concentration of the organic substances referred to in points (a) and (b) shall be measured. (a) Category 1 (substances that can be very easily treated): (i) Amisulprid (CAS No 71675-85-9), (ii) Carbamazepine (CAS No 298-46-4), (iii) Citalopram (CAS No 59729-33-8), (iv) Clarithromycin (CAS No 81103-11-9), (v) Diclofenac (CAS No 15307-86-5), (vi) Hydrochlorothiazide (CAS No 58-93-5), (vii) Metoprolol (CAS No 37350-58-6), (viii) Venlafaxine (CAS No 93413-69-5); (b) Category 2 (substances that can be easily disposed of): (i) Benzotriazole (CAS No 95-14-7), (ii) Candesartan (CAS No 139481-59-7), (iii) Irbesartan (CAS No 138402-11-6),			

New text proposal_Clusters 2,4	Malta proposal	Malta comments																												
(iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and 6 5-methyl- benzotriazole (CAS No 136-85-6). Note 2: The percentage of removal shall be calculated for at least six substances. The number of substances in category 1 shall be twice the number of substances in category 2. If less than six substances can be measured in sufficient concentration, the competent authority shall designate other substances to calculate the minimum percentage of removal when it is necessary. The average of the percentages of removal of all substances used in the calculation shall be used in order to assess whether the required 80 % minimum percentage of removal has been reached.																														
<table><tr><th colspan="2">Table 4: Requirement for samples</th></tr><tr><th>Series of samples taken in any year</th><th>Maximum permitted number of samples which fail to conform</th></tr><tr><td>4-7</td><td>1</td></tr><tr><td>8-16</td><td>2</td></tr><tr><td>17-28</td><td>3</td></tr><tr><td>29-40</td><td>4</td></tr><tr><td>41-53</td><td>5</td></tr><tr><td>54-67</td><td>6</td></tr><tr><td>68-81</td><td>7</td></tr><tr><td>82-95</td><td>8</td></tr><tr><td>96-110</td><td>9</td></tr><tr><td>111-125</td><td>10</td></tr><tr><td>126-140</td><td>11</td></tr><tr><td>141-155</td><td>12</td></tr></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		
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																													

New text proposal_Clusters 2,4			Malta proposal	Malta comments
156-171	13	PUBLIC		
172-187	14			
188-203	15			
204-219	16			
220-235	17			
236-251	18			
252-268	19			
269-284	20			
285-300	21			
301-317	22			
318-334	23			
335-350	24			
351-365	25			

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	Malta proposal	Malta comments
1. Areas located in the catchments of the Baltic Sea, the Black Sea, parts of the North Sea and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC and Directive 2000/60/EC. and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC;		
2. Natural freshwater lakes, other freshwater bodies, estuaries and coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken. The following elements shall be taken into account when considering which nutrient should be reduced by further treatment: (a) lakes and streams reaching lakes/reservoirs/closed bays which are found to have a poor water exchange, whereby accumulation may take place. In these areas, the removal of phosphorus should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication. Where discharges from large agglomerations are made, the removal of nitrogen may also be considered; (b) estuaries, bays and other coastal waters which are found to have a poor water exchange, or which receive large quantities of nutrients. Discharges from small agglomerations are usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication;		
3. Surface freshwaters intended for the abstraction of drinking water which could contain more than the concentration of nitrate		

New text proposal_Clusters 2,4	Malta proposal	Malta comments
laid down under the relevant provisions of Directive (EU) 2020/2184 if protective action is not taken;		
4. Areas where further treatment than that prescribed in Article 7 of this Directive is necessary to comply with other Union acts in the environmental field, including in particular water bodies covered by Directive 2000/60/EC which are at risk of not maintaining or achieving good ecological status or potential .		
5. Any other areas found by the Member States to be sensitive to eutrophication.		

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

New text proposal_Clusters 2,4	Malta proposal	Malta comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹³ .		
2. Cosmetic products falling within the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ¹⁴ .		

¹³ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67–128).

¹⁴ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59–209).

ANNEX 6 VI – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	Malta proposal	Malta comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is:		
(a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements:	Malta's proposal refers: c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined-sewer-and-separate-sewer-collecting-systems for polluted urban wastewater runoff and storm-water sewer system overflows for the parameters referred to in Tables 1 and 2 of Annex I.	Malta would like to propose an amendment to point (c) to better reflect the focus of this Directive on urban wastewater. References to urban runoff are to be removed since this goes beyond the remit of this Directive.

New text proposal_Clusters 2,4	Malta proposal	Malta comments
overflows for the parameters referred to in Tables 1 and 2 of Annex I.		
(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;	Malta's proposal refers: (5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated; at the agglomeration or service-provider (utility) level.	All information under the Annex should remain at the agglomeration or service provider level and should not be at the user level. Providing data at the user level will create an administrative burden with limited added value to support the implementation of this Directive – which is essentially focused on the service provider and at agglomeration level.
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;	(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;	All information under the Annex should remain at the agglomeration or service provider level and should not be at the user level. Point (6) is, therefore to be deleted, in particular, due to the difficulty in presenting accurate and reliable information at the user level. In all probability, such information will be based on gross estimates – and will therefore have no added value.
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;	Malta's proposal refers: (7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;	All information under the Annex should remain at the agglomeration or service provider level and should not be at the user level.

(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above</u> in the agglomeration: (a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter); (b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy;		
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New text proposal_Clusters 2,4	Malta proposal	Malta comments
(e) the tonnes of CO₂ equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.		
(9) the total greenhouse gas emissions (in tonnes of CO ₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures of 10 000 p.e. and above in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO ₂ equivalent) produced during the construction of those infrastructures;		
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		
	Addition of the information required under Art 24(2)(a). Malta's proposal refers: (11) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I	Information required under Article 24(2)(a) is being included under Annex VI in accordance with amendments proposed to Article 24.

ANNEX 7 VII

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

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

PART B. TIME-LIMITS FOR TRANSPOSITION INTO NATIONAL LAW

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

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

ANNEX 8 VIII – CORRELATION TABLE

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

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

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

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