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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 delegations

Following the call for comments on the above set out with WK 11352/2023, delegations will find attached comments from BE, BG, CZ, DK, DE, EE, IE, EL, FR, HR, IT, CY, LV, LU, HU, NL, AT, PL, SI, SK, FI and SE.

BELGIUM

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:		3. The minimum annual number of samples for parameters in tables 1 to 3 shall be determined according to the size of the treatment plant and be collected at regular intervals during the year:		The relation between the frequencies mentioned here and the ones mentioned in Art 21 (4) is not clear. The table could be made more clear by indicating which parameters are in scope. Should we assume that the parameters in table 1 – 3 are targeted here? We consider the frequencies too high. For BE, the max compliance frequency should be: - One sample per week for table 1 an 2 parameters - One sample per month for the parameters listed in table 3.
— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 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	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	
— 50 000 to 149 999 ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— 50 000 to 149 999 p.e.	One sample per week. For micropollutants, one two-samples per month	
— 150 000 p.e. or above	Two samples per week. <u>For micropollutants, two samples per month</u>	— 150 000 p.e. or above	One Two samples per week. For micropollutants, one two-samples per month	
— ~~100 000 p.e. or over:~~	~~One Two sample per day week~~ For micropollutants, ~~two one samples per week~~			
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.				

BULGARIA

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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.		

Recitals Amended		
New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(25) Sustainable Development Goal 6 and the associated target requiring Member States to 'achieve access to adequate and		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
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 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		

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

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	Bulgaria proposal	Bulgaria comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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		

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	Bulgaria proposal	Bulgaria comments
transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria 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 ;		

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and services~~ and institutions which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, other than domestic wastewater and urban runoff , which is discharged ~~into collecting systems~~ from premises used for either 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;		
(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~~ collects and conducts urban wastewater including urban runoff including urban runoff ;		

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria 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~~;		
(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	Bulgaria proposal	Bulgaria 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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations ;		
(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;		

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	Bulgaria proposal	Bulgaria comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(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~~ ;		
(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	Bulgaria proposal	Bulgaria 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.~~		Bulgaria welcomes the proposed compromise text, which extends the deadlines for achieving the new requirements for tertiary treatment for treatment plants over 150,000 p.e. from 2030 to 2033 for 50% of agglomerations and from 2035 to 2039. for everyone. We believe that the text represents a step forward in the direction of reduction the conditions set regarding the tertiary treatment of biogenic substances.
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~2033. The list referred to in the first subparagraph shall include		Bulgaria supports the proposed amendment (presented at the previous meeting on 19.07) to this provision for the review every 6 years, starting from 2033, of the eutrophication

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
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.		sensitive areas, in accordance with the periods of the RBMP, which is in accordance with the already expressed proposal from Bulgaria for amending Article 7, paragraph 2.
~~3. Without prejudice to paragraph 1,~~ Member States shall ensure that <u>discharges from agglomerations of 10 000 p.e and above</u> 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 <u>these</u> agglomerations.		The new proposal of the Presidency on Art. 7 does not introduce an extension of the deadlines under paragraph 3. Despite the Presidency's proposal for common phased deadlines until 2045 for the implementation of the new tertiary treatment requirements for agglomerations between 10,000 and 150,000 p.e., we retain our concerns about their realistic achievement within this time frame for all agglomerations above 10,000 p.e. In the already expressed position of Bulgaria in relation to Art. 7 we have requested a derogation until 2050 for all agglomerations between 10,000 and 100,000 p.e. Therefore, we believe that more flexibility is still needed under Art. 7. The possibility of extension by 6 years under the conditions of Art. 23 (5) would not apply subject to the provisions to subparagraph (b)(i). We propose a revision under Art. 23(5), which is presented under the next cluster.
~~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~~		

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
~~the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date – the date of entry into force of this Directive], urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ ~~Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).~~		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		
4. ~~Samples taken in accordance with Article 21 and Part~~		Bulgaria welcomes the change from "amend"

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
~~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.		to "adapt" of monitoring and evaluation methods. At the same time, the essential rules regarding the methods of monitoring and evaluation of the results should not be substantially changed by the delegated act, and regarding the evaluation, heavier requirements should not be introduced, such as increasing the frequency or number of required samples, reducing the allowable exceptions. We confirm our special considerations against the proposed introduction by a Delegated Act and propose the replacement by an Implementing Act.
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.		

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
6. Discharges from urban wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 shall also be subject to paragraphs 3, 4 and 5.		
7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list.		

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria 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		Bulgaria supports the already expressed view

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
plants treating a load of ~~100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~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.		that for quaternary treatment there is not enough information regarding the possibility to assess the scope of the introduced requirement for areas where concentrations or accumulation of micropollutants pose a risk to human health or the environment. We remain concerned that the implementation of quaternary treatment will require significant investment, and a preliminary study of each WWTP for the presence and concentrations of the relevant substances is needed. According to the reports attached to the Impact Assessment of the new proposal for a Directive, the treatment of micropollutants is still a challenge. We maintain our position that for the implementation of this requirement there should be sufficient clarity about proven treatment methods that do not incur excessive costs that would unduly burden consumers.
2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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:~~		In Art. 8, p. 2 of the proposal for a Directive is set to draw up a list of agglomerations with concentrations or accumulation of micropollutants that pose a risk to humans and the environment by 2030. At the same time, the format for the risk assessment under Art. 8, p. 2 is proposed to be given in an act of implementation, without indicating a deadline for acceptance. Given the uncertainty of this treatment and with a view to the harmonized application of the requirements, it is necessary to make the rules clear at this stage and to allow

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
(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. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		sufficient time after the adoption of the risk assessment form to draw up a list of agglomerations with regard to micropollutants.
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than [OP please insert the date – the last day of the sixth month from the date of entry into force of this Directive].~~		
4. ~~By 31 December 2035,~~ Member States shall ensure		Despite the Presidency's proposal for common

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).

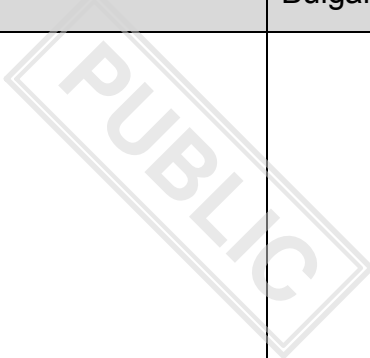
New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
that ~~for 50 % of the agglomerations of between 10 000 p.e and 100 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in 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.~~		phased deadlines until 2045 for the implementation of the requirements for quarterly purification for agglomerations of 10,000 and over 10,000 p.e., we retain our concerns about their realistic achievement in this time frame for all agglomerations over 10,000 p.e.. In the already expressed position of Bulgaria, apart from the concern about the ambiguity of the application of the essence of the quarterly purification in relation to Art. 8, we have requested a derogation until 2050 for all agglomerations between 10,000 and 100,000 p.e. Therefore, we again express a position for the need for more flexibility under Art. 8.
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~~		

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria comments
~~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 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).		In connection with the already expressed concern that the requirements for the proposed introduction of additional treatment for micropollutants are unclear in essence, we confirm our special considerations against the proposed delegated act for determining the methods for monitoring and evaluating the results. The specific essential requirements for the methods of monitoring and evaluation of the results in the application of this treatment should be clear already at the stage of adoption of the directive, with a view to both the harmonized application of the requirements and the assessment of the financial resources and professional staff that will are necessary.

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria 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.		The proposed text would have a potential negative effect on small and medium-sized countries, including Bulgaria. The proposal of the EC would affect the prices of medicinal products and their availability to the Bulgarian patient, who has relatively low purchasing power. Last but not least, our country is a producer of mostly generic products and the introduction of such a measure would affect the competitiveness of Bulgarian production. In connection with the application of the "Polluter Pays" principle and the "Health in all policies" principle, it is not required to completely drop it, but compliance with producer responsibility cannot and should not be transferred as an obligation to the patient's

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
		budget.
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) no later than [OP please insert the date = the last day of the second year from the date of entry into force of this Directive].		
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States shall ensure that: (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the		

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

ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

New text proposal_Clusters 2, 4	Bulgaria proposal	Bulgaria 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		

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

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

ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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 where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria 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 of 200 p.e and above</u>, 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	Bulgaria proposal	Bulgaria 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 and assess the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; ~~(c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC;~~ ~~(d c)~~ the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place. (e d) the <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>	T	

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>4 I, part</u> ~~Part~~ Part B.		

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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;		We suggest that points (a) and (d) should be combined, given that they are related and demonstrate achievement/non-compliance according to Annex I, Part D. Regarding letter (g), we consider that the requirement should be applied in case the state applies the provision of Art. 17. The proposal is tied to the repeatedly expressed position of Bulgaria that Art. 17 should be applied at the option of the state, not necessarily. With regard to letter (k), proposed at the previous meeting, we believe that it should be taken into account and indicated in the text that it should be fulfilled in the event that the state has not justified non-application of the Regulation for the reuse of its entire territory.

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		According to paragraph 4, we consider that the newly proposed period of "one year" of the Commission for adoption of an Implementation Act for the form of reporting should be consistent with the period of the countries for introduction into the national legislation and should be longer. This need is related to the fact that after the introduction into the national legislation, the states will be able to express an informed position on the content and form of the reporting within the procedure of adoption of the Implementing Act.

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

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

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

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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	„(i) at least 50 % of <u>these agglomerations urban wastewater treatment plants with capacity 10 000 p.e. and above are not applying tertiary treatment 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“	The granted possibility of extension by 6 years under the conditions of Art. 23 (5), would not apply subject to the proviso to subparagraph (b)(i). We suggest editing.

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

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, ~~in~~ for each agglomeration of above 1000 p.e. or each relevant administrative area. The information shall include at least the data listed in Annex VI. The information referred to in paragraph 1 shall also be provided by other means upon justified request.		
2. In addition, Member States shall ensure that all 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		

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
urban wastewater collected and treated for the average household per year and an indication of the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.		
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 of this Article and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those 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].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

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

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.		
2. Article 3(1) and Article 6(1) shall apply from 31 December ~~2027~~ 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) until 31 December 2033 for agglomerations that are not required to comply with the		

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
<u>requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u> <u>(b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033;</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~~</u>		

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
~~December 2040.~~		
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	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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 ~~subject to treatment in accordance with Articles 6, 7 and 8~~ serving agglomerations referred to in Article 7(1) or serving agglomerations referred to in Article 7(3) and in Article 8 in accordance with those Articles 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~~ serving agglomerations referred to in 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)~~ or serving agglomerations 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	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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 149 999 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 149 999 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 149 999 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 urban wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter												

New text proposal_Clusters 2,4				Bulgaria proposal	Bulgaria comments
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.					
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				Bulgaria proposal		Bulgaria 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> <u>(2) representative continuous monitoring programme of the total nitrogen parameter is</u>				(2) representative continuous monitoring programme of the total nitrogen parameter is ensured: (a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 10.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and		Given that table 2 sets requirements for nitrogen and phosphorus for agglomerations over 10,000 p.e., we consider that it is not justified to set requirements for agglomerations over 1,000 p.e. in Note 1bis. and in this connection, we consider that 1,000 p.e. should be

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
<u>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> ~~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~~		replaced by 10,000 p.e. Also, we consider it appropriate to drop the text "and where relevant in the urban runoff", due to an unnecessary additional administrative burden. In view of the above, we propose a revision: Предвид, че в таблица 2 се поставят изисквания за азот и фосфор за агломерациите над 10 000 е.ж., считаме че не е обосновано в Бележка 1bis да се поставят изисквания за агломерации над 1000 е.ж. и в тази връзка, считаме, че 1 000 е.ж. следва да бъде заменено с 10 000 е.ж. Също така, считаме за целесъобразно да отпадне текста „and

New text proposal_Clusters 2,4		Bulgaria proposal	Bulgaria comments					
~~period of the directive].~~		PUBLIC	where relevant in the urban runoff“, поради нецелесъобразна допълнителна административна тежест. Предвид гореизложеното предлагаме редакция:					
<table><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>			Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)
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),								

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments																		
(v) Diclofenac (CAS No 15307-86-5), (vi) Hydrochlorothiazide (CAS No 58-93-5), (vii) Metoprolol (CAS No 37350-58-6), (viii) Venlafaxine (CAS No 93413-69-5); (b) Category 2 (substances that can be easily disposed of): (i) Benzotriazole (CAS No 95-14-7), (ii) Candesartan (CAS No 139481-59-7), (iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 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></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		
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																			

New text proposal_Clusters 2,4		Bulgaria proposal	Bulgaria comments
82-95	8	PUBLIC	
96-110	9		
111-125	10		
126-140	11		
141-155	12		
156-171	13		
172-187	14		
188-203	15		
204-219	16		
220-235	17		
236-251	18		
252-268	19		
269-284	20		
285-300	21		
301-317	22		
318-334	23		
335-350	24		
351-365	25		

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria 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 laid down under the relevant provisions of Directive (EU)		

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
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	Bulgaria proposal	Bulgaria 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	Bulgaria proposal	Bulgaria 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.	“(b) treated by registered individual systems and transported to urban wastewater treatment plants”	• The information about the cargo included in item (2) does not correspond to the reported data under the current directive, and this wording does not cover the cases of transportation of cargo to the urban sewage treatment plant. For Bulgaria, collection through a sewage system and transportation through machines are different services and are performed by different operators. In this regard, we propose in item (2) to add text to letter (b) as indicated.
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each		

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) <u>for agglomerations of 10 000 p.e. and above</u>, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for <u>polluted</u> urban runoff and ~~storm water~~ sewer overflows for the parameters referred to in Tables 1 and 2 of Annex I.		
(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e.</u>	(8) For each urban wastewater treatment	According to the proposed changes in item 8, we

New text proposal_Clusters 2,4	Bulgaria proposal	Bulgaria comments
~~and above in the agglomeration:~~ (a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter); (b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy; (c) ~~the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~	plant of 10 000 p.e. and above: (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) for each urban wastewater treatment plants of 10 000 p.e. and above the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy;	support the deletion of "in the agglomeration". On the other hand, the newly proposed addition in item 8 "for 10,000 p.e. and more", we believe that it should refer only to letter (b) and in this sense we propose a revision of item 8.
(9) the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures of 10 000 p.e. and above in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;		
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.	(10) a summary of the nature and statistics regarding complaints and of the answers provided by ~~the urban wastewater treatment plant operators~~ the operator(s) responsible for urban wastewater collection and treatment services on matters falling within the scope of this Directive.	Under item (10), we express concerns that information is required only from the WWTP operator, while the scope of the directive also includes requirements for the sewage network. Also, in some cases in Bulgaria, the operators of the WWTP and the sewage network are different. Given this, in agreement with the text under item (1), we propose a change to item (10).

PUBLIC

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

New text proposal_Clusters 2,4		Bulgaria proposal	Bulgaria 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		Bulgaria proposal	Bulgaria 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		Bulgaria proposal	Bulgaria 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		Bulgaria proposal	Bulgaria 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		Bulgaria proposal	Bulgaria 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		

CZECH REPUBLIC

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		The text is acceptable for the Czech Republic.

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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.		The text is acceptable for the Czech Republic.
(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		The text is acceptable for the Czech Republic.

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		The text is acceptable for the Czech Republic.
(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,		The text is acceptable for the Czech Republic.

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		The text is acceptable for the Czech Republic.

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

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	[Insert MS name] proposal	[Insert MS name] comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~with regard to the main obligations to collect and treat wastewater.~~		The text is acceptable for the Czech Republic.
(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,		The text is acceptable for the Czech Republic.

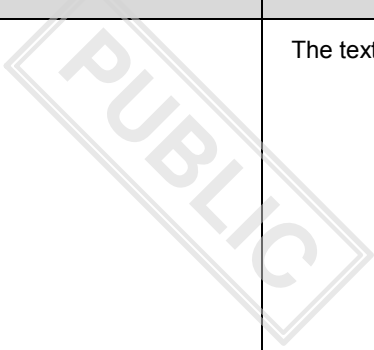
⁸ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) OJ L 33, 4.2.2006, p. 1–17

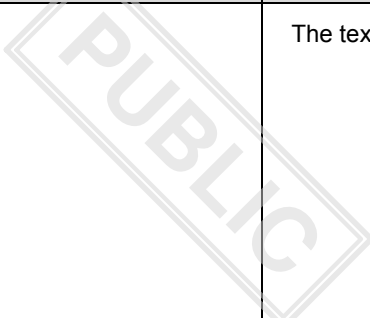
⁹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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;~~		The Czech Republic emphasizes the need to use uniform terminology throughout the text of the directive and carry out detailed language proofreading.
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services and institutions which originates predominantly from the human metabolism and/or from household activities;		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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.~~		The text is acceptable for the Czech Republic.
(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;		The text is acceptable for the Czech Republic.
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		The text is acceptable for the Czech Republic.
(6) '~~sewer storm water~~ overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~;		The text is acceptable for the Czech Republic.
(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~~ collects and conducts urban wastewater including urban runoff ~~including urban runoff~~;		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(9) 'separate sewer' means a system of conduits that separately collect~~s~~ and conduct~~s~~ 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~~;		The text is acceptable for the Czech Republic.
(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;		The text is acceptable for the Czech Republic.
(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%.		The text is acceptable for the Czech Republic.
(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;		The text is acceptable for the Czech Republic.
(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;		The text is acceptable for the Czech Republic.
(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;		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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);	"sludge" from wastewater treatment plants means a heterogeneous suspension of inorganic and organic substances deposited or formed during the technological processes of wastewater treatment (with the exception of gravel, fat and other solid substances before adjustment). Sludge can further be distinguished as primary sludge of undissolved substances from settling tanks and secondary, activated sludge from secondary settling tanks of biological purification stage. These form raw sludge, which is further treated before use. Sludges from quaternary treatment containing hazardous substances cannot be applied to agricultural land.	The Czech Republic proposes the following definition of sludge from wastewater treatment plants, divided according to the degree of treatment:
(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 present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008¹⁰; even in low concentrations;		The text is acceptable for the Czech Republic.
(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;	"dilution ratio" means the ratio between the volume of the annual flow of recipients at the point of discharge and the annual volume of urban wastewater discharged into surface waters.	The Czech Republic prefers the original definition of the dilution ratio. The dilution ratio indicator based on the five-year average will be significantly affected by the alternation of dry periods with average or above-average rainfall periods. The Czech Republic proposes new definition of the dilution ratio.

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).

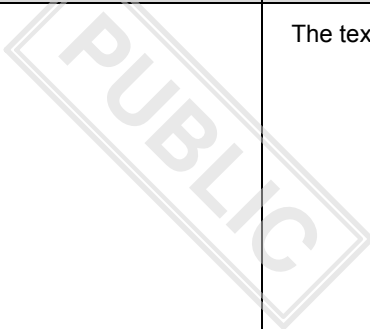
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		The text is acceptable for the Czech Republic.
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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 <u>Member States</u> market ~~of a Member State~~ ;		
(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).		The text is acceptable for the Czech Republic.

ARTICLE 7 – TERTIARY TREATMENT

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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.~~		The Czech Republic proposes to change the limit in Table 2 of the Annex I to 12 mg/l for wastewater treatment plants treating 10 000 – 150 000 p.e..
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033.		The text is acceptable for the Czech Republic.

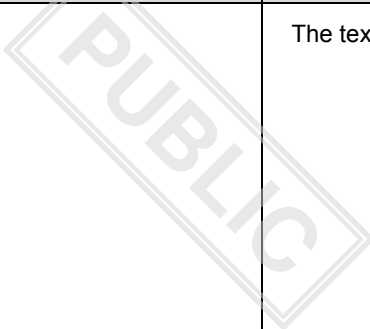
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance 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 <u>these</u> agglomerations.		The text is acceptable for the Czech Republic.
~~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 to 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~~		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		The text is acceptable for the Czech Republic.
~~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.~~		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.
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.		The text is acceptable for the Czech Republic.

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030,~~ Member States shall ensure that ~~50 % of discharges from urban wastewater treatment plants treating a load of 100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) ~~31 December 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.		The Czech Republic welcomes the adjustments to the text made in Article 8 and the related Annex I, which set out the requirements for quaternary cleanup and agrees to the postponement of the set deadlines for meeting the objectives.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter every five years thereafter</u> 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.		The text is acceptable for the Czech Republic.

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).

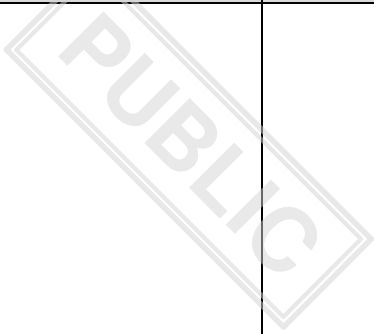
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment 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 [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].~~		The text is acceptable for the Czech Republic.
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e. and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:~~ (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.~~		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.
~~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.		The text is acceptable for the Czech Republic.
~~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).		The text is acceptable for the Czech Republic.

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.	The Czech Republic proposes to delete from Article 9 the provision that Member States exempt producers from their extended liability under paragraph 1 if they can prove that the quantity of the product they place on the European Union market is lower than 2 tons per year.	The Czech Republic emphasizes that the application of a limit of 2 tonnes of product placed on the European Union market per year could lead to deliberate circumvention of the UWWTD requirements by large producers subject to extended liability requirements. These organizations could artificially reduce the production of products containing micropollutants or purposefully create subsidiaries with low production of products containing micropollutants.
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) 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].		The text is acceptable for the Czech Republic.
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.

ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. 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.		The Czech Republic welcomes the adjustments to the text made in Article 15 and the related Annex I, which establish requirements for the reuse of water and the discharge of municipal wastewater. CZ positively evaluates the greater flexibility that was provided to the MS with significantly different conditions for the reuse of purified wastewater, especially for irrigation in agriculture. The Czech Republic sent the EC a justification why it will not use the pre-treated wastewater for irrigation in agriculture.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled. ~~Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:~~ ~~(a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and~~ ~~(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.~~		The Czech Republic welcomes the adjustments to the text made in Article 15 and the related Annex I, which establish requirements for the reuse of water and the discharge of municipal wastewater. CZ positively evaluates the greater flexibility that was provided to the MS with significantly different conditions for the reuse of purified wastewater, especially for irrigation in agriculture. The Czech Republic sent the EC a justification why it will not use the pre-treated wastewater for irrigation in agriculture.
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every ~~6~~ ten years and, if necessary, adapted. The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the discharges from non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions requirements set out in Part B of Annex I remain fulfilled.		The Czech Republic welcomes the adjustments to the text made in Article 15 and the related Annex I, which establish requirements for the reuse of water and the discharge of municipal wastewater. CZ positively evaluates the greater flexibility that was provided to the MS with significantly different conditions for the reuse of purified wastewater, especially for irrigation in agriculture. The Czech Republic sent the EC a justification why it will not use the pre-treated wastewater for irrigation in agriculture.

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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>	T	The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>4 I, part Part B</u>.		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.

ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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>	The Czech Republic proposes to delete this article from the draft revision of the directive.	Access to sanitary facilities according to the proposal of Article 19 is not directly related to the issue of urban wastewater treatment. This issue is regulated by other EU legislation, e.g. from the fields of construction or requirements for the interior equipment of buildings.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
for sanitation. 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 and ensure the information of the public.		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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;	In relation to Article 22, it is necessary to move the deadlines in Article 21 accordingly.	The Czech Republic welcomes the adjustments made to the text of Article 22 and agrees to the postponement of the set deadlines for meeting the objectives. CZ once again emphatically draws attention to the consequence of the implementation of this article, which will be a significant increase in the administrative burden as well as personnel and salary requirements. It is therefore necessary that the same optimal deadlines for the fulfillment of the goals, on which the MS will be able to agree, are set for both Article 21 and Article 22.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		The text is acceptable for the Czech Republic.

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.
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.		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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>		The text is acceptable for the Czech Republic.
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>		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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</u> each agglomeration <u>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.		The Czech Republic perceives this article as a tool leading to greater transparency of the field towards the lay public. However, CZ strongly points out the significant increase in administrative burden, especially for small operators of water management infrastructure.
2. In addition, Member States shall ensure that all ~~persons~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including~~ <u>for example</u> on their invoice or by <u>digital means such as</u> 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 <u>average</u> household or the connected entity in cubic meter, together with ~~yearly~~ trends and the price of urban wastewater collection and treatment for ~~the that~~ <u>average</u> 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 <u>average</u> 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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 <u>of this Article</u> and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those 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].~~		The text is acceptable for the Czech Republic.

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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) <u>shall apply from [OP please insert the date = last day of the fifteenth year after the entry into force of this Directive]</u> in respect of Mayotte.		The text is acceptable for the Czech Republic.
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 .		The text is acceptable for the Czech Republic.
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~~ .		
<u>(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u>		
<u>(b) until 31 December 2039 for agglomerations that are not required to comply</u>		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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>		
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.		The text is acceptable for the Czech Republic.
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.		The text is acceptable for the Czech Republic.
~~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.~~		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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].		The text is acceptable for the Czech Republic.
~~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.~~		The text is acceptable for the Czech Republic.

ANNEX I 4– REQUIREMENTS FOR URBAN WASTEWATER

A.COLLECTING SYSTEMS

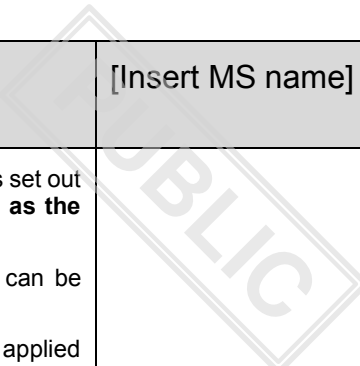
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
Collecting systems shall take into account wastewater 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.		The text is acceptable for the Czech Republic.

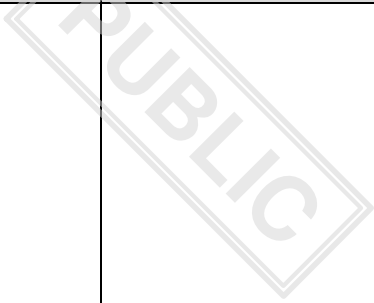
B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.
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>		The text is acceptable for the Czech Republic.
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.		The text is acceptable for the Czech Republic.
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.		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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> .		The text is acceptable for the Czech Republic.
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.		The text is acceptable for the Czech Republic.

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.		The text is acceptable for the Czech Republic.
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.		If micropollutants were to be monitored in a 48-hour sample and all other indicators in a 24-hour composite sample, this would mean that samples for micropollutant analysis would have to be collected separately, which would fundamentally increase costs. The majority of wastewater treatment plants in the Czech Republic are not equipped with their own laboratory, which would carry out analyzes of collected wastewater samples and evaluation of the concentration of pollutants. The preferred practice is for the collected samples to be taken to laboratories that must be accredited by the state. This means that for that 24-hour sample (for the other indicators - N, P, etc.) a

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
		technician from an external company has to visit. This consists of one visit to install barrel in which to draw the sample, and visit another day to collect the sample. If the sample is a 48-hour sample (for micropollutants)... then this creates the need for another visit another 24 hours later. This results in higher costs caused by one extra trip. So we would prefer a 24-hour sample for the micropollutants instead of the 48-hour one to alleviate the need for the extra visit from the technician. So the question is - why does the EC suggest that for micropollutants it should be taken from a 48-hour sample rather than a 24-hour sample?

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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 149 999 ~~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 149 999 ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— 150 000 p.e. or above	<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~~		The text is acceptable for the Czech Republic.
— 1000 to 9 999 p.e.:	One sample per month (see Note 1)											
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month											
— 50 000 to 149 999 ~~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;		The text is acceptable for the Czech Republic.										

New text proposal_Clusters 2,4				[Insert MS name] proposal	[Insert MS name] 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.					The text is acceptable for the Czech Republic.
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.					The text is acceptable for the Czech Republic.
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				[Insert MS name] proposal	[Insert MS name] 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 12 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)	The Czech Republic proposes new limit for wastewater treatment plants in category of 10 000–150 000 p.e.
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	(see Note 3)	
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>					The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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.~~ Note 3: <u>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>		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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).		See Article 8 – the Czech Republic requires the addition of requirements for the minimum efficiency of quaternary treatment also, alternatively, with the maximum permissible concentrations at the effluent from the WWTP.	
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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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;~~		The text is acceptable for the Czech Republic.
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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 .		The list of producers and products subject to extended producer responsibility should also include the production of all laundry and cleaning products that are a significant source of residues and affect the quality of wastewater.
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 .		The list of producers and products subject to extended producer responsibility should also include the production of all laundry and cleaning products that are a significant source of residues and affect the quality of wastewater.

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	[Insert MS name] proposal	[Insert MS name] comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water sewer~~		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		The text is acceptable for the Czech Republic.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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;		The text is acceptable for the Czech Republic.
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

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

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

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		

DENMARK

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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		

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(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,		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		

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

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	[Insert MS name] proposal	[Insert MS name] comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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	(38) Pursuant to the Interinstitutional Agreement on Better Law-Making¹⁰, the Commission should carry out an evaluation of this Directive within a certain	It's very import for Denmark that the list evaluated – and the list of products in Annex III include all sectors that contribute to the need for Quaternary treatment

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).

¹⁰ 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	[Insert MS name] proposal	[Insert MS name] comments
transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.	period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. <u>On the basis of the results of this evaluation, the list of products in Annex III may need to must be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.</u> <u>In addition, an analysis of pharmaceutical companies' options for substituting micropollutants must be carried out under the auspices of the EU</u>	and an analysis of pharmaceutical companies' options for substituting micropollutants must be carried out under the auspices of the EU

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
For the purpose of this Directive, the following definitions apply:		
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ with and urban runoff, or both of them ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and services and institutions~~ which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, other than domestic wastewater and urban runoff , which is discharged into ~~collecting systems~~ from premises used for either 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;		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(6) ~~'sewer storm-water overflow'~~ means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~ ;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a single conduit ~~that that designed to~~ collects and conducts urban wastewater including urban runoff including urban runoff ;		
(9) 'separate sewer' means a system of conduits that separately collects and conducts either urban runoff or ~~either of the following~~ : ~~(a) domestic urban wastewater not including urban runoff;~~ ~~(b) non-domestic wastewater non-domestic wastewater;~~ ~~(c) a mixture of domestic and non-domestic wastewater;~~ ~~(d) rainwater from agglomerations;~~		
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load per day~~ having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day-per day~~ ;		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which reduces removes most of biodegradable organic matter in from urban wastewater;		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(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~~ <u>from</u> urban wastewaters;		
(14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ organic residue and inorganic sludge residue resulting from the treatment of urban wastewater ~~in an urban wastewater treatment plant (excluding debris, grit, grease 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 1272/2008¹¹; even in low concentrations;~~		

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

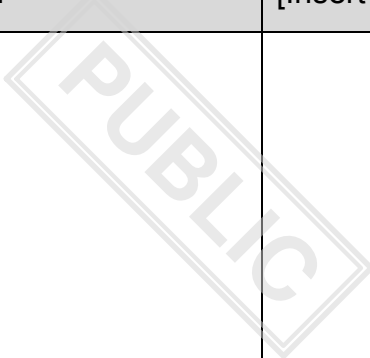
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(17) 'dilution ratio' means the ratio ~~of between~~ the last five years average volume of annual flow of the receiving waters at the point of discharge ~~and to the last five years average of the~~ annual discharge volume of urban wastewater into surface waters ; ~~discharged from a treatment plant;~~		
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an 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 <u>such as flush and dry toilets</u> , for the safe management and disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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~~ ;		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(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	[Insert MS name] proposal	[Insert MS name] 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		Keep threshold of 100.000 p.e., otherwise new regulation would go below existing requirements

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
Part B and Table 2 of Annex I before discharge into receiving waters accordance with paragraph 4.		
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ Part B and Table 2 of Annex I in its entire territory.		
3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that discharges from agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by: (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.		An extension of deadlines behind 2040 not acceptable.
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		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
~~treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 400 000 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 ~~400 000~~ 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. <u>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.</u>		
~~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.~~		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the ~~second subparagraph~~ to technological and scientific progress.		
5. By way of derogation from paragraphs 3 ~~and 4~~, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 ~~and 4~~ where it can be shown that the minimum percentage of reduction of the overall load entering all urban 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.	Denmark propose, that the deadlines proposed in the original proposal are retained. (a) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December ~~2039~~ 2035; (b) ~~85~~ 90 % for total phosphorus and ~~82,5~~ 85 % for total nitrogen by 31 December ~~2045~~ 2040.	All the proposed extensions of deadlines and possibilities for derogations means that the article 7 has no practical significance for Danish waste water treatment - and that Denmark can also look forward to far too large emissions of nutrients from our neighboring countries when we have to try to live up to the Water Framework Directive Denmark opposes lowering the threshold of P and N reduction. We would like to keep the initial proposal from the Commission.
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		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] 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 to quaternary treatment in accordance with paragraph 5~~ set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) ~~31 December 2030~~ 2033 for discharges from 20 % of these urban wastewater treatment plants;	1.-Member States shall ensure that discharges from urban wastewater treatment plants treating a load of ~~150 000~~ 100 000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater 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:	Denmark opposes the proposed increase of the threshold for wastewater treatment plants to 150,000 p.e. and would like to keep the threshold of 100,000 p.e.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(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.		
2. On 31 December ~~2030~~ 2027 2030 Member States shall have established a list a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
1380/2013 of the European Parliament and of the Council¹², take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than 10P~~ please insert the date = the last day of the sixth month from the date of entry into force of this Directive.		
4. ~~By 31 December 2035~~, Member States shall ensure that ~~for 50 % of the agglomerations of between 10 000 p.e and 100 000 p.e.~~ above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 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;		

¹²

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	[Insert MS name] proposal	[Insert MS name] comments
(c) 31 December 2045 for all ~~these~~ agglomerations. ~~Urban wastewater treatment plants treating a load of 100 000 p.e. and above must still meet the deadlines set in Article 8(1). By 31 December 2040, member States shall ensure that urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~		
5. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph, fulfil the requirements <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.		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
~~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	[Insert MS name] proposal	[Insert MS name] 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:	1. Member States shall can 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. If implemented such measures shall ensure that those producers cover:	Denmark find that it should be up to the member states iif they wan to implement an Extended responsibility scheme or if they finace the Quaternary treatment in other ways. Denmark finds it absolutely crucial that the list of micro-pollutants that must contribute to financing Quaternary treatment will be expanded as we gain more knowledge about which substances are pollutants and which substances are removed by Quaternary treatment.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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.	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 other costs required to exercise their extended producer responsibility.	
2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following: (a) the quantity of the product they place on the Union market is below 2 tonnes per year; (b) the products they place on the market do not generate 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	4. Member States shall if implemented ensure that producers referred to in paragraph 1 exercise their	

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

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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).	(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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	1. Member States shall If an Extended Producers Responsibility Ccheme is implemented 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;	

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
responsibility obligations of the producers, including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.	(b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers, including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.	
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.	2. Member States shall if implemented 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.		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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).	Member State shall if implemented ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).	
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.	5. Member States shall if implemented ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.	
6. [NEW] By the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on: (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations; (b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of (i) the coverage of the full cost as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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.		

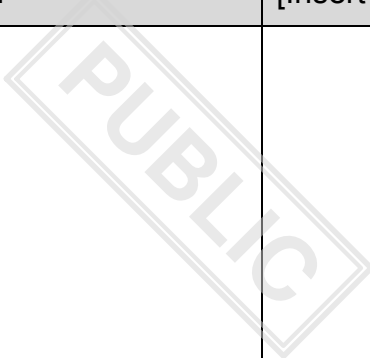
ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from ~~all~~ urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it		Denmark welcomes the addition where appropriate

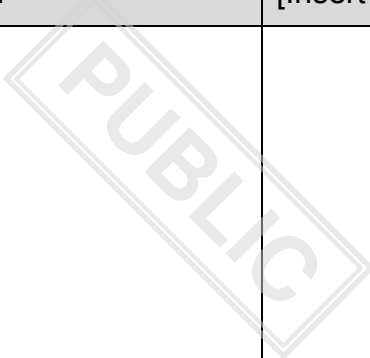
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		
2. Member States shall ensure that <u>at least all</u> discharges from urban wastewater treatment plants <u>of 1000 p.e and above of 200 p.e and above</u>, 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:~~		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<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</u> as defined in Article 2 point (1) of Directive 2006/118/EEC <u>as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u> (e) the <u>ecological and chemical status of the receiving surface water body</u> 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>		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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 <u>4 I, part</u> Part B.		
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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
national implementation programmes referred to in Article 23 and communicated to the Commission on request.		

ARTICLE 19 – ACCESS TO SANITATION

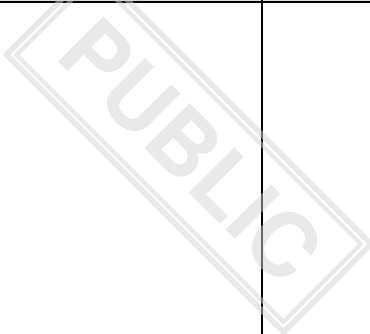
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(20) 'sanitation'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(25); (26); (27)		
<u>Without prejudice 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 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,		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		
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		Denmark propose, that the deadlines proposed in the original proposal are retained. Denmark finds that too many extended deadlines and too many possibilities for exceptions are proposed.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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; (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)~~		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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 <u>permanent</u> access to the data sets referred to in paragraph 1.		
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
2. By ...[OP: please insert the date = the last day of the ~~thirty fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) no later than [OP please insert the date = the last day of the		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>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 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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
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</u> each agglomeration <u>of above 1000 p.e. or each relevant administrative area.</u> The information shall include at least the data listed in Annex VI.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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.		
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		

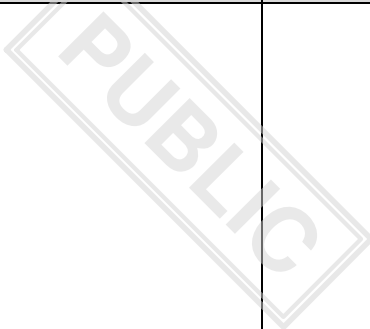
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). ~~The Commission will provide the format and methods by [12 months from the entry into force of this Directive].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive]; (b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033; (c) until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>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>		
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].		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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 <u>to 149 999</u> <u>to 99 999 p.e. or above</u></td><td>One sample per week. For micropollutants, two samples per ~~week~~ month</td></tr><tr><td>— <u>150 000 p.e. or above</u></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 <u>to 149 999</u> <u>to 99 999 p.e. or above</u>	One sample per week. For micropollutants, two samples per ~~week~~ month	— <u>150 000 p.e. or above</u>	<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~~	We support alignment with the responding articles in IED. <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample p</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples For micropoll</td></tr><tr><td>~~— 50 000 to 149 999~~ ~~to 99 999 p.e. or above~~</td><td>One sample p For micropoll month</td></tr><tr><td>~~— 150 000 p.e. or above~~</td><td>~~Two samples~~ ~~For micropoll~~ month</td></tr><tr><td>~~— 100 000 p.e. or over:~~</td><td>~~One Two sam~~ For micropoll week</td></tr></table>	— 1000 to 9 999 p.e.:	One sample p	— 10 000 to 49 999 p. e.:	Two samples For micropoll	~~— 50 000 to 149 999~~ ~~to 99 999 p.e. or above~~	One sample p For micropoll month	~~— 150 000 p.e. or above~~	~~Two samples~~ ~~For micropoll~~ month	~~— 100 000 p.e. or over:~~	~~One Two sam~~ For micropoll week	Denmark find that the annual number of samples for treatment plants from 150.00 P.E. and above can be lowered to once a week without affecting the statistical uncertainty significantly
— 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 <u>to 149 999</u> <u>to 99 999 p.e. or above</u>	One sample per week. For micropollutants, two samples per ~~week~~ month																					
— <u>150 000 p.e. or above</u>	<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 p																					
— 10 000 to 49 999 p. e.:	Two samples For micropoll																					
~~— 50 000 to 149 999~~ ~~to 99 999 p.e. or above~~	One sample p For micropoll month																					
~~— 150 000 p.e. or above~~	~~Two samples~~ ~~For micropoll~~ month																					
~~— 100 000 p.e. or over:~~	~~One Two sam~~ For micropoll 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				[Insert MS name] proposal	[Insert MS name] 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.					
Parameters	Concentration	Minimum percentage of reduction ⁴³ (See Note 1)	Reference method of measurement		

¹³ ~~Reduction in relation to the load of the influent.~~

New text proposal_Clusters 2,4				[Insert MS name] proposal	[Insert MS name] 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>				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~~ Denmark finds it very inappropriate if our neighboring countries still have to have exceptions in relation to cleaning due to low temperatures. Special exception already at 12 degrees. In Denmark all plants are designed to comply with the requirements for temperatures down to 5 degrees. It can also be done in our neighboring countries without disproportionate costs.	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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. <u>~~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> <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>	~~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> <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</u>	We do not find that there is any scientific basis for a temperature already at 10-degree C will impose cleaning. Alternatively, we as a compromise would suggest a temperature of 8-degree C.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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].~~	<u>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 and the neighboring countries 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	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
	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 8°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>(2) 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> ~~Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [QP please insert the date = last day of the transposition period of the directive].~~	

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] comments						
<table><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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), (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									

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] comments																																		
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><tr><td>156-171</td><td>13</td></tr><tr><td>172-187</td><td>14</td></tr><tr><td>188-203</td><td>15</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	156-171	13	172-187	14	188-203	15		
Table 4: Requirement for samples																																					
Series of samples taken in any year	Maximum permitted number of samples which fail to conform																																				
4-7	1																																				
8-16	2																																				
17-28	3																																				
29-40	4																																				
41-53	5																																				
54-67	6																																				
68-81	7																																				
82-95	8																																				
96-110	9																																				
111-125	10																																				
126-140	11																																				
141-155	12																																				
156-171	13																																				
172-187	14																																				
188-203	15																																				

New text proposal_Clusters 2,4			[Insert MS name] proposal	[Insert MS name] comments
204-219	16	PUBLIC		
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹⁴ .		
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 ¹⁵ .		

¹⁴ 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).

¹⁵ 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	[Insert MS name] proposal	[Insert MS name] comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water~~ sewer		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO ₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures <u>of 10 000 p.e. and above</u> 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.		

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			[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		
98/15/EC	30 September 1998		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		

GERMANY

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	Germany proposal	Germany 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	Delete the following sentences: ~~"[...]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.[...]"~~ ~~"[...] for agglomerations of between 10 000 p.e. and 100 000 p.e.[...]"~~	Germany advocates a risk-based approach for urban wastewater treatment plants of any size. A quaternary treatment only makes sense for plants where discharge of wastewater represents a risk for human health or the environment. See also comments below concerning article 8 para 1.

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).

Recitals Amended		
New text proposal_Clusters 2, 4	Germany proposal	Germany comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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.	Delete and add the following: The contributions –producer responsibility and the complemented national financing 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.	See comments below concerning EPR in article 9.
(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		

Recitals Amended		
New text proposal_Clusters 2, 4	Germany proposal	Germany comments
country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 .		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	Germany proposal	Germany comments
(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 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>	Delete added part: ~~including all kind of facilities and services, such as flush and dry toilets~~	There is no need to mention explicitly flush and dry toilets. Member State shall decide what kind of facilities they want to provide. Mentioning flush and dry toilets may lead to limit the available options.
(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		

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

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	Germany proposal	Germany comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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		

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	Germany proposal	Germany comments
transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.	Added sentence with the following changes supported: On the basis of the results of this evaluation, the list of products in Annex III may need to be amended regularly to include new sectors in the scope of the extended producer responsibility referred to in Article 9.	Other product groups besides pharmaceuticals and personal care products have to be added as soon as possible in Annex III. Micropollutants (incl. microplastics) in wastewater are demonstrably caused by a large number of substances from domestic use or their improper disposal (including detergents and cleaning agents, biocides, chemicals, food). Furthermore, commercial activities, e.g. in agriculture or in hospitals, also lead to trace substances in water bodies, i.e. there are many different input pathways.

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	Germany proposal	Germany comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		
	'dry weather flow' means ...	A definition of "dry weather flow" is missing. See also german comments for cluster 1-3-5 and on page 51 below.
(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;		

New text proposal_Clusters 2, 4	Germany proposal	Germany comments
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and services~~ and institutions which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, other than domestic wastewater and urban runoff , which is discharged ~~into collecting systems~~ from premises used for either 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 ~~a~~ final discharge points into receiving waters ;		
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) 'sewer storm water overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~ ;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a single conduit ~~that that designed to~~ collects and conducts urban wastewater including urban runoff ~~including urban runoff~~ ;		

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

New text proposal_Clusters 2, 4	Germany proposal	Germany 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 present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations ;	Suggestion again: Stick to origin COM proposal or text below. 'Micropollutant' means a substance, including its breakdown products, that usually occurs in low concentrations (mostly µg-ng/l) in the water medium 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 EC¹.	Not acceptable. New proposal lacks reference to the water medium and "low concentrations" is not defined anymore. See also german comment for cluster 1-3-5.
(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;		

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	Germany proposal	Germany comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe management and disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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~~ ;		
(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	Germany proposal	Germany 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.~~	Keep "100.000 p.e." Keep "100.000 p.e."	In case the threshold is changed for 150.000 pe, the revised Directive will fall behind the current obligations. It is under no circumstances acceptable that after more than 30 years operators with wwtp between 100.000 – 150.000 pe will not have to fulfil the requirements for nutrient revomoval anymore. The obligations of the current Directive must be fulfilled. Only by keeping the thresholf of 100.000 pe the suggested time delay can be accepted.
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	Germany proposal	Germany 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 <u>these</u> agglomerations.		
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date – the date of entry into force of this Directive], 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~~	Delete text completely: ~~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).~~	Under no circumstances the introduction of another derogation can be accepted. Clear deadlines to implement the Directive must apply.

New text proposal_Clusters 2, 4	Germany proposal	Germany 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		
~~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	Germany proposal	Germany 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.	Please add at the end: In case the above mentioned restrictions are met, the minimum requirements for individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 is secondary treatment and requirements of Annex I, B. table 1 applies.	Without adding the sentence requirements for IAS would be unclear. It must be made clear in the text that under all circumstances a biological (secondary) treatment for IAS is mandatory. Otherwise even no treatment could be chosen.
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	Germany proposal	Germany comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030,~~ Member States shall ensure that ~~50 % of discharges from urban wastewater treatment plants treating a load of 100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) ~~31 December 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.	Delete the whole paragraph.	Germany advocates a risk-based approach for urban wastewater treatment plants of any size. A quaternary treatment shall only be installed where discharge of wastewater represents a risk for human health or the environment. Due to the introduction of a risk-based approach, the paragraph is not needed anymore. Dates and implementation of para 4 applies.

2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.	Delete para 1 and turn para 2 into para 1. Keep “2027” instead of 2030. (g) coastal waters as defined in Article 2, point (7), of Directive 2000/60/EC (h) transitional waters as defined in Article 2, point (6), of Directive 2000/60/EC (i) marine waters as defined in Article 3, point (1), of Directive 2008/56/EC	It is necessary to establish investment security as soon as possible. This allows operators to plan their investments in time, also to avoid delays in implementing the Directive Introduction of risk based approach for urban waste water plants of any size is supported. Discharges into the marine environment or into transitional waters have been neglected so far. But especially persistent micropollutants are accumulating in the sea.

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).

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~~ please insert the date = the last day of the sixth month from the date of entry into force of this Directive.		
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 100 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 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.~~	Change “paragraph 2” into “paragraph 1”.	Logical consequence modification. See therefore comments above concerning article 8.
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	Change “paragraph 2” into “paragraph 1”.	Logical consequence modification. See therefore comments above concerning article 8.

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	Germany proposal	Germany 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.	Delete the second sentence in para 1 and add para 1a. right after the first sentence as follows: 1a. The producer responsibility shall be complemented by national financing set up for the upgrade of urban wastewater treatment plants with a quaternary treatment in order to ensure no unintended consequences on the availability, affordability and accessibility of vital products, in particular medicines, and to ensure sufficient funds are available to operators. The producer responsibility and national financing shall 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, that cannot be removed by primary, secondary or tertiary treatment, 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	Producers shall only make a proportionate contribution to financing the measures planned under Articles 8 and 9. EPR should not be imposed unilaterally on the pharmaceutical industry and cosmetics manufacturers. Extended producer responsibility shall be based on the harmfulness of the micro-pollutants contained in the product.

New text proposal_Clusters 2,4	Germany proposal	Germany comments
	b) the costs for gathering and verifying data on products placed on the market; and c) other costs required to exercise their extended producer responsibility. Add para 1b. after para 1a. as follows: 1b. The extended producer responsibility applies regardless of whether the products placed on the market or individual components thereof were manufactured in a Member State or third country, or whether the producers have a registered office in the European Union or the product is placed on the market via a digital platform.	
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.	Add the following below. 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 micropollutants contained in the product they place on the Union market is below 2 tonnes per year;	Many medicines contain only a few milligrams of active ingredient (= micropollutant) and shampoos, for example., consist largely of water. Therefore, a clarification is necessary that the exception refers to the quantitative share of micropollutants in the product and not to the quantity of the products themselves. The threshold quantity must be set at 2 t of active substance accordingly. Because the extended producer responsibility covers active substances rather than usable products. The term “product” is therefore incorrect in this context.
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) no later than [OP please insert the date = the last day		

New text proposal_Clusters 2,4	Germany proposal	Germany comments
<u>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; (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).	4. Member States <del>can decide</del>~~shall ensure~~ that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. <u>In this case, Member States shall ensure that:</u> [...] Add the following below: (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the <u>micropollutants contained in the</u> products that are placed on the market;	Member States should have discretion how to implement the extended producer responsibility in their national law. The implementation through private producer responsibility organisations should be one possibility, but not the only one. Extended producer responsibility, especially if limited to financial producer responsibility, can also be implemented by a state-controlled fund or a special tax for the producers. This would be in accordance with the Waste Framework Directive, which also allows Member States to decide how to organize the extended producer responsibility on national level. See comments above concerning EPR in article 9 para 1 and para 2.

New text proposal_Clusters 2,4	Germany proposal	Germany comments
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).	Add a new letter at the end of para 5: (d) the requirements for the extended producer responsibility and extended producer responsibility organisations set under the Articles 9 and 10 are met before the implementation of the requirements for quaternary treatment set under article 8 starts.	

ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

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

New text proposal_Clusters 2, 4	Germany proposal	Germany comments
1. Member States shall take the necessary measures to ensure that any producer responsibility organisation established under Article 9(4): (a) has a clearly defined geographical coverage coherent with the requirements set out in Article 8; (b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers, including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.	Add the following in para 1: (b) has the necessary share of the 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;	See comments above concerning EPR in article 9 para 1.
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		

New text proposal_Clusters 2, 4	Germany proposal	Germany comments
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.		
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).		
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.		
6. [NEW] By 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;		

New text proposal_Clusters 2, 4	Germany proposal	Germany comments
(b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of (i) the coverage of the full cost as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions by the producer responsibility organisation as referred to in point c of paragraph 9(4); (d) the exonerations provided according to Article 9; (e) any other issue in relation to the effective implementation of Articles 9 and 10. 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

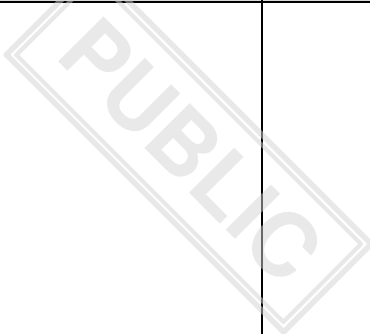
New text proposal_Clusters 2,4	Germany proposal	Germany comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

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

ARTICLE 15 – WATER REUSE AND DISCHARGES OF URBAN WASTEWATER

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

New text proposal_Clusters 2,4	Germany proposal	Germany comments
<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 where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.	"where appropriate" is explicitly supported	Leaves it to the Member States to decide whether or not and where water reuse is promoted
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above ~~of 200 p.e and above~~, are subject to prior regulations and/or specific authorisation. Such	Changes supported	

New text proposal_Clusters 2,4	Germany proposal	Germany comments
<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	Germany proposal	Germany 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) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u>		

New text proposal_Clusters 2,4	Germany proposal	Germany comments
(e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>1 I, part Part B</u>.		

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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 for sanitation.</u> Member States shall take all necessary		

New text proposal_Clusters 2,4	Germany proposal	Germany comments
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 and ensure the information of the public.		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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;		

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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 <u>second first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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	Germany proposal	Germany 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	Germany proposal	Germany 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	Germany proposal	Germany 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	Germany proposal	Germany 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</u> each agglomeration <u>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~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including for example~~ on their invoice or by <u>digital means such as</u> 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 <u>average</u> household or the connected entity in cubic meter, together with ~~yearly~~ trends and the price of urban wastewater collection and treatment for ~~the that~~ <u>average</u> 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 <u>average</u> 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.	Delete paragraph 2.	The provision in paragraph 2 means more work for the operators and municipalities without any advantage to the public in terms of information.

New text proposal_Clusters 2,4	Germany proposal	Germany 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.	Change paragraph 3 into 2.	Logical consequence modification. See therefore comment above concerning para 2.
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].~~	Change paragraph 4 into 3.	Logical consequence modification. See therefore comment above concerning para 2.

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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 .	Keep "100.000 p.e."	Reason: see above
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~~ .		
<u>(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u>		
<u>(b) until 31 December 2039 for agglomerations that are not required to comply</u>		

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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

1. COLLECTING SYSTEMS

New text proposal_Clusters 2, 4	Germany proposal	Germany 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: (1) volume and characteristics of urban wastewater, (2) prevention of leaks of wastewater, (3) prevention of inflow and infiltration into the collecting systems, (4) 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	Germany proposal	Germany 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>	Amend accordingly to changes in Art. 7(3)	
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	Germany proposal	Germany 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.	Delete "harmful"	Natural retention must not be covered

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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 <u>to 149 999</u> ~~to 99 999 p.e. or above~~</td><td>One sample per week. For micropollutants, two samples per ~~week~~ month</td></tr><tr><td>— <u>150 000 p.e. or above</u></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><del>One Two sample per day ~~week~~</del> <del>For micropollutants, two ~~one~~ samples per week</del></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 <u>to 149 999</u> ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— <u>150 000 p.e. or above</u>	<u>Two samples per week.</u> <u>For micropollutants, two samples per month</u>	~~— 100 000 p.e. or over:~~	<del>One Two sample per day ~~week~~</del> <del>For micropollutants, two ~~one~~ samples per week</del>	Delete note 1	Seasonal activities are not defined in the proposal. Some seasonal activities might even last all year. In some cases even 2 seasonal activities might occur (e.g. ski-season and hiking season in mountains) and would allow for many exemptions for monitoring. This very vague text might lead to the fact that a MS defines its own monitoring scheme to escapes from requirements. There are technical options such as storage tanks or compensating reservoirs to avoid stressful situations for a wwtp at the beginning of a season.
— 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 <u>to 149 999</u> ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month											
— <u>150 000 p.e. or above</u>	<u>Two samples per week.</u> <u>For micropollutants, two samples per month</u>											
~~— 100 000 p.e. or over:~~	<del>One Two sample per day ~~week~~</del> <del>For micropollutants, two ~~one~~ samples per week</del>											
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 %.												

New text proposal_Clusters 2,4				Germany proposal	Germany comments
except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall ~~be~~ conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply; (d) for the parameters specified in Table 3, ~~each sample taken shall be conform to the parametric values set out in that table~~ <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.				A definition of “dry weather flow” is missing	See DE comment for cluster 1-3-5
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.					
Parameters	Concentration	Minimum percentage of reduction ¹²	Reference method of measurement		

¹² Reduction in relation to the load of the influent.

New text proposal_Clusters 2,4				Germany proposal	Germany comments
		(See Note 1)			
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	Suggested concentrations and reduction rates supported	
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.~~ 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:				Note 1 bis to be deleted completely	Every waste water discharge leads to an impact on the receiving water. With reference to Art. 4 WFD for surface waters "Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water ...". Thus, note 1 bis in contraction to the requirements of the WFD. In addition, the approach of the UWWTD is emission based and not immission based (without

New text proposal_Clusters 2,4	Germany proposal	Germany comments
<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> <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>	PUBLIC	exemption). A minimum emission standard must be fixed for all wwtp in all Member States! This is especially important for those Member States of sensitive areas under Annex II.

New text proposal_Clusters 2,4		Germany proposal	Germany comments				
<u>(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.</u> <u>Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date = last day of the transposition period of the directive].</u>							
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). <table><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		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)		
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),							

New text proposal_Clusters 2,4	Germany proposal	Germany comments																										
(iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 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></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		
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																											

New text proposal_Clusters 2,4			Germany proposal	Germany comments
141-155	12	PUBLIC		
156-171	13			
172-187	14			
188-203	15			
204-219	16			
220-235	17			
236-251	18			
252-268	19			
269-284	20			
285-300	21			
301-317	22			
318-334	23			
335-350	24			
351-365	25			

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	Germany proposal	Germany 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	Germany proposal	Germany 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	Germany proposal	Germany 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 .		
	To be added: The list of products has to be checked and amended by the COM on a regular basis, starting at the latest by 31 December 2027, to include new sectors in the scope of the extended producer responsibility referred to in Article 9. Member States may add other sectors based on the evidence of presence of micropollutants produced by this sector.	Other product groups besides pharmaceuticals and personal care products have to be added. Micropollutants (incl. microplastics) in wastewater are demonstrably caused by a large number of substances from domestic use or their improper disposal (including detergents and cleaning agents, biocides, chemicals, food). Furthermore, commercial activities, e.g. in agriculture or in hospitals, also lead to trace substances in water bodies, i.e. there are many different input pathways.

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	Germany proposal	Germany 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.		
	Annex VI should be adapted to the deletion of para 2 in Article 24.	See comments above concerning article 24.
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm water~~ sewer		

New text proposal_Clusters 2,4	Germany proposal	Germany 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	Germany proposal	Germany comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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.		

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

New text proposal_Clusters 2,4		Germany proposal	Germany 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		Germany proposal	Germany 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		Germany proposal	Germany 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		Germany proposal	Germany 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		Germany proposal	Germany 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		

ESTONIA

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	Estonian proposal	Estonian 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	(11) Recent scientific knowledge underpinning several Commission strategies² highlight the need to take action to address the issue of micropollutants, 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 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 micropollutants is removed from urban wastewater. Quaternary treatment should first focus on organic micropollutants, which represent a significant part of the pollution and for which removal technologies are already designed. The treatment should be imposed based on the precautionary approach combined with a risk-based approach. Therefore, all urban wastewater treatment plants	These changes are related to our previous comments on Article 8 according to which in Estonia due to lower usage of cosmetics and pharmaceuticals compared with bigger Member States (see also previous Estonian comments on article 9), the costs of installing quaternary treatment stage to all large WWTP-s treating a load of 100 000 p.e. and above (or according to new threshold 150 000 p.e. and above) are not proportional to the accompanying benefits to human health and the environment. Thus, this requirement to install quaternary treatment should not automatically apply to all large WWTP-s. the requirement to install quaternary treatment stage to WWTPs in order to remove micro-pollutants should only be based on the results of a risk assessment and should be left to the discretion of the Member States

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).

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Strategy for Plastics in a Circular Economy (COM/2018/028 final); Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, European Union Strategic Approach to Pharmaceuticals in the Environment (COM(2019) 128 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment (COM(2020) 667 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' (COM/2021/400 final).

Recitals Amended		
New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
environment and the removal of micro-pollutants by urban wastewater treatment plants at such scale is cost-effective. For agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to apply quaternary treatment to areas identified as sensitive to pollution with micro-pollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.	~~of 100 000 p.e. and above should provide quaternary treatment, as those facilities represent a significant share of micropollutant discharges in the environment and the removal of micropollutants by urban wastewater treatment plants at such scale is cost-effective. For agglomerations of between 10 000 p.e. and 100 000 p.e.,~~ Member States should be required to apply quaternary treatment to urban wastewater treatment plants serving agglomerations of 10 000 p.e. and above for areas identified as sensitive to pollution with micropollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and above 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 2050 with clear interim objectives.	to be set up on the basis of local needs and economic rationality as it requires extensive investments. As experience and knowledge regarding construction and operation of the quaternary treatment stage are currently weak both in Estonia and in other Member States, the requirement of quaternary treatment should progressively apply until 2050 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	(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 for Member States that have decided to implement this system, 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 of a Member State and the hazardouness of their residues. The contributions should fully or partly cover, but not	We find that the introduction of producer responsibility system should not be mandatory to Member States and Member States should be able to decide on the sources of financing of the costs related to quaternary treatment and monitoring of micro-pollutants based on their local context and cost-benefit assessment. The reasons are discussed in more detail under Article 9 comments below.

Recitals Amended		
New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
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.	exceed, the investment and operational costs and 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 of a Member State, 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. Member States have a right to decide at a national level that extended producer responsibility may also be shared in part with the other parties.	
(17) Since the transboundary nature of water pollution requires cooperation between neighbouring Member States or third countries in addressing such pollution and identifying measures to tackle its source, Member States should be required to inform each other or the third country if significant water pollution originating from urban wastewater discharges in one Member State or third country impacts or is likely to impact the water quality of another Member State or third country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <i>United Nations Economic Commission for</i>		The addition regarding cooperation through previous agreements on environmental water issues to be a part of the transboundary cooperation is suitable.

Recitals Amended		
New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
<i>Europe (UNECE) Water Convention³ or other relevant regional Conventions such as the Regional Seas or Rivers Conventions.</i>		
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 ⁴ .		This addition is suitable.
(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. ⁵ Furthermore, Principle 20 of the European Pillar of Social Rights ⁶ 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		These changes are suitable.

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

⁴ 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).

⁵ Resolution adopted by the United Nations General Assembly on 25 September 2015 ([A/70/L.1](#))

⁶ 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).

Recitals Amended		
New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
recommendations in the WHO Guidelines for Sanitation and Health⁷ and the provisions of the Protocol on Water and Health⁸ 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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~Permanent access~~ <u>Access</u> 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		These changes are suitable.

⁷ WHO Guidelines on Sanitation and Health, 2018.

⁸ 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	Estonian proposal	Estonian comments
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 Council ⁹ 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.~~	(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.	The deleted part of the sentence seems redundant here.
(38) Pursuant to the Interinstitutional Agreement on Better Law-Making ¹⁰ , 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	(38) Pursuant to the Interinstitutional Agreement on Better Law-Making ¹¹ , 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	We do not support adding the sentence which allows updating and extending the list of products to be covered by the extended producer responsibility scheme in order to include more sectors in Annex III after the evaluation of the Directive. In relation to Estonian text proposal and comments made on articles 9, 10, 30 and Annex III, we find that Member States shall have a right to decide at a national level on implementation and extent of extended producer responsibility system taking into account local

⁹ 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

¹⁰ 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).

¹¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

Recitals Amended		
New text proposal_Clusters 2, 4	Estonian proposal	Estonian 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.	~~to be covered by extended producer responsibility according to the evolution of the range of products placed on the market,~~ the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. ~~On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.~~	conditions (including product categories on which this extended producer responsibility system applies to).

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	Estonian proposal	Estonian 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;~~	(1) 'urban wastewater' means domestic wastewater or domestic wastewater mixed with either non-domestic wastewater and or urban runoff, or both of them;	The previous wording is more correct and understandable.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and services and institutions~~ which originates predominantly from the human metabolism and/or from household activities;		This definition is suitable.
(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.~~	(3) 'non-domestic wastewater' means wastewater, other than domestic wastewater and urban runoff, which is discharged from premises used for the exercise of a trade or industrial or economical activities.	We do not support including economical activities under the scope of this definition as it is very broad term which makes it difficult to draw a line regarding the exact activities that fall within the scope of economical activities as well as non-domestic wastewater. We in general prefer to return to the previous wording of the definition proposed by Swedish Presidency (REV 01_text proposal) to narrow the scope of this definition to a more reasonable and limited extent.
(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~~ ;	(4) 'agglomeration' means an area where the population (expressed in population equivalent) , ~~combined or not with and/or~~ economic activities is sufficiently concentrated for urban wastewater to be collected and conducted to one or more urban wastewater treatment plants or to one or more final discharge points or for treated effluent to be discharged into a recipient.	We prefer that the proposed 'population combined or not with economic activities' should be replaced with 'population and/or economic activities' as it is in the current Directive because the text proposed by the Presidency always expects the occurrence of sufficiently concentrated population but the wording of the current Directive also provides flexibility to consider only economic activities as well. We would not completely delete 'receiving waters' but rather replace it with 'recipient' which is a broader term and includes also receiving waters and soil.
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;	(5) 'urban runoff' means precipitation storm water from agglomerations collected by combined or separate sewers;	We still see that 'storm water' is more appropriate term here.
(6) ~~'sewer storm water overflow'~~ means discharge of untreated urban wastewater ~~into~~ receiving waters from separate or combined sewers ~~caused by rainfall~~ ;		This definition is suitable.
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
(8) 'combined sewer' means a single conduit ~~that that designed to~~ collects and conducts urban wastewater ~~including urban runoff including urban runoff~~ ;		We are pleased that urban runoff has been brought back into this definition.
(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~~ ;		This definition is suitable.
(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) '1 population equivalent' or '(1 p.e.)' means the unit of average potential organic biodegradable load caused by one person per day expressed through organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day;	We still believe that this definition could be more precise.
(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%.		The introduction of the definition of primary treatment from the current Directive is suitable.
(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 ;		This definition is suitable.
(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;		This definition is suitable.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
(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;	13) 'quaternary treatment' means treatment of urban wastewater by a process which reduces a broad spectrum of micro-pollutants in from urban wastewaters;	This definition is suitable when the redundant 'in' will be deleted.
(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);	(14) 'sludge' means mainly organic and inorganic residue-biodegradable waste resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding grit, grease, and other debris, grease and any other residues from the pre- preliminary treatment step);	The scope of the new proposed 'sludge' definition is quite good but could be improved a bit.
(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 present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹² ; even in low concentrations;	(16) 'micropollutant' means a substance, including its breakdown products, that is usually present in the aquatic environment, urban wastewater and/or sludge in very low concentrations, usually in micrograms per litre or below, and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹³ even in low concentrations;	We still believe that the definition of micropollutant should include a reference to the concentration.
(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;		This definition is suitable.

¹² Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

¹³ 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).

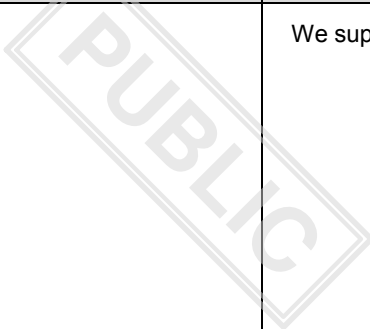
New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		This definition is suitable.
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>		This definition is suitable in general.
(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~~ ;	(24) 'placing on the market' means the first making available of a product on the Member States market of a Member State ;	We support keeping the Member State market here. The previous sentence structure was more understandable.
(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).	(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.	We prefer to return to the previous wording of the definition proposed by Swedish Presidency (REV 01_text proposal) as the loads of other pollutants in addition to BOD5 and nutrients can also be expressed in p.e.

ARTICLE 7 – TERTIARY TREATMENT

New text proposal_Clusters 2, 4	Estonian proposal	Estonian 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.~~		We support extending the deadlsines.
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~~.		Text proposal is suitable.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian 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 <u>these</u> agglomerations.		Text proposal is suitable.
~~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 to 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~~		Text proposal is suitable.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>	3 bis. 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 2045.	The deadline in (3 ter) should be extended by 5 years to be more consistent with the other deadlines of this Article.
~~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.	4. The Commission is empowered to adopt delegated implementing acts in accordance with the procedure referred to in ~~Article 27~~ Article 28 to adapt the methods for monitoring and evaluation of results in Part D of Annex I to technological and scientific progress.	We believe that it would be more appropriate to apply implementing act instead of delegated act in order to adapt the methods for monitoring and evaluation of results in Part D of Annex I. However, if an annex could not be changed through an implementing act, we would like to better define the power or functions that have been delegated to the Commission. We find it important that the delegated act should not affect, for example, the minimum annual number of samples, series of samples taken in any year, maximum permitted number of samples which fail to conform, parameters, limit concentrations and minimum percentage of reduction set out in Part D of Annex I.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian 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.		We support adding this new point (a).
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	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~2030~~ 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) By 31 December ~~2035~~ 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants: (c) 31 December ~~2040~~ 2045 for all discharges from these urban wastewater treatment plants.	~~1. Member States shall ensure that discharges from urban wastewater treatment plants treating a load of 150 000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ ~~(a) 31 December 2033 for discharges from 20 % of these urban wastewater treatment plants;~~ ~~(b) 31 December 2039, for discharges from 60% of these urban wastewater treatment plants;~~ ~~(c) 31 December 2045 for all discharges from these urban wastewater treatment plants.~~	In Estonian context there is no difference whether this paragraph applies to urban wastewater treatment plants treating a load of 100 000 p.e. or 150 000 p.e. as in both cases two urban wastewater treatment plants meet these thresholds. In Estonia due to lower usage of cosmetics and pharmaceuticals compared with bigger Member States (see also Estonian comments on article 9), the costs of installing quaternary treatment stage to all large WWTP-s treating a load of 100 000 p.e. and above or 150 000 p.e. and above (estimated construction cost up to 50-100 M € per WWTP) are not proportional to the accompanying benefits to human health and the environment. Thus, this requirement should not automatically apply to all large WWTP-s. The requirement to install quaternary treatment stage to WWTPs in order to remove micro-pollutants should only be based on the results of a risk assessment and should be left to the discretion of the Member States to be set up on the basis of local needs and economic rationality as it requires extensive investments. In addition, operating costs and climate footprint will increase significantly due to high energy demand of quaternary treatment stage. These aspects mentioned above are not

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
		resolved by extending the deadlines and threshold. Instead, we propose to delete this paragraph. Moreover, in Estonia all urban wastewater treatment plants treating a load of 100 000 p.e or 150 000 p.e. and above are also located in agglomerations of 100 000 p.e and above for which the risk-based approach would still apply under paragraph four of this article even when paragraph 1 will be deleted.
2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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	2. On 31 December 2030–2035 Member States shall have established a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list in 2033 2039, and thereafter every six years 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 the following areas: (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	As preparation of the respective list takes time (especially in combination with the introduction of other new requirements of the Directive) and experience and knowledge regarding construction and operation of the quaternary treatment stage are currently weak both in Estonia and in other Member States, we see the need that the first interim target should not be earlier than 2035. Thus, the deadline for reviewing that list should also be extended to 2039.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
1380/2013 of the European Parliament and of the Council¹⁴, take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.	1380/2013 of the European Parliament and of the Council¹⁵, take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.	
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].~~	3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].	We believe that the deadline for implementing acts should still immediately be adopted for clarity.
4. ~~By 31 December 2035,~~ Member States shall ensure that ~~for 50 % of the agglomerations of between 10 000 p.e and 400 000 p.e.~~ above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I ~~accordance with paragraph 5~~ before discharge into areas included in a list referred to in paragraph 2 by:	4. Member States shall ensure that agglomerations of 10 000 p.e and above meet the requirements for 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 before discharge into areas included in a list referred to in paragraph 2 if the risk assessment demonstrates the need for it by: (a) 31 December 2035 2040 for 20 % of these agglomerations;	As experience and knowledge regarding construction and operation of the quaternary treatment stage are currently weak both in Estonia and in other Member States, we see the need that the (interim) deadlines set out in this paragraph should be postponed for 5 years. There should also be clearly mentioned that the requirements for quaternary treatment are only applicable if the risk assessment demonstrates the need for it.

¹⁴ 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).

¹⁵ 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	Estonian proposal	Estonian comments
(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 <u>these</u> 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.	(b) 31 December 2040 2045 for 60 % of these agglomerations; (c) 31 December 2045-2050 for all agglomerations.	
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.		Text proposal is suitable.
~~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	6. The Commission is empowered to adopt delegated implementing acts in accordance with the procedure referred to in Article 27 Article 28 to adapt the methods for monitoring and evaluation of results in Part D of Annex I to technological and scientific progress.	We believe that it would be more appropriate to apply implementing act instead of delegated act in order to adapt the methods for monitoring and evaluation of results in Part D of Annex I. However, if an annex could not be changed through an implementing act, we would like to better define the power or functions that have been delegated to the Commission. We find it important that the delegated act should not affect, for example, the minimum annual number of samples, series of samples taken in any year, maximum permitted number of samples which fail to

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
~~second subparagraph~~ to technological and scientific progress.		conform, parameters, limit concentrations and minimum percentage of reduction set out in Part D of Annex I. As the implementing act in the next paragraph also includes monitoring methods and Table 3 belongs to part D of Annex I, we would like to specify what is the difference between the scope of the planned delegated act under this paragraph and the planned implementing act under the next paragraph?
~~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).	6. 7. By [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive], the Commission is empowered to 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 parameters set out in Table 3 of Annex I. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	The Commission should adopt this implementing act as soon as possible so that Member States can already take it into account in the planning of quaternary treatment related activities as well as monitoring of micro-pollutants. The replacement of “indicators” with “parameters” is related to our proposal for Table 3 of Annex I.

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(18) ‘producer’; (19) ‘Producer Responsibility Organisation’; (24) ‘placing on the market’;		

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
<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.	1. Member States shall may take measures to ensure that by [OP please insert the date = the last day of the second fourth year from the date of entry into force of this Directive], producers who place on the market products that contain substances that are considered as micro-pollutants any of the products listed in Annex III on the market have extended producer responsibility. Member States shall decide on the list of product categories covered by extended producer responsibility at a national level. Such measures shall ensure that those producers never contribute to paying the costs for: 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 activities required to exercise their extended producer responsibility.	We have serious concerns in relation to the approach proposed in Article 9 on applying the mandatory extended producer responsibility (EPR) to pharmaceuticals. As we do not support applying this mandatory EPR system to pharmaceuticals, we can not support applying this mandatory EPR system only to cosmetics as well. According to the feasibility study of the EPR system most of the micro-pollutants originate from pharmaceuticals and cosmetics, thus we believe that it would not be fair to apply this mandatory EPR system to only one of these product categories. Moreover, we find that the introduction of producer responsibility should not be mandatory to Member States. We see the need that there should be more flexibility left for Member States to decide at a national level on implementation and extent of extended producer responsibility system taking into account local conditions (including product categories on which this system applies to and exact financing scheme for covering the costs related to quaternary treatment and monitoring of micro-pollutants) based on their local context and cost-benefit assessment. We are concerned that a mandatory EPR system would cause unequal treatment between Member States, bringing more burden to the ones with a small population (for example, Estonia only has 1.3 M inhabitants) and hence a lower consumption of pharmaceuticals. According to the proposed EPR system the fewer inhabitants in the country, the higher additional cost per medicine This is due to the fact that investments in setting up the quaternary treatment system would not differ considerably depending on the size of the market and the additional cost per package would be bigger in smaller Member States. Therefore, it is important to consider wider socio-economic implications, so that the availability of medically justified treatment does not deteriorate and the pressure on the

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
		health insurance budget and on the patient's co-payment contribution does not increase. Additional barriers to market entry and price increase of certain pharmaceuticals could significantly worsen the availability and choice of treatment, especially in the context of small markets, who are already faced with frequent market withdrawals due to economic reasons. Therefore, Member States should be able to decide which financing mechanism to use for the quaternary treatment, for example through state budget or specific funds etc, without causing additional disruptions in the health care system. The added value of EPR in case of pharmaceuticals has not been confirmed by the feasibility study. In the pharmaceutical supply chains, it would in most cases mean that the producer responsibility is passed on from the marketing authorisation holder (manufacturer's representative) to other downstream actors in the supply chain (wholesalers, pharmacies). This would not serve the initial aim of producer responsibility e.g to stimulate the substitution of harmful substances. It has been confirmed also by the feasibility study that in the case of pharmaceuticals the effect of EPR on behavioural change would be very limited – the patients would in most cases not have the option to decrease their consumption of a certain medically indicated medicinal product or switch to another product. According to the study the added value of EPR is unclear, no significant impact on consumer demand or supply is expected and EPR is unlikely to significantly incentivise the substitution of pharmaceutical active ingredients in short- to medium-term, considering their specific innovation cycles and the priority of therapeutical activity in identifying eligible substances. It is also questionable whether the extension of extended producer responsibility to pharmaceuticals is fit for the purpose, considering the specific characteristics of this sector. We find that ethical aspects should also be considered, since pharmaceuticals are mostly consumed by population groups in a more vulnerable situation due to their health condition. The active substances included in Annex I concern, for example, drugs for high blood pressure, epilepsy and schizophrenia, which are used regularly and where often no alternative treatments exist.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
		Furthermore, economic feasibility and administrative burden should be considered. In some Member States it might not be economically justifiable to set up a system for managing the extended producer responsibility, especially if the number of “producers” and supplied quantities are relatively small. For example, in Estonia it might potentially concern around 3-4 wholesalers who would need to share the full cost of investments needed for the quaternary treatment facilities and for monitoring the pollutants. This could lead to an unreasonable financial burden on a few actors on the market. It would also entail an unequal treatment of producers in some Member States, as they would need to cover a higher share per unit, taking into account that investment costs (for example, for the installation and maintenance of quaternary treatment system) are similar regardless of the size of Member States. It would also contradict the general “polluter pays principle” as the quantities of medicines used in Estonia are smaller compared to larger Member States, but at the same time the patient will pay more per unit for medicines compared to patients living in larger Member States. The creation of various very different national producer responsibility systems is also not conducive from the point of view of the functioning of the single market. A harmonised mandatory extended producer responsibility at the EU level could be considered as an option in the future but that should target the marketing authorisation holders when they first place their products on the EU market. Nevertheless, this Directive of urban wastewater treatment is not the appropriate instrument to set up such an EU-wide system. In addition to questions around its added value, there are several practical aspects that need to be considered when applying the EPR system on pharmaceuticals. It needs to be clarified who is the subject of the extended producer reliability. Pharmaceutical supply chains are complicated and involve many actors. It needs to be clarified whether producer responsibility applies to the manufacturer, marketing authorisation holder or wholesaler in the supply chain of medicines. In most cases (at least for the smaller Member States), pharmaceutical products are not put on the market by the manufacturers, but they are supplied by the pharmaceutical wholesalers. According to the draft

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
		proposal, producer responsibility applies to a producer who places a product on the market, and placing on the market is defined as “first making available of a product on the market of a Member State”. In the case of medicinal products, the concept of first making available would not be appropriate for the purposes of extended producer responsibility. Most of the active substances covered by the proposal have been on the EU market for a long time and they might be supplied to the Member State via several wholesalers, who do not qualify under the definition of “first making available”. Establishing the quantities of the product to which the producer responsibility would apply is not straightforward. In the distribution of medicines, parallel trade is allowed, through which medicines can be transported both in and out of the country outside the distribution chain specified by the manufacturer. This means that the quantity of medicines brought into Estonia is not the same as the quantity of medicines consumed in Estonia. Thus, situations of double taxation arise, in which the producer responsibility has already been applied upon importation into a Member State, from where the drug was actually re-packaged and re-labelled and goes to another Member State or to a third country. This would mean the need to implement environmental fee exemptions or a return claims mechanism. The deadline for establishing EPR must be extended as two years from the date of entry into force of this Directive is not realistic for establishing such a complex system.
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;	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 micro-pollutant in the product they place on the Union market is below 2 tonnes per year. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to	The use of the word “product” causes ambiguity and should be replaced with “substances” or “micro-pollutant in the product”. In the case of pharmaceutical products it should be understood as “active substances” or “active pharmaceutical ingredients” considering the aims of this provision in view of environmental protection. We are of the view that the approach should be based on substances considered as micro-pollutants not products, as the volume of product (which sometimes also includes the packaging)

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(b) the products they place on the market do not generate micro-pollutants in wastewaters ~~at the end of their life~~ <u>at the end of their life</u> .	supplement this Directive by setting out the methodology for calculating the quantity of the micro-pollutant in the product; (b) the products they place on the market do not generate micro-pollutants in wastewaters at the end of their life.	does not reflect the quantities of hazardous substances in the product that are classified as micro-pollutants and would create unequal treatment. We find it important that the methodology for calculating the quantities of the substances/micro-pollutants in the product is provided within the Directive itself (for example in an Annex) or in tertiary regulation (for instance in a delegated act). The quantity calculation should remain Member State-specific not Union-specific for clarity. Moreover, the financial means for constructing quaternary treatment will also be collected at national level.
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> .	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) 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].	As already mentioned above in the comments to paragraph 1 of this article, Member States shall have a right to decide at a national level on which product categories this extended producer responsibility system applies to taking into account local context and cost-benefit assessment. The addition of the reference to hazardousness is redundant here as in the context of this Directive micro-pollutants originating from the products are hazardous nor the product itself.
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;	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 have a right to decide at a national level that extended producer responsibility may be shared in part with the other parties, for example through national financing programmes that are set up for installing and operating quaternary treatment in urban wastewater treatment plants referred to in Article 8. Those national financing programmes will be financed through contributions from national funding, municipal levies, existing water tariffs, and by producers referred to in paragraph 1.	As already mentioned above in the comments to paragraph 1 of this article, Member States shall have a right to decide at a national level on implementation and extent of extended producer responsibility system taking into account local conditions and cost-benefit assessment (including product categories on which this system applies to and exact financing scheme for installing and operating quaternary treatment). As was also mentioned above in the comments to paragraph 2 of this article, we are of the view that the "product" based approach should be replaced with "substances" or "micro-pollutants in the products" based approach as the volume of product (which sometimes also includes the packaging) does not reflect the quantities of

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).	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 micro-pollutants in 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 micro-pollutants in the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the full or part of 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 micro-pollutants in 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 full or part of 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).	hazardous substances in the product that are considered as micro-pollutants and would create unequal treatment.
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	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	This deletion in (b) is related to changes in Article 8.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
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).	requirements and deadlines set under Article 8(4), (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	Estonian proposal	Estonian 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,	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,	As already mentioned above in the comments to article 9, Member States shall have a right to decide at a national level on the exact financing scheme for covering the costs related to quaternary treatment and monitoring of micro-pollutants. We also see that Member States shall have a right to decide at a national level that extended producer responsibility may be shared in part with other parties.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.	including their capacity to cover the full or part of the costs financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.	
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.		

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).		
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.		
6. [NEW] By the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on: (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations; (b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of (i) the coverage of the full cost as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions by the producer responsibility	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 costs as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions by the producer	With regard to (i) we see that Member States shall have a right to decide at a national level that extended producer responsibility may be shared in part with other parties. Therefore, installing and operating quaternary treatment in urban wastewater treatment plants referred to in Article 8 could also partially be financed by other parties. It is necessary to add in what form/how exactly this exchange of information, experience and best practises between the Producer Responsibility Organisations of Member States provided by the Commission would take effect.

New text proposal_Clusters 2, 4	Estonian proposal	Estonian comments
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.	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	Estonian proposal	Estonian 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.	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.	We consider transboundary cooperation important to resolve pollution caused by urban wastewater more effectively. However, it is doubtful how Member States can oblige the third countries for transboundary cooperation. Thus, we propose to remove the reference to the third country from this article.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
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.	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	Estonian proposal	Estonian 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 where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the		Text proposal is suitable in general.

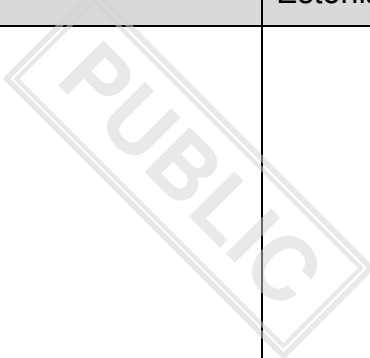
New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		
2. Member States shall ensure that <u>at least all</u> discharges from urban wastewater treatment plants <u>of 1000 p.e and above of 200 p.e and above</u>, 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~~	2. Member States shall ensure that at least all discharges from urban wastewater treatment plants serving agglomerations of 1500 p.e of 4000 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled.	The obligaton to issue specific authorisation to all urban wastewater treatment plants would bring extensive administrative burden. This requirement should only apply to urban wastewater treatment plants that fall within the scope of the Directive (according to Estonian alternative proposal for urban wastewater treatment plants serving agglomerations of 1500 p.e. and above).

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(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>	3. Regulations and/or the The specific authorisations referred to in paragraph 2 shall be reviewed at least every ten years and, if necessary, adapted on a risk basis. The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the discharges from the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those requirements set out in Part B of Annex I remain fulfilled. 4. [NEW] Member States shall take all necessary measures to anticipate and adapt their urban wastewater collection and treatment infrastructures to possible increased loads of urban wastewater, including the construction of new infrastructures where necessary. By doing so, Member States shall be considered to comply with the objectives set out in Article 4 of Directive 2000/60/EC if all the following conditions are met: (a) authorising the construction or expansion of an urban wastewater treatment plant is necessary to treat increased or otherwise untreated loads of urban wastewater in accordance with this Directive; (b) alternative ways to address increased urban wastewater loads, including the consideration of alternative points of discharge from urban wastewater treatment plants, would not produce more environmental benefits, are not technically feasible or involve excessive cost; (c) all technically feasible mitigating measures are set out in the authorisations granted in accordance with this Directive and effectively implemented to minimize the negative impacts on the affected water bodies	Reviewing all of the specific authorisations at least every ten years without no significant reason is unnecessary and burdensome. Therefore, we propose to replace this ten-year requirement with a risk-based approach and apply this for both the specific authorisations and for regulations. We also support adding a new fourth paragraph in Article 15 that was proposed by the delegations of Sweden and Finland on their non-paper that was published on August 31 regarding the WFD non-deterioration requirement with some minor modifications (domestic wastewater→ urban wastewater).

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
	including, where so is required, more stringent treatment requirements than those applied prior to the increase of urban wastewater load, aiming to meet the requirements of the Directive referred to in paragraph 6 of Part B of Annex I; (d) all technically feasible mitigation measures are implemented to minimize the negative impact of other activities causing similar pressures in the same water body or other water bodies in the same river basin as defined in Article 2(13) of Directive 2000/60/EC. Compliance with these conditions shall be demonstrated in the relevant River Basin Management Plans developed under Directive 2000/60/EC.	

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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:		The proposed changes are acceptable in general.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; ~~(c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC;~~ ~~(d c)~~ the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place. (e d) the <u>quality status of the receiving groundwater body</u> as defined in Article 2 point (1) of Directive 2006/118/EEC <u>as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u> (e) the <u>ecological and chemical status of the receiving surface water body</u> 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;	2. Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate the following measures: (aa) taking additional measures to prevent and reduce pollution of non-domestic wastewater at source in complement to the measures referred to in Article 14(2); (a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of less than 1-000 1500;	There should be specified in the subparagraph (aa) that this requirement applies to non-domestic wastewater. In relation to our alternative proposal about the scope of the Directive, in subparagraphs (a) and (b) the agglomerations with a p.e of less than 1000 should be replaced by the agglomerations with a p.e of less than 1500.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(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 <u>4 I, part</u> Part B.	(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~~ 1500; (c) applying tertiary treatment in accordance with Article 7 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000; (d) applying quaternary treatment in accordance with Article 8 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000; (e) establishing integrated urban wastewater management plans in accordance with Article 5 for agglomerations below 10 000 p.e. and adoption of measures referred to in Annex V; (f) applying more stringent requirements for the treatment of collected urban wastewaters than the requirements set out in Annex I, Part B.	
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.		Text proposal is suitable.

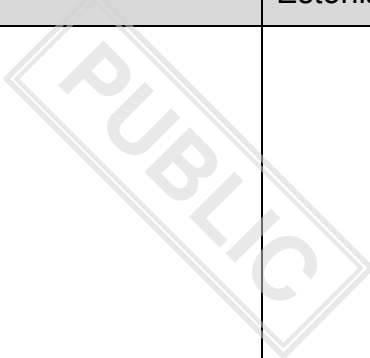
ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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 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,		We are pleased with the changes in general.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
safely accessible <u>and ensure the information of the public.</u>		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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)		
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		We are in general pleased with these extended deadlines.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
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; (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);		

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(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 <u>permanent</u> access to the data sets referred to in paragraph 1.		We are pleased that permanent access to data sets has been removed.
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <u>for those pollutants related with urban wastewaters.</u>		This addition is suitable.
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		The addition of the deadline for providing the format of information required in paragraph 1 is suitable.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
will provide the format by [the last day of the ~~second~~ <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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 this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban		These changes are suitable in general.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
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.		Text proposal is suitable in general.
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.		Text proposal is suitable in general.
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>.		The proposed addition regarding the deadline for adopting implementing acts is suitable.
5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines:	5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines:	The proposed replacement of the agglomeration load is related to our alternative proposal for the scope of the Directive. We believe that the large-scale investments (more than 100 M€) for building sewerage (~120 km) to

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(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 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	(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 1500 and 2 000 p.e. that lacks a collecting system and secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; (b) the deadline for agglomerations referred to in Article 7(3) on the conditions that: (i) at least 50 % of these agglomerations are not applying tertiary treatment according to the requirements set out in Council Directive 91/271/EC on [OP please insert the date=day of entry into force of the Directive]; and (ii) the national implementation programme includes: - the number of agglomerations referred to in Article 7(3) lacking tertiary treatment according to the requirements set out in Council Directive 91/271/EC on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].	agglomerations between 1000 and 2000 p.e in the territories of smaller local governments (in addition, the residents of the local governments have to build pipelines inside their property to connect to the collecting system) would not be cost-effective and proportional to accompanying environmental benefits. Thus, we propose as a compromise to bring the widening of the scope of the Directive to 1500 p.e to better manage the investment needs (up to 40 M€, ~44 km sewerage). We also believe that in smaller agglomerations it is more reasonable to leave the discretion on deciding environmental protection intervention to the Member States by taking into account the environmental protection characteristics of the specific agglomeration at national level.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].		

ARTICLE 24 – INFORMATION TO THE PUBLIC

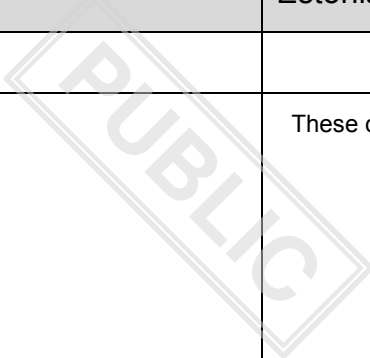
New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, <u>in-for</u> each agglomeration <u>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.	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, for each agglomeration of above 1000 p.e.—1500 p.e and above or each relevant administrative area. The information shall include at least the data listed in Annex VI. The information referred to in paragraph 1 shall also be provided by other means upon justified request.	These requirements of Article 24 should only apply to agglomerations that remain within the scope of the Directive (according to Estonian new compromise proposal, for agglomerations of 1500 p.e. and above).
2. In addition, Member States shall ensure that all <u>persons households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, <u>including for example</u> on their invoice or	2. In addition, Member States shall ensure that all all households in agglomerations of above 1000 p.e. 1500 p.e and above connected to collecting systems receive regularly and at least once a year, in the most appropriate and easily accessible form, for example on their invoice or	These requirements should also only apply to agglomerations that remain within the scope of the Directive (according to Estonian new compromise proposal, for agglomerations of 1500 p.e. and above).

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
by <u>digital means such as</u> 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 <u>average</u> household or the connected entity in cubic meter, together with <u>yearly</u> trends and the price of urban wastewater collection and treatment for <u>the that average</u> household (cost per litre <u>and or</u> cubic meter); (c) a comparison of the yearly volume <u>of load</u> of urban wastewater collected and treated for the <u>average</u> 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.	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 household or the connected entity in cubic meter, together with trends and the price of urban wastewater collection and treatment for that household (cost per litre or cubic meter); (c) a comparison of the yearly volume of urban wastewater collected and treated for the household per year and an indication of the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.	
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 <u>of this Article</u> and Annex VI by updating the information to be provided to the public online and to the <u>persons households</u> connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		If an annex could not be changed through an implementing act, we would like to better define the power or functions that have been delegated to the Commission. A household-based approach is appropriate here.
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). <u>The Commission will provide the format</u>		This deletion is suitable.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
<u>and methods by [12 months from the entry into force of this Directive].</u>		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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)		
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.		This addition is acceptable.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
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~~. <u>(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u> <u>(b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033;</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>		These changes are suitable.
<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>	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 2045.	This proposed change in deadline is related to our comment on Article 7(3)(ter) according to which the deadline in Article 7(3)(ter) should be extended by 5 years to be more consistent with the other deadlines of Article 7.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
<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>		This addition is suitable.
<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>		Moving this subparagraph to Article 7 is acceptable.
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].		
<u>~~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.~~</u> <u>For the purposes of the preceding paragraph, the Member States comprising the outermost region shall</u>		Deleting this paragraph from here is acceptable.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
~~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	Estonian proposal	Estonian 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.		Text proposal is suitable.

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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.		Text proposal is suitable.
3. Discharges from urban wastewater treatment plants referred to in paragraph 1 and 3 Article 7(1) or serving agglomerations referred to in Article 7(3) and in Article 8 in accordance with those Articles shall, in addition to the requirements referred to in point 2, meet the requirements shown in Table 2 of this Annex, except in cases where Article 7(5) is applied.		Text proposal is suitable.
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.	4. Discharges from urban wastewater treatment plants referred to in Article 8(1) or serving agglomerations referred to in Article 8(4) shall meet the requirements set out in Table 3 of this Annex.	As we have previously proposed to delete Article 8(1), the reference to Article 8(1) should also be deleted here.
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.	5. Authorisations and/or regulations for discharges from urban wastewater treatment plants using plastic biomedica shall include an obligation to monitor and prevent such biomedica from being released into receiving waters.	These changes are related to previous Estonian comments on Article 15 which was also included in the last Compromise text by Presidency on clusters 1,3 and 5 and which has by now for some reason been lost from the text.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
		Discharges from urban wastewater treatment plants should be subject to regulations and/or specific authorisations.
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> .		Text proposal is suitable.
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize <u>the harmful</u> effects on receiving waters.		Text proposal is suitable.

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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.		There still should be specified what is meant by other relevant rules.
2. Flow-proportional or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and, if necessary, in the inlet of the urban wastewater treatment plant. However, any time-based samples used to monitor micro-pollutants shall be 48-hour samples. Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.		

3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year:

— 1000 to 9 999 p.e.:	One sample per month (see Note 1)
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month
— 50 000 <u>to 149 999</u> <u>to 99 999 p.e. or</u> <u>above</u>	One sample per week. For micropollutants, two samples per ~~week~~ month
— <u>150 000 p.e. or</u> <u>above</u>	<u>Two samples per week.</u> <u>For micropollutants, two samples per</u> <u>month</u>
— ~~100 000 p.e. or~~ ~~over:~~	~~One~~ Two sample per day ~~week~~ For micropollutants, ~~two one~~ samples per ~~week~~

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.

3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year:

— ~~1000 1500~~ to 9 999 p.e.:	One sample per month (see Note 1)
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month
— 50 000 ~~to~~ <u>149 999 p.e.</u> <u>or above:</u>	One sample per week For micropollutants, two samples per month.
— ~~150 000~~ ~~p.e. or~~ ~~above~~	<u>Two samples per week.</u> <u>For micropollutants, two</u> <u>samples per month</u>

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.

We believe that the costs associated with an increase in monitoring frequency should not cause a significant economic burden and not be disproportionately high.

We believe that monitoring frequency of urban wastewater treatment plants treating a load of 150 000 p.e. and over is excessively burdensome in the new Proposal by Presidency. Monitoring frequency of urban wastewater treatment plants treating a load of 150 000 p.e. and over should not be more frequent than one sample per week for so-called common parameters. Moreover, we believe that urban wastewater treatment plants treating a load of 150 000 p.e. and above could be subject to the same monitoring frequency requirements as for urban wastewater treatment plants treating a load of 50 000 to 149 999 p.e. Thus, we propose to reverse back to the monitoring frequency requirements proposed by the Presidency in the 13.07 compromise text (which was also included in the 29.08 compromise text).

As according to our compromise proposal we find it important that the scope of the Directive must

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
		not be widened to agglomerations below 1500 p.e, we find that the first range of '1000 to 9 999 p.e' must be replaced with '1500 to 9 999 p.e'.
4. The treated urban wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall ~~be~~ conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply; (d) for the parameters specified in Table 3, ~~each sample taken 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>	4. The treated urban wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall ~~be~~ conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum	The addition of 'urban' is suitable. The deletion and addition to (d) is related to our Proposal/comments on Table 3 of Annex I. We believe that with regard to micro-pollutants removal, Member States should also have a possibility to choose between applying limit values and minimum percentage of removal. As we believe minimum percentage of removal should be set for each specific micro-pollutant separately, the last sentence in (d) is not relevant and should be deleted.

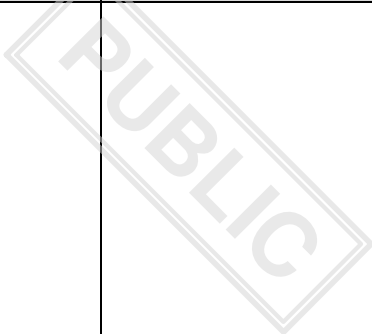
New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
	percentage of reduction shall apply; (d) for the parameters specified in Table 3 the frequency of sampling referred to in paragraph 3 of Part D of Annex I means that one sample is taken in the inlet and one sample is taken in the outlet 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. The values for concentration or for the percentage of removal shall apply.	
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.		This replacement is suitable.
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.	Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) 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 One or both parameters may be applied depending on	We believe that one or both parameters shall be applied for discharges from urban wastewater treatment plants referred to in Article 7(1) as well as for urban wastewater treatment plants serving agglomerations referred to in Article 7(3) as was

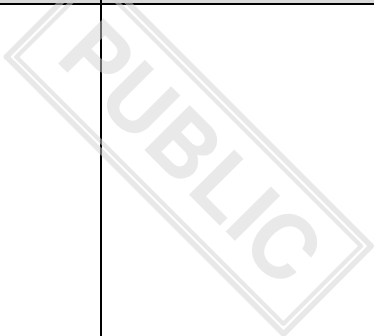
New text proposal_Clusters 2,4				Estonian proposal				Estonian comments
Parameters	Concentration	Minimum percentage of reduction ¹⁶ (See Note 1)	Reference method of measurement	the local situation. The values for concentration or for the percentage of reduction shall apply.				originally stated in the Proposal by the Commission. Although we are very pleased that cold climate derogation for nitrogen limit value has now been included in the compromise text, we do not support the newly added additional criteria that must be met in order to apply the derogation. These criteria are excessive, because it is a well-known fact that the technological possibilities used for nitrogen removal are limited in cold period when temperature in the biological treatment stage is at or below 12 °C due to the inhibition of biological processes, so compliance with the nitrogen limit value is very difficult to achieve. Thus, with regard to the wording of this cold climate derogation, we see the need to reverse back to the previous (13.07) wording proposed in the compromise text by the
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	Parameters	Concentration	Minimum percentage of reduction (See Note 1)	Reference method of measurement	
				Total phosphorus (see Note 2)	1 mg/L (10 000 – 150 000 p.e.) 0,5 mg/L (more than 150 000 p.e.)	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	Total nitrogen ¹⁷ (see Note 2)	~~10 mg/L (10 000 – 150 000 p.e.)~~ ~~8 mg/L (more than 150 000 p.e.)~~ (see Note 3)	~~82,5%~~ ¹⁸ (see Note 1 bis)	Molecular absorption spectrophotometry	

¹⁶ Reduction in relation to the load of the influent.

¹⁷ Total nitrogen means the sum of total Kjeldahl nitrogen (organic and ammoniacal nitrogen), nitrate-nitrogen and nitrite-nitrogen.

¹⁸ This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the wastewater treatment plant. Achieving this requirement is not mandatory when the temperature in the biological reactor is at or below 12 °C.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
		Presidency (with some minor modifications). We are also pleased that total nitrogen limit values have been raised slightly compared with the initial Proposal by the Commission. However, the proposed nitrogen limit value of 8 mg/L for WWTPs treating a load of more than 150 000 p.e. or WWTPs serving agglomerations with a load of more than 150 000 p.e. is not suitable for Estonia as achieving this limit value requires reconstruction but the accompanying impact of this more strict nitrogen removal requirement to receiving waters would be very small or even unnoticeable (in Estonia only 1.8% of the nitrogen reaching water bodies originates from WWTP-s). Thus, additional nitrogen removal would not be proportional. Hence, we propose to raise the total nitrogen limit value to at least 10 mg/L for all WWTPs and agglomerations subject to tertiary treatment (including for WWTPs treating a load of more than 150 000 p.e. or serving agglomerations with a load of more than 150 000 p.e) in order to avoid unnecessary

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
		reconstruction of WWTPs, the environmental benefits of which are disproportionately small compared to the costs needed. As for total nitrogen removal Member States can apply either the value for concentration or the percentage of reduction and the proposed nitrogen removal efficiency might not be achievable due to Estonian climate conditions from April to October, we believe that for the sake of equality it is important that cold climate derogation shall also be enabled to apply for nitrogen removal efficiency as well.
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>	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. 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	

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
<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> <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>	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: (1) the average hydraulic retention time of the discharged effluent is at least 1,5 years before it reaches the area sensitive to nitrogen designated under Article 7(2); (2) representative continuous monitoring programme of the total nitrogen parameter is ensured: (a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 1.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and (b) in the relevant inlets of the concerned area designated under Article 7(2); and (c) at the representative sampling locations in the receiving waters and relevant water bodies in the catchment area of the concerned area designated under Article 7(2); (3) the minimum percentage reduction for nitrogen of table 2 is met; this percentage shall be calculated on the basis of the data collected from representative continuous monitoring programme referred to in point (2) (4) it can be demonstrated that nitrogen releases from urban wastewater treatment plants in the catchment area are not harmful for the environment, including for biodiversity, and human health and do not modify the ecosystem;	

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
<u>(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.</u> ~~Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date = last day of the transposition period of the directive].~~	(5) the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under Annex V.1.2.1 of Directive 2000/60/EC to define the good ecological status of those areas; (6) the use of natural nitrogen retention is reported to the Commission in accordance with Article 22(1)(a) together with all the elements necessary to justify that conditions on (1), (2), (3), (4) and (5) above are fulfilled. Note 2: This requirement shall apply to existing urban wastewater treatment plants on [OP please insert the date = date of adoption of this Directive] obliged to meet the deadlines established under Article 7.1 and Article 7.3. Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants. Note 3: This value for concentration is annual mean as referred to in Annex I, paragraph D.4(c). This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the wastewater treatment plant. Alternatively, the daily average must not exceed 15 mg/l N. As a substitute for the condition concerning the temperature, it is possible to apply a limited time of operation, which takes into account the regional climatic conditions. This alternative applies if it can be shown that paragraph 1 of Annex I.D is fulfilled. 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	

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
	point (c) where all the following can be demonstrated: (2) the same level of protection of the environment is obtained; (2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.	

New text proposal_Clusters 2,4		Estonian proposal	Estonian comments												
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)~~. <table><tr><th>Indicators</th><th>Minimum percentage of removal <u>in relation to the load of the influent</u></th></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		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)	Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) or serving agglomerations referred to in Article 8(4). The values for concentration or for the percentage of removal shall apply. <table><tr><th>Indicators Parameters</th><th>Concentration</th><th>Minimum percentage of removal in relation to the load of the influent</th><th>Reference method of measurement</th></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1) A specific list of micro-pollutants which concentration is required to be reduced in the wastewater should be given here.</td><td>For each specific micro-pollutant the limit concentration should be given here.</td><td>80 % (see Note 2) For each specific micro-pollutant the minimum percentage of removal should be given here.</td><td>For each specific micro-pollutant the reference method of measurement should be given here.</td></tr></table>	Indicators Parameters	Concentration	Minimum percentage of removal in relation to the load of the influent	Reference method of measurement	Substances that can pollute water even at low concentrations (see Note 1) A specific list of micro-pollutants which concentration is required to be reduced in the wastewater should be given here.	For each specific micro-pollutant the limit concentration should be given here.	80 % (see Note 2) For each specific micro-pollutant the minimum percentage of removal should be given here.	For each specific micro-pollutant the reference method of measurement should be given here.	The minimum micro-pollutants' removal efficiency of 80% is very difficult to achieve when the concentration of micro-pollutants is already low in the inlet of a WWTP. Thus, as an alternative target to removal efficiency, we find it necessary to include the limit concentration of each specific micro-pollutant for the discharge of WWTP. As the achievable minimum percentage of removal for each specific micro-pollutant may be different, we find that for clarity minimum percentage of removal should be given for each specific micro-pollutant. Member States should have a possibility to choose between applying limit values and minimum percentage of removal as also applies for Table 1 (requirements for discharges from urban waste water treatment plants subject to Article 6) and Table 2 (requirements for tertiary treatment of discharges from urban wastewater treatment plants subject to Article 7).
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)														
Indicators Parameters	Concentration	Minimum percentage of removal in relation to the load of the influent	Reference method of measurement												
Substances that can pollute water even at low concentrations (see Note 1) A specific list of micro-pollutants which concentration is required to be reduced in the wastewater should be given here.	For each specific micro-pollutant the limit concentration should be given here.	80 % (see Note 2) For each specific micro-pollutant the minimum percentage of removal should be given here.	For each specific micro-pollutant the reference method of measurement should be given here.												
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),		Note 1: The concentration of the organic substances referred to in points (a) and (b) shall be measured.	These deletions of note 1 and 2 are related to changes made in Table 3 (discussed above).												

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
(ii) Carbamazepine (CAS No 298-46-4), (iii) Citalopram (CAS No 59729-33-8), (iv) Clarithromycin (CAS No 81103-11-9), (v) Diclofenac (CAS No 15307-86-5), (vi) Hydrochlorothiazide (CAS No 58-93-5), (vii) Metoprolol (CAS No 37350-58-6), (viii) Venlafaxine (CAS No 93413-69-5); (b) Category 2 (substances that can be easily disposed of): (i) Benzotriazole (CAS No 95-14-7), (ii) Candesartan (CAS No 139481-59-7), (iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 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.	~~(a) Category 1 (substances that can be very easily treated);~~ ~~(i) Amiculprid (CAS No 71675-85-9);~~ ~~(ii) Carbamazepine (CAS No 298-46-4);~~ ~~(iii) Citalopram (CAS No 59729-33-8);~~ ~~(iv) Clarithromycin (CAS No 81103-11-9);~~ ~~(v) Diclofenac (CAS No 15307-86-5);~~ ~~(vi) Hydrochlorothiazide (CAS No 58-93-5);~~ ~~(vii) Metoprolol (CAS No 37350-58-6);~~ ~~(viii) Venlafaxine (CAS No 93413-69-5);~~ ~~(b) Category 2 (substances that can be easily disposed of);~~ ~~(i) Benzotriazole (CAS No 95-14-7);~~ ~~(ii) Candesartan (CAS No 139481-59-7);~~ ~~(iii) Irbesartan (CAS No 138402-11-6);~~ ~~(iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and 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.~~	

New text proposal_Clusters 2,4		Estonian proposal	Estonian comments																																						
<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><tr><td>156-171</td><td>13</td></tr><tr><td>172-187</td><td>14</td></tr><tr><td>188-203</td><td>15</td></tr><tr><td>204-219</td><td>16</td></tr><tr><td>220-235</td><td>17</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	156-171	13	172-187	14	188-203	15	204-219	16	220-235	17		
Table 4: Requirement for samples																																									
Series of samples taken in any year	Maximum permitted number of samples which fail to conform																																								
4-7	1																																								
8-16	2																																								
17-28	3																																								
29-40	4																																								
41-53	5																																								
54-67	6																																								
68-81	7																																								
82-95	8																																								
96-110	9																																								
111-125	10																																								
126-140	11																																								
141-155	12																																								
156-171	13																																								
172-187	14																																								
188-203	15																																								
204-219	16																																								
220-235	17																																								

New text proposal_Clusters 2,4		Estonian proposal	Estonian comments
236-251	18	PUBLIC	
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	Estonian proposal	Estonian 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;~~		These changes are suitable.
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	Estonian proposal	Estonian 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	Estonian proposal	Estonian comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹⁹ .	~~1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council.~~	In relation to the comments made on Article 9. Member States shall have a right to decide at a national level on which product categories this extended producer responsibility system applies to. We propose to delete Annex III.
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 ²⁰ .	~~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.~~	In relation to the comments made on Article 9, Member States shall have a right to decide at a national level on which product categories this extended producer responsibility system applies to. We propose to delete Annex III.

¹⁹ 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).

²⁰ 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	Estonian proposal	Estonian comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water sewer~~		These changes are suitable.

New text proposal_Clusters 2,4	Estonian proposal	Estonian 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		These changes are suitable.

New text proposal_Clusters 2,4	Estonian proposal	Estonian comments
~~(c) — the tonnes of CO₂ equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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;		These changes are suitable.
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

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

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

New text proposal_Clusters 2,4		Estonian proposal	Estonian 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		Estonian proposal	Estonian 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		Estonian proposal	Estonian 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		Estonian proposal	Estonian 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		Estonian proposal	Estonian 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		

IRELAND

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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		

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(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,		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		

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

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	[Insert MS name] proposal	[Insert MS name] comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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,		

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	[Insert MS name] proposal	[Insert MS name] comments
analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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;		
(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~~ collects and conducts urban wastewater including urban runoff including urban runoff;		

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

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations;		
(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;		

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).

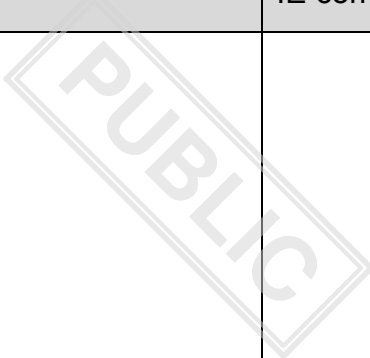
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe management and disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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 <u>of a Member State</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	IE proposal	IE 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.~~	1. By 31 December ~~2030~~ 2033, 2036 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 2041, 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.~~	IE advocates for slight extensions in the deadlines to allow time to comply
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.		

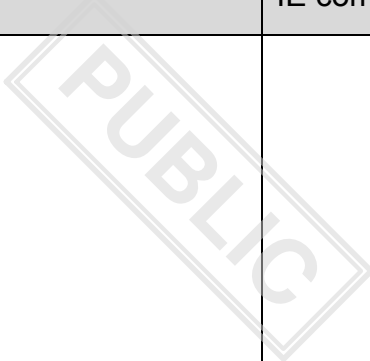
New text proposal_Clusters 2, 4	IE proposal	IE comments
The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with paragraph 4 Part 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 <u>these</u> agglomerations.	~~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 2036 for 20% of these agglomerations; (b) 31 December 2039 2042 for 60% of these agglomerations; (c) 31 December 2045 for all <u>these</u> agglomerations	IE advocates for slight extensions in the phasing deadlines to allow sufficient time to comply.
~~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 to 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	IE proposal	IE 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		
~~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	IE proposal	IE 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	IE proposal	IE comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030~~, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of ~~100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~2030~~ 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) ~~By 31 December 2035~~ 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants: (c) 31 December ~~2040~~ 2045 for all discharges from these urban wastewater treatment plants.	1. ~~By 31 December 2030~~, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of ~~100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~2030~~ 2033 2036 for discharges from 20 % of these urban wastewater treatment plants; (b) ~~By 31 December 2035~~ 2039 2041, 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.	IE advocates for slight extensions in the phasing deadlines, to allow sufficient time to comply with this article.

New text proposal_Clusters 2, 4	IE proposal	IE comments
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter every five years thereafter</u> 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.		

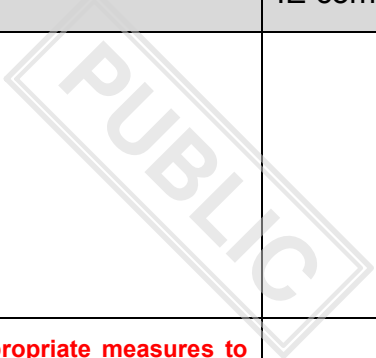
¹¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC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

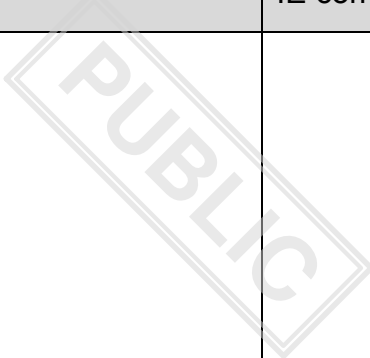
New text proposal_Clusters 2, 4	IE proposal	IE comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), <u>no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].</u>		
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 <u>these</u> 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.	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 2035-2036 for 30 20 % of these agglomerations; (b) 31 December 2040-2041 for 60 % of these agglomerations; (c) 31 December 2045 for all <u>these</u> 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.	IE advocates for a slight extension in the phased deadlines

New text proposal_Clusters 2, 4	IE proposal	IE 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	IE proposal	IE 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.		

New text proposal_Clusters 2,4	IE proposal	IE 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.		
	“Member States may take appropriate measures to encourage the design of products and components of products in order to reduce their environmental impact and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste take place in accordance with Articles 4 and 13 of 2008/98/EC.”	IE suggests inclusion of this text from art 8.2 Waste Directive 2008/98/EC on Waste (WFD), Article 8.
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:		

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

New text proposal_Clusters 2,4	IE proposal	IE comments
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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:		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.		
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.		
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).		
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.		
6. [NEW] By the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on: (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations; (b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of (i) the coverage of the full cost as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions by the producer responsibility organisation as referred to in point c of paragraph 9(4); (d) the exonerations provided according to Article 9;		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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

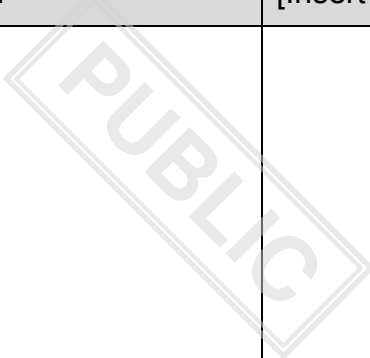
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from ~~all~~ urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is		

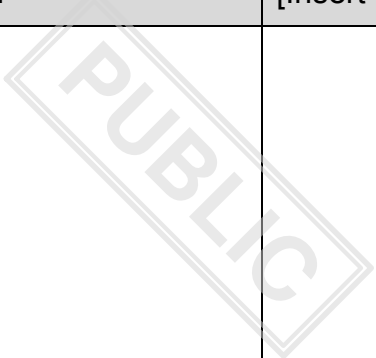
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		
2. Member States shall ensure that <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~~		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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</u>	T	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
assess the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; ~~(c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC;~~ ~~(d c)~~ the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place. (e d) the <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 Article 4 of the same Directive for the receiving groundwater body.</u> (e) the <u>ecological and chemical status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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>		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 <u>1 I, part</u> Part B.		
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	[Insert MS name] proposal	[Insert MS name] 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 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,		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
safely accessible <u>and ensure the information of the public.</u>		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		
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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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; (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);		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 <u>permanent</u> access to the data sets referred to in paragraph 1.		
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
will provide the format by [the last day of the ~~second~~ <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the <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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
2. By ...[OP: please insert the date = the last day of the ~~thirty-fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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:		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].		

ARTICLE 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	IE proposal	IE 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)		
1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, ~~in-for~~ each agglomeration <u>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 all ~~persons~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, including ~~for example~~ on their invoice or	2. In addition, Member States shall ensure that all all persons <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, including <u>for example</u> on their invoice or	

New text proposal_Clusters 2,4	IE proposal	IE comments
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.	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 <u>yearly</u> trends and the price of urban wastewater collection and treatment for the that average household (cost per litre <u>and or</u> cubic meter); (c) a comparison of the yearly volume <u>of load</u> 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. Where water tariffs are not charged and where information regarding individual usage is not available, the information in a-d above will be provided at agglomeration level in a user friendly manner via a website or smart application.	In IE's situation, the wastewater operators do not have individual householder's information as domestic wastewater charges are not collected. Therefore, we suggest the inclusion of this article, to allow operators provide the relevant information at agglomeration level on a website or smart application.
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.		

New text proposal_Clusters 2,4	IE proposal	IE comments
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). <u>~~The Commission will provide the format and methods by [12 months from the entry into force of this Directive].~~</u>		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive]; (b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033; (c) until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the derogation provided for in Article 7(3) third subparagraph.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<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>		
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].		
<u>~~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~~</u>		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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 149 999 ~~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 149 999 ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— 150 000 p.e. or above	<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 149 999 ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month											
— 150 000 p.e. or above	<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				[Insert MS name] proposal	[Insert MS name] 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.					
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				[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.~~ Note 3: <u>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>		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.	(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.	IE advocates removal of (b) as the wastewater operator will not necessarily have this information
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) <u>for agglomerations of 10 000 p.e. and above</u>, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for <u>polluted</u> urban runoff and <u>storm water sewer</u>	(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; ~~(b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I;~~ (c) <u>for agglomerations of 10 000 p.e. and above</u>, an estimate of the load of the discharges from	IE advocates deleting (b) as the waste water operator will not have this information

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
overflows for the parameters referred to in Tables 1 and 2 of Annex I.	combined sewer and separate sewer collecting systems for polluted urban runoff and storm water sewer overflows for the parameters referred to in Tables 1 and 2 of Annex I.	
(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;	(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 at agglomeration level and per cubic meter of urban wastewater collected and treated;	IE cannot provide this information at household level, due to lack of householder information by the wastewater operator. We suggest this information is provided at agglomeration level. Alternatively add a paragraph similar to the paragraph in article 24: “Where water tariffs are not charged and where information regarding individual usage is not available, the information in (5) above will be provided at agglomeration level in a user friendly manner via a website or smart application. “
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration</u>: (a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter); (b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy; ~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures <u>of 10 000 p.e. and above</u> in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;		
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

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

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

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		

GREECE

ΘΕΜΑ: Αναθεώρηση της Οδηγίας 91/271/ΕΟΚ για τη διαχείριση αστικών λυμάτων – Αποστολή παρατηρήσεων επί της συμβιβαστικής πρότασης

Σχετ: α) Το υπ. αριθμ. 5217/12.09.23 έγγραφο της Μόνιμης Ελληνικής Αντιπροσωπείας στην Ευρωπαϊκή Ένωση (Α.Π. ΥΠΕΝ/ΓΓΣΔΑ/94729/602/14.09.23)

β) Το υπ. αριθμ. WK 10950/2023 INIT/5.09.23 έγγραφο της Ισπανικής Προεδρίας με το συμβιβαστικό κείμενο για την αναθεώρηση της Οδηγίας που απεστάλη από το Συμβούλιο της Ευρωπαϊκής Ένωσης

Αναφορικά με την πρόταση αναθεώρησης της Οδηγίας 91/271/ΕΟΚ για τη διαχείριση αστικών λυμάτων και το συμβιβαστικό κείμενο που προτάθηκε από την Ισπανική Προεδρία, σας αποστέλλουμε κείμενο στα αγγλικά με παρατηρήσεις στις θεματικές ομάδες 2 και 4.

**Ο ΓΕΝΙΚΟΣ ΓΡΑΜΜΑΤΕΑΣ ΣΥΝΤΟΝΙΣΜΟΥ
ΔΙΑΧΕΙΡΙΣΗΣ ΑΠΟΒΛΗΤΩΝ**

ΜΑΝΩΛΗΣ ΓΡΑΦΑΚΟΣ

Comments on partial compromise text on Clusters 2, 4 and related Annexes
of Proposal Revision of the UWWT Directive 91/271/EEC
(WK 10950/2023 INIT/5.09.23)

A very important issue we are unfortunately obliged to address, regards the extraordinary, very adverse weather phenomena and the natural disasters they cause.

Following the widespread catastrophic forest fires this summer, Greece is currently facing an extreme natural phenomenon. Unimaginable flooding in central Greece has caused an undefinable damage. Apart from the loss of human lives, livestock and agricultural land, infrastructure has been seriously damaged or totally destroyed. The climate crisis does not concern only our country. Such phenomena are very likely to re-occur in any country.

The new Directive should provide for and include in its text reference to these extraordinary weather conditions and the subsequent damage caused on infrastructure. Special care and derogations should be given to the Member States in such cases.

Regarding WPE meeting on 11 September, we share the comments of the Hellenic Authorities on the proposed changes for clusters 2 and 4 of Presidency compromise text of the Proposal for revision of the Directive 91/271/EEC.

Greece reserves the right to come back with more comments at a later stage of the process on these articles and on the entire file as well.

Article 7 Tertiary treatment

Greece disagrees with the obligation for both N and P removal for UWWT Plants treating a load of 150.000 and above that discharge into coastal waters, because in most of these cases the sensitivity to eutrophication is due to N concentrations and not P. In Greece there are many UWWT Plants, that discharge to coastal waters. Even for cases of surface (sea) waters that have been designated as sensitive, there is only the need for N removal. This article will lead to the requirement to implement changes of the treatment procedures to many large Plants of the country. The level of 'tertiary treatment' should be related to the characteristics and the nutrient that determines the sensitivity of the receiving waters through a risk-based approach, to assure that both financial and energy resources will be spent only when needed. We are concerned since the new limit values for both phosphorus and nitrogen are still very strict and will be difficult to meet with the existing treatment infrastructure.

Moreover, Greece does not support the horizontal implementation of tertiary treatment for plants treating a load of 10000 and above. For many of these cases with discharges to the sea, there may not be necessary to apply neither N nor P removal. Especially in cases that the effluent is reused for some months of the year and discharged for the rest months, the horizontal requirement for N and P removal will lead to excessive costs and high energy consumption without any significant environmental benefit. In case this article remains as it is Greece will face a great difficulty to apply it.

Additionally, regarding the thresholds for N and P, as mentioned by other Member States, less restrictive limit values are requested and higher minimum percentages of reduction as well. Therefore, we propose the relevant amendments for article 7 and table 2 of Annex I.

Extension of the deadlines of 7.3.ter to 2045 is suggested.

Also, in point 7.5.c of the article, the following percentage is proposed to remain as :

85 % for total phosphorus and 82,5 % for total nitrogen by 31 December 2045.

The limits of N and P are proposed to remain as in the current Directive, to avoid excessive investments.

Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) or serving agglomerations referred to in 7(3). For discharges from urban wastewater treatment plants referred to in Article 7.1, both parameters shall apply. For agglomerations referred to in Article 7.3 one or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.			
Parameters	Concentration	Minimum percentage of reduction ¹⁵ (See Note 1)	Reference method of measurement
Total phosphorus (see Note 2)	2 mg/L (10 000 – 150 000 p.e.) 1 mg/L (more than 150 000 p.e.)	85 %	Molecular absorption spectrophotometry
Total nitrogen (see Note 2)	15 mg/L (10 000 – 150 000 p.e.) 10 mg/L (more than 150 000 p.e.)	82,5%	Molecular absorption spectrophotometry

Article 8 Quaternary treatment

The obligations set should be based on a risk-based approach, in all UWWTPs, even for UWWTPs serving a load of 150000 p.e. and above, regardless of their size, to avoid treatment processes with very high cost and energy demands. Therefore, we suggest the paragraph 8.1 to be omitted and revise paragraph 8.4 to include all agglomerations.

It must be left to the discretion of the Member States to set up the appropriate measures and implemented individually at the wastewater treatment plants, considering the characteristics of the wastewater system, the loads and the effects on the environment, the risk analysis, as well as the cost-benefit analysis that also includes reuse options, in accordance with the current RBMPs.

The objective of the Directive is the maximum protection of the environment, the improvement of the water status. High requirements imposed horizontally when there is no reason for pressure may lead to excessive energy consumption and economic demands with adverse results to the environment.

In cases where substances of Table 3-Annex 1 are not detected in the incoming wastewater, the possibility to be exempted should be provided.

Article 9 Extended producer responsibility

As already pointed out many points of this article are not clear, such as how will the costs be calculated, how will these costs be allocated to each producer, how will the list of responsible producers be established and by which authority, how will 'the hazardouzness of the products in the wastewaters at the end of their life' be assessed and by whom? What is meant by the end of life of the products? Although remarks and reservations have been made by several Member States, we see that there have been no amendments in this article and many points remain unclear.

A main issue that needs clarification concerns the costs included in this article and the relevant procedures. We are concerned about the cases that the producers/organizations do not cover the costs required for the quaternary treatment. Moreover, we see that only two categories of producers/products fall under the extended producer responsibility, thus it is not clear how the costs for the removal of other substances will be covered. Even in cases that the costs are at this stage 'covered' by the producers we fear that ultimately the additional costs for tertiary processing will be certainly passed on to consumers.

Article 10 Minimum requirements for producer responsibility organizations

Same as in article 9, there are serious concerns on the feasibility of the proposed requirements on EPR which create an excessive administrative burden and complexity. Taking into consideration the ambiguities and issues to be resolved in articles 9 and 10, it is proposed to include in the text of the article the flexibility for Member States to use alternatives to implement Polluter Pays Principle as well as to decide on which cases to implement an EPR system after a cost benefit analysis.

Article 15 Water reuse and discharges of urban wastewater

As already pointed out, the requirements for quaternary treatment should not be horizontal but based on a risk assessment, in all UWWTPs, regardless of their size, to avoid treatment processes with very high cost and energy demands. Thus, a wording concerning derogation from the horizontal requirements for quaternary treatment should also be included for the cases of water reuse. Regulation 2020/741 already includes provisions for the implementation of a Risk Management Plan from which the additional requirements will arise. Flexibility should be given to Member States regarding the authorizations which, in many cases, are in general incorporated into environmental permits.

As regards paragraph 1 of this article, we must note that too many requirements are included on points (a), (b) and (c). As already pointed out, all the data and information for the water reuse implementation are included in the relevant Risk Assessment, permits and authorizations that are foreseen in the Regulation 2020/741. Therefore, we do not see the need to include all these in paragraph 1 as they will create an extra burden and cost to the responsible parties and operators, without any added value and will at the end make the application of water reuse less attractive. Rewording of the paragraph 15.1 is suggested.

The limit of 1000 p.e. in paragraph 15.2 is also suggested to increase to 2000 p.e.

Article 18 Risk assessment and management

The due date for the completion of the risk assessment of 31/12/2027 is too close, cannot be met and it should be extended to at least 2030. Moreover, the paragraph 18.2 includes excessive and unrealistic requirements very difficult to implement for the cases identified via the risk assessment, especially for relatively small agglomerations.

Article 19 Access to sanitation

As already stated, our view is that the main purpose of the existing Directive is to protect water and the environment from the effects of urban wastewater disposal. The requirements described in this

article concern human rights and should be addressed elsewhere as they go beyond the scope of this Directive. We strongly believe that this article should be omitted from this Directive.

Article 22 Information on monitoring of implementation

The new requirements included in this article are extremely exaggerated. In paragraph 22.1 we ask the deletion of points e), f), g), j), k). Additionally, the update of the data set every year is considered extremely frequent and it is proposed to be amended every two or more years.

Article 23 National implementation programme

The requirements are very high and more time should be given in order to evaluate the existing situation, the requirements in infrastructure and the relevant planning. It is necessary that the due dates are further amended, especially for the cases of smaller agglomerations – those with p.e. above 1000, that have not been identified yet. It is necessary in paragraph 23.1 to expand to four years the deadline for the establishment of national implementation program.

Article 24 Information to the public

The additional requirements are enormous and will increase the administrative burden on municipalities and water companies that are seriously understaffed. Important information should be open to the public adhering to the principles of transparency, however the volume of information and details will lead to the opposite effect and create confusion. We do not see the need to implement an additional application and this should be excluded from the text. As already stated by other Member States, our view regarding the information to the public, is that more flexibility should be given to MS.

Article concerning exceptional cases

Finally, an important observation that we want to emphasize also concerns the absence of an article on the concept and philosophy of Article 8 of the current Directive. There is a need for such an article that takes into account exceptional cases that cause technical problems. We ask for the introduction of an article which provides Member States the possibility to submit a specific request to the Commission for a longer period in order to face and resolve the technical difficulties and problems and to comply with the requirements of the new directive.

This need is confirmed more than ever in the current period for Greece which is facing extensive damages to the infrastructure after the recent widespread floods. Such cases should be foreseen in the text of the directive and special attention/derogations in the Member States must be given.

FRANCE

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[France] proposal	[France] comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[France] proposal	[France] comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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		

Recitals Amended		
New text proposal_Clusters 2, 4	[France] proposal	[France] comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(25) Sustainable Development Goal 6 and the associated target requiring Member States to 'achieve access to adequate and		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[France] proposal	[France] comments
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 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		

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

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	[France] proposal	[France] comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 Council ⁸ 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~with regard to the main obligations to collect and treat wastewater.~~		
(38) Pursuant to the Interinstitutional Agreement on Better Law-Making ⁹ , 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		

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	[France] proposal	[France] comments
available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
(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;	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 and/or with infiltrated water ;	The request to simplify the definition of the mixing of domestic wastewater with other types of water has been taken into account. Furthermore, it is proposed to mention that domestic wastewater can also be mixed with "parasitic" clear water such as from groundwater infiltration. It is therefore proposed to align with the changes made by the presidency to Annex 1.A, which clearly states "prevention of inflow and infiltration into the collecting systems".
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services and institutions which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, other than domestic wastewater and urban runoff, which is discharged ~~into collecting systems~~ from premises used for ~~either 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.~~	The wastewaters from the above activities, that are only domestic wastewater or wastewater comparable to domestic wastewater (from kitchens with food preparation for example) are entitled as domestic wastewaters.	It is proposed to reintroduce this § and the notion of wastewater assimilable to domestic wastewater. As water from toilets is part of domestic wastewater, it is proposed to retain only wastewater from restaurant kitchens as an example.
(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 ~~a~~ final discharge points into receiving waters;		
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
(6) ~~'sewer storm-water overflow'~~ means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~;	'sewer overflow' means discharge of untreated urban wastewater into receiving waters from ~~separate or~~ combined sewers caused by rainfall. New definition : (6bis) "discharges of urban runoff" means discharge of separate sewer including only urban runoff	The request to consider the overflow due to rainfall as wastewater has been taken into account. On the other hand, it is proposed to specify that we are dealing here with wastewater overflows in rainy weather and not in dry weather. The deletion of "separate" is explained by the fact that it is not possible to have an overflow in a network that only manages wastewater without urban runoff. The French authorities propose adding the definition of urban runoff discharge in order to be more explicit about the difference between sewer overflow and urban runoff discharge, as these terms are often used consecutively in the directive and do not overlap.
(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~~ collects and conducts urban wastewater including urban runoff ~~including urban runoff~~;		
(9) 'separate sewer' means a system of conduits that separately collects and conducts either urban runoff or ~~either of the following~~: (a) ~~domestic~~ urban wastewater not including urban runoff; (b) non-domestic wastewater ~~non-domestic wastewater~~; (c) ~~a mixture of domestic and non-domestic wastewater~~; (d) ~~rainwater from agglomerations~~;		
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load~~ per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ per day;		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
(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;		
(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;		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
(16) 'micropollutant' means a substance, including its breakdown products, ~~that is usually present in the environment and urban wastewaters present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008¹⁰; even in low concentrations;		
(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;		

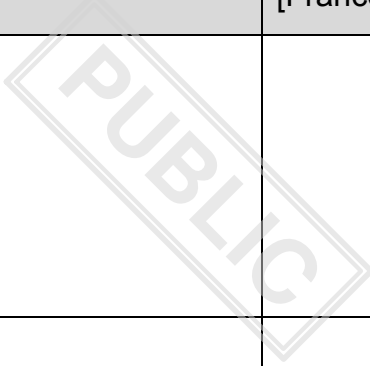
¹⁰ Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

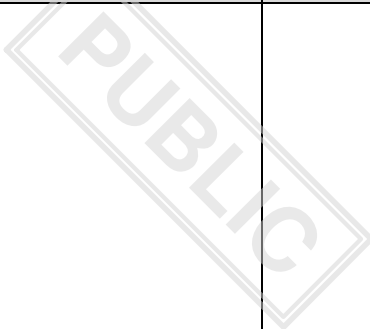
New text proposal_Clusters 2, 4	[France] proposal	[France] comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;	(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established ~~collectively by producers for the purpose of fulfilling~~ to enable producers to fulfil their obligations under Article 9 and 10 ;	It is necessary to support a system of extended producer responsibility in order to ensure the full application of the "polluter pays" principle for the financing of micro pollutant treatment. However, the methods of application of this system must be flexible enough to adapt to the different realities of the territories. In particular, they must allow appropriate organisations to be entrusted with the implementation of financial responsibility. It therefore seems appropriate to leave it up to the Member States to define, according to their internal functioning, the most efficient format for this organisation, whether it be a direct emanation of the producers or an ad hoc body. This amendment should be read in conjunction with Article 9 §4 below.
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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;	'plastic biomedica' means a plastic support, for example made in plastic , used for the development of the bacteria needed for the treatment of urban wastewaters;	As biomedias can potentially be made of different materials, France proposes to limit the definition to that of biomedias and to indicate that biomedias can for example be made of plastic.
(24) 'placing on the market' means the first making available of a product on the <u>Member States</u> market ~~of a Member State~~ ;		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
(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).		
	New definition : IAS « Individual system means a sanitation facility that collects, transports, treats and disposes of domestic wastewater as defined in article 2 from buildings or parts of buildings not connected to a public wastewater collecting system.”	The French authorities would like the term "individual system" to be defined in order to clarify the scope of Article 4 and to ensure uniform application by all Member States.

ARTICLE 7 – TERTIARY TREATMENT

New text proposal_Clusters 2, 4	[France] proposal	[France] 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		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
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.~~		
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ Part B and Table 2 of Annex I in its entire territory.		
3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that <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.		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
~~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 these areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>	<u>3.ter. [NEW] For urban wastewater treatment plants that are already in construction or refurbishing tertiary treatment</u> 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~~ <u>2039</u>	The French authorities welcome the principle of taking into account agglomerations whose wastewater treatment plants have only recently been commissioned, or will be commissioned before the future directive comes into force. However, these provisions raise a number of questions concerning the conditions of their application, in particular with regard to : - criteria for qualifying for this derogation, - articulation with compliance with the deadlines set for 50% or 100% of plants So, for example, does the term "under construction" refer only to situations where the plant is completely rebuilt?

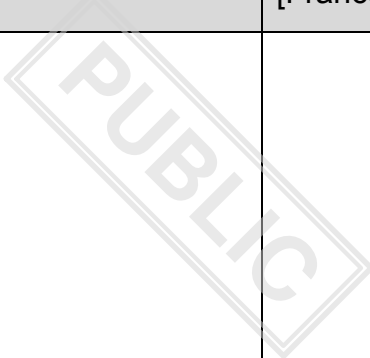
New text proposal_Clusters 2, 4	[France] proposal	[France] comments
		What about stations undergoing major rehabilitation? Or work linked to a particular accident? If this provision is retained, the French authorities would like the deadline to correspond to one of the deadlines already provided for in this article (e.g. December 31, 2039), in the interests of simplification.
~~4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I.~~ The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.		
5. By way of derogation from paragraphs 3 ~~and~~ 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 ~~and~~ 4 where it can be shown that the minimum percentage of reduction of the overall load entering all urban 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> <u>(b) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2035 2039;</u>	By way of derogation from paragraph 3 ~~and~~ 4, Member States may decide that an urban waste water treatment plant situated in an area included in a list referred to in paragraph 2 is not subject to the requirements set out in paragraph 3 ~~and~~ 4 where it can be demonstrated that the minimum percentage reduction in the overall load entering ~~at~~ urban waste water treatment plants of agglomerations of 10 000 p.e. and above in that area is :	This proposal is included in the current directive (article 5.4), with lower abatement rates (75% for N and P) compared with 87.5% for P and 82.5% for N to be achieved by 2040. The FRANCE supports this proposed change in thresholds, but would like P and N abatement to be examined at the level of plants in agglomerations of 10,000 p.e. and above affected by the sensitive zone, and not at the level of all treatment plants in the zone, including those without tertiary treatment obligations.

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
~~(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	[France] proposal	[France] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030~~, Member States shall ensure that ~~50 % of discharges from urban wastewater treatment plants treating a load of 100 000 p.e. and above~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater~~ are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) ~~31 December 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.		
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list in 2033, and thereafter every ~~five~~ six years ~~thereafter~~ and update it if necessary. The list referred to in the first subparagraph shall be based on an assessment of the risks for human health		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
~~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. 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~~		

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	[France] proposal	[France] comments
~~please insert the date = the last day of the sixth month from the date of entry into force of this Directive).~~		
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 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 <u>these</u> agglomerations. ~~Urban wastewater treatment plants treating a load of 100 000 p.e. and above must still meet the deadlines set in Article 8(1).~~ By 31 December 2040, member States shall ensure that urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.		
5. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph, fulfil the requirements <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.		

New text proposal_Clusters 2, 4	[France] proposal	[France] comments
~~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	[France] proposal	[France] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(18) 'producer'; (19) 'Producer Responsibility Organisation'; (24) 'placing on the market';		

New text proposal_Clusters 2,4	[France] proposal	[France] comments
<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.		
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;		

New text proposal_Clusters 2,4	[France] proposal	[France] comments
(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) no later than [OP please insert the date = the last day of the second year from the date of entry into force of this Directive] .		
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States shall ensure that:	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:	This amendment should be read in conjunction with Article 2 definition 19.
(a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and		

New text proposal_Clusters 2,4	[France] proposal	[France] comments
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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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 where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		We have questions and reservations about the exemption from treatment obligations for nitrogen and phosphorus, in cases where treated wastewater is used for agricultural irrigation. We understand that it would indeed be a pity to spend money and energy to reduce the content of nutrients in wastewater that could be of interest to soils and plants. However, this proposal raises a number of practical questions: - Is it possible to meet quaternary treatment requirements if tertiary treatment is reduced? - If the treated wastewater can no longer be reused (due to problems with outlets, non-compliance with quality requirements, etc.), or is only used seasonally, the treated wastewater will have to be discharged into the receiving environment. How can N and/or P treatment levels be met if no ad hoc tertiary treatment is in place?

New text proposal_Clusters 2,4	[France] proposal	[France] comments
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled. ~~Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:~~ ~~(a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and~~ ~~(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.~~	Member States shall ensure that at least all discharges from collecting systems and urban wastewater treatment plants of 1000 p.e and above, are subject to prior regulations and/or specific authorisation. Collecting systems and urban wastewater treatment plants of between 1000 p.e. and 10.000 p.e. are subject to simplified authorisation Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled.	
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every ~~6~~ ten years and, if necessary, adapted. The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the discharges from non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions requirements set out in Part B of Annex I remain fulfilled.		

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	[France] proposal	[France] 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>	T	

New text proposal_Clusters 2,4	[France] proposal	[France] comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>4 I, part</u> ~~Part~~ Part B.		

New text proposal_Clusters 2,4	[France] proposal	[France] 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

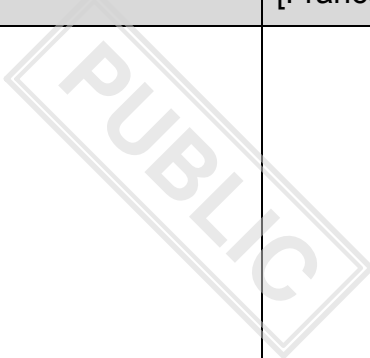
New text proposal_Clusters 2,4	[France] proposal	[France] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(20) 'sanitation'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(25); (26); (27)		
<u>Without prejudice to Article 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>	Without prejudice to Article 9 of Directive 2000/60/EC and to the principles of subsidiarity and proportionality, whilst taking into account the local, regional and cultural perspectives and circumstances for sanitation, Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable	Seeking consistency with the provisions of the Drinking Water Directive on access to water.

New text proposal_Clusters 2,4	[France] proposal	[France] comments
for sanitation. 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 and ensure the information of the public.	and marginalised groups. For that purpose, Member States shall by 12 January 2029: (a) identify 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 such people; (c) inform such people about possibilities for connecting to the sanitation network or about alternative means of having access to sanitation facilities (d) for all agglomerations of 10 000 p.e. and above, encourage the establishment of a sufficient number of sanitation facilities in public spaces, which are freely and, in particular for women, safely accessible and ensure the information of the public.	

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[France] proposal	[France] 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	[France] proposal	[France] 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;	1. In order for the Commission to verify compliance with the directive, 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; (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;	The proposed amendment to paragraph 1 aims to specify its scope and to clarify the purpose of reporting, which is to enable the Commission to check that the MS comply with the requirements of the Directive. Accordingly, the French Authorities propose to delete the reference to point a of Article 21 and thus to take direct account of all the self-monitoring data in Article 21, and to delete the reference to greenhouse gases, which are not subject to any requirement in the Directive. Should this additional monitoring be maintained, specific reporting arrangements should be set up, with lower frequencies consistent with the review frequencies set out in article 31. The French Authorities would like to draw the attention of the Presidency to the need to ensure that the deadlines in this article are consistent with the deadlines for the actual treatment requirements set out in the previous articles. The deadlines for reporting must be later than the deadlines for implementing treatments, for example. For example, the first deadline for setting up a quaternary treatment is December 31, 2033. The first micropollutant samples should therefore be reported from this date, not from December 31, 2030.

New text proposal_Clusters 2,4	[France] proposal	[France] 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	[France] proposal	[France] 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 <u>second first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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</u> each agglomeration <u>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.	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>for</u> each agglomeration <u>of above 1000 p.e. and above</u> or each relevant administrative area.	
2. In addition, Member States shall ensure that all ~~persons~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including for example~~ on their invoice or by <u>digital means such as</u> 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 <u>average</u> household or the connected entity in cubic meter, together with <u>yearly</u> trends and the price of urban wastewater collection and treatment for <u>the that average</u> household (cost per litre <u>and or</u> cubic meter); (c) a comparison of the yearly volume ~~of load~~ of urban wastewater collected and treated for the <u>average</u> household per year and an indication of the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.	In addition, Member States shall ensure that, <u>the following information is made available to</u> all <u>households in agglomerations of above 1000 p.e. and above</u>, connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, for example by <u>digital means such as</u> smart applications, without having to request it:	The French authorities have reservations about the completeness of the information to be <u>transmitted</u> at least once a year to those connected to the collection system, and propose that this information <u>be made available</u> to households.

New text proposal_Clusters 2,4	[France] proposal	[France] 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.		
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].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[France] proposal	[France] 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	[France] proposal	[France] 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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];		
(b) until 31 December 2039 for agglomerations that are not required to comply		

New text proposal_Clusters 2,4	[France] proposal	[France] 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>		
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.	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 2039~~2040~~.	To be consistent with FRANCE's request in article 7.
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.		
~~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.~~		

New text proposal_Clusters 2,4	[France] proposal	[France] 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	[France] proposal	[France] 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.	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 By 31 December 2026, the commission is empowered to adopt implementing acts to provide methodology to assess and justify any excessive costs.	With regard to "excessive costs", it seems important to take into account the economic consequences of setting up a collecting system (particularly with regard to reducing direct wastewater discharges in wet weather). However, in addition to the principle of not entailing excessive costs, it would be appropriate to provide elements of method and reference to guide the Member States, in a uniform manner, in the assessment of a possible excessive cost. It is therefore proposed that provision be made for an implementing act on the subject.

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters 2,4	[France] proposal	[France] 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, except in cases where Article 7(5) is applied.		
4. Discharges from urban wastewater treatment referred to in Article 8(1) or serving agglomerations and included in the list referred to in Article 8(2 4) shall, in addition to the requirements referred to in points 2 and 3, meet the requirements set out in Table 3 of this Annex.		
5. Authorisations 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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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 <u>to 149 999</u> to ~~99 999~~ p.e. ~~or above~~</td><td>One sample per week. For micropollutants, two samples per ~~week~~ month</td></tr><tr><td>— <u>150 000 p.e. or above</u></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 <u>to 149 999</u> to ~~99 999~~ p.e. ~~or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— <u>150 000 p.e. or above</u>	<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~~	<table><tr><td>~~— 1000 to 1999 p.e.:~~</td><td>1 sample every 2 months (see note 1)</td></tr><tr><td>~~— 2000 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 (see note1) For micro-pollutants, one sample per month</td></tr><tr><td>~~— 50 000 p.e. to 149 999 p.e or over~~</td><td>One sample per week For micro-pollutants, two samples per month</td></tr><tr><td>~~_ 150 000 pe or above~~</td><td>Two samples per week For micro-pollutants, two samples per month</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 6, 12 or 24 samples are taken throughout the year, depending on the case. A total of 12 samples shall be taken throughout the year.	~~— 1000 to 1999 p.e.:~~	1 sample every 2 months (see note 1)	~~— 2000 to 9 999 p.e.:~~	One sample per month (see Note 1)	~~— 10 000 to 49 999 p. e.:~~	Two samples per month (see note1) For micro-pollutants, one sample per month	~~— 50 000 p.e. to 149 999 p.e or over~~	One sample per week For micro-pollutants, two samples per month	~~_ 150 000 pe or above~~	Two samples per week For micro-pollutants, two samples per month	Given the small size of these facilities, and the expense involved in setting up this monitoring, it is proposed that the frequency be reduced for plants between 1000 and 1999 p.e.
— 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 <u>to 149 999</u> to ~~99 999~~ p.e. ~~or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month																					
— <u>150 000 p.e. or above</u>	<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 1999 p.e.:~~	1 sample every 2 months (see note 1)																					
~~— 2000 to 9 999 p.e.:~~	One sample per month (see Note 1)																					
~~— 10 000 to 49 999 p. e.:~~	Two samples per month (see note1) For micro-pollutants, one sample per month																					
~~— 50 000 p.e. to 149 999 p.e or over~~	One sample per week For micro-pollutants, two samples per month																					
~~_ 150 000 pe or above~~	Two samples per week For micro-pollutants, two samples per month																					
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:																						

New text proposal_Clusters 2,4	[France] proposal	[France] comments
(a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall ~~be~~ conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply; (d) for the parameters specified in Table 3, <u>each sample taken shall be conform to the parametric values set out in that table 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.	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 and the 150% deviation mentioned in 4 (b) does not apply.	The French authorities would like clarification of the scope of the 150% difference provided for in 4 (b) concerning lagoons and propose that this difference should not apply to unfiltered samples
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		

New text proposal_Clusters 2,4				[France] proposal	[France] comments
agglomerations referred to in Article 7.3 One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.					
Parameters	Concentration	Minimum percentage of reduction ¹² (See Note 1)	Reference method of measurement		
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~~					

¹² Reduction in relation to the load of the influent.

New text proposal_Clusters 2,4	[France] proposal	[France] comments
~~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> <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. <u>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,</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:~~ ~~(1) the average hydraulic retention time of the discharged effluent is at least 1,5 years before it reaches the area sensitive to nitrogen designated under Article 7(2);~~ ~~(2) representative continuous monitoring programme of the total nitrogen parameter is ensured:~~ ~~(a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 1.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and~~ ~~(b) in the relevant inlets of the concerned area designated under Article 7(2); and~~ ~~(c) at the representative sampling locations in the receiving waters and relevant water bodies in the catchment area of the concerned area designated under Article 7(2);~~ ~~(3) the minimum percentage reduction for nitrogen of table 2 is met; this percentage shall be calculated on the basis of the data collected from~~	Given that the addition of this note 1 bis will certainly concern only a few cases (exceptional situations and many conditions to be met) and over a transitional period of 15 years after the entry into force of the directive, this note 1 bis does not seem justified in view of the possibilities already opened up by art. 7. For these particular cases, the Member State will be able to choose the most distant deadlines (2039 or 2045) for compliance with nitrogen (percentage reduction to be met - table 2).

New text proposal_Clusters 2,4	[France] proposal	[France] comments
~~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> ~~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].~~	~~representative continuous monitoring programme referred to in point (2)~~ ~~(4) it can be demonstrated that nitrogen releases from urban wastewater treatment plants in the catchment area are not harmful for the environment, including for biodiversity, and human health and do not modify the ecosystem;~~ ~~(5) the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under Annex V.1.2.1 of Directive 2000/60/EC to define the good ecological status of those areas;~~ ~~(6) the use of natural nitrogen retention is reported to the Commission in accordance with Article 22(1)(a) together with all the elements necessary to justify that conditions on (1), (2), (3), (4) and (5) above are fulfilled.~~ Note 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 D-4 (c) where all the following can be demonstrated: ~~(1) the same level of protection of the environment is obtained;~~ ~~(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.~~	The French authorities do not consider it appropriate to introduce the two conditions concerning environmental protection and excessive costs. The mere fact that the temperature in the aeration tank is below 10°C should be sufficient to allow this exclusion.

New text proposal_Clusters 2,4		[France] proposal	[France] comments						
<table><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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), (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									

New text proposal_Clusters 2,4		[France] proposal	[France] comments																																		
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><tr><td>156-171</td><td>13</td></tr><tr><td>172-187</td><td>14</td></tr><tr><td>188-203</td><td>15</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	156-171	13	172-187	14	188-203	15		
Table 4: Requirement for samples																																					
Series of samples taken in any year	Maximum permitted number of samples which fail to conform																																				
4-7	1																																				
8-16	2																																				
17-28	3																																				
29-40	4																																				
41-53	5																																				
54-67	6																																				
68-81	7																																				
82-95	8																																				
96-110	9																																				
111-125	10																																				
126-140	11																																				
141-155	12																																				
156-171	13																																				
172-187	14																																				
188-203	15																																				

New text proposal_Clusters 2,4			[France] proposal	[France] comments
204-219	16	PUBLIC		
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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] 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	[France] proposal	[France] comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water sewer~~		

New text proposal_Clusters 2,4	[France] proposal	[France] 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	[France] proposal	[France] comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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.		

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			[France] proposal	[France] 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		[France] proposal	[France] comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		
98/15/EC	30 September 1998		

New text proposal_Clusters 2,4		[France] proposal	[France] 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		[France] proposal	[France] 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		[France] proposal	[France] 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		[France] proposal	[France] 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		[France] proposal	[France] 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		

CROATIA

Please find below Croatian proposals and comments to articles and annexes of the «New text proposal_Clusters 2, 4» discussed at the meeting on 11th September for the UWWTD.

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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		

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		

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

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	[Insert MS name] proposal	[Insert MS name] comments
(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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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		

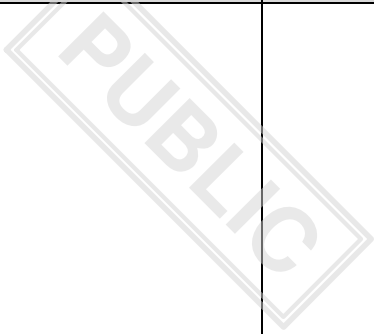
⁸ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) OJ L 33, 4.2.2006, p. 1–17

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	[Insert MS name] proposal	[Insert MS name] comments
attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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;		
(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~~ collects and conducts urban wastewater including urban runoff ~~including urban runoff~~;		

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

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations ;		
(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;		

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).

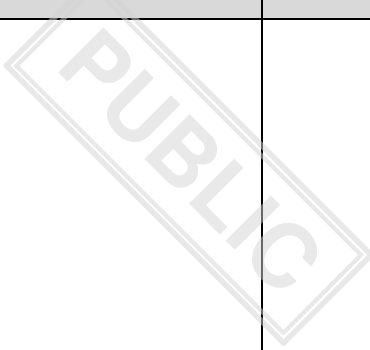
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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 <u>Member States</u> market ~~of a Member State~~ ;		
(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	[Insert MS name] proposal	[Insert MS name] 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.	By 31 December 2033, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of agglomerations with total generated load of 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 tertiary treatment in accordance with Part B and Table 2 of Annex I before discharge into receiving waters. By 31 December 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of agglomerations with total generated load of 150.000 p.e. and above meet the relevant requirements for tertiary treatment in Part B and Table 2 of Annex I before discharge into receiving waters.	As the youngest EU Member State, Croatia is intensively working on meeting the existing obligations under the Directive 91/271/EEC, therefore we would appreciate more time for implementation of new obligations. In addition, we think that it would be good to state more precisely that the requirements of Article 7 stem from the size of an agglomeration, and not from a treatment plant. That would, in our view, harmonise the approach with requirements for secondary and tertiary treatment, i.e., it would refer to all the plants in an agglomeration of more than 150,000 p.e. (if the "1 agglomeration : <i>n</i> plants" approach is used).
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.		

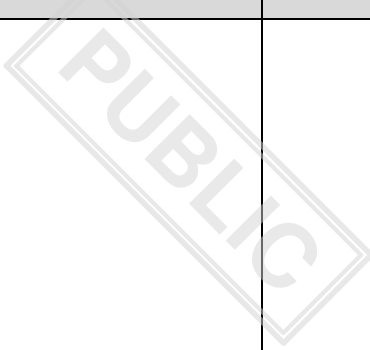
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance 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 <u>these</u> agglomerations.	a) 31 December 2033 for 20% of total generated load of these agglomerations; (b) 31 December 2039 for 60% of total generated load of these agglomerations;	We suggest that paragraphs (a) and (b) state more clearly that the specified percentages refer to the share of the total agglomeration load, and not to the number of agglomerations. We would appreciate more time for implementation of new obligations, as stated before.
~~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	[Insert MS name] proposal	[Insert MS name] 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		
~~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	[Insert MS name] proposal	[Insert MS name] 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 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.	Member States shall ensure that discharges from discharge point of urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraph 3 within seven years of the inclusion in that list.	A more precise formulation is suggested, since it is the location of the discharge point and not the location of the plant itself that is crucial for meeting the requirement (they can be at a significant distance or in areas with different sensitivity).

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~2030~~ 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) ~~By 31 December 2035 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants:~~ (c) 31 December ~~2040~~ 2045 for all discharges from these urban wastewater treatment plants.	1. Member States shall ensure that discharges from urban wastewater treatment plants treating a load of 150.000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) 31 December ~~2033~~ 2039 for discharges from 20 % of these urban wastewater treatment plants; (b) 31 December ~~2039~~ 2045 for discharges from 60% of these urban wastewater treatment plants: (c) 31 December ~~2045~~ 2050 for all discharges from these urban wastewater treatment plants.	We propose more time for implementation of new obligations.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter every five years thereafter</u> 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).

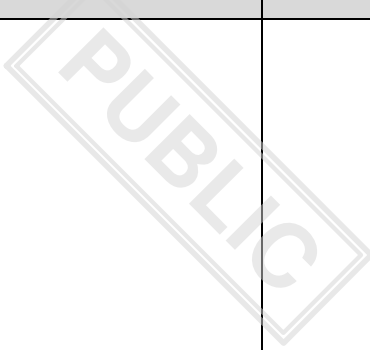
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), <u>no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].</u>		
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e. and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I~~ ~~accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:~~ (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 <u>these</u> 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.	(a) 31 December 2035 2040 for 20 % of these agglomerations; (b) 31 December 2040 2045 for 60 % of these agglomerations; (c) 31 December 2045 2050 for all these agglomerations	We propose more time for implementation of new obligations.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from ~~all~~ urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		

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

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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>	T	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>4 I, part</u> ~~Part~~ Part B.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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

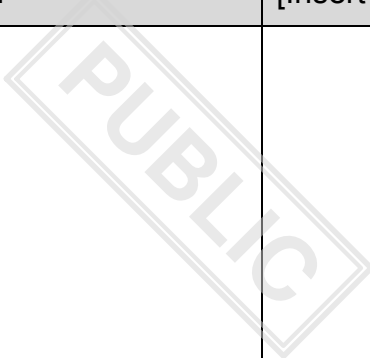
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(20) 'sanitation'		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(25); (26); (27)		
<u>Without prejudice 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	[Insert MS name] proposal	[Insert MS name] comments
for sanitation. 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 and ensure the information of the public.		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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 <u>second first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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, ~~in-for~~ each agglomeration <u>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~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including for example~~ on their invoice or by <u>digital means such as</u> 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 <u>average</u> household or the connected entity in cubic meter, together with ~~yearly~~ trends and the price of urban wastewater collection and treatment for ~~the that~~ <u>average</u> 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 <u>average</u> 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.	(a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, <u>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;</u>	We see a challenge in terms of the quantity and technical nature of required information. Paragraph 2 (a) – The required information is extremely technical and hard to understand for an average service user.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 <u>of this Article</u> 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.		We think that an implementing act should be adopted (currently: delegated) since modifying paragraph 2 and Annex VI may have a significant impact on the burden to administrative resources.
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].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];		
(b) until 31 December 2039 for agglomerations that are not required to comply		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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~~ to 149 999 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~~ to 149 999 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~~ to 149 999 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				[Insert MS name] proposal	[Insert MS name] 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.					
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				[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.~~ 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>(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>		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water~~ sewer		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO ₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures <u>of 10 000 p.e. and above</u> 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.		

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			[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		
98/15/EC	30 September 1998		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		

ITALY

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	IT proposal	IT 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	IT proposal	IT comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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.		We agree with the proposed changes
(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		

Recitals Amended		
New text proposal_Clusters 2, 4	IT proposal	IT comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		We agree with the proposed changes: the text ins in line with the WFD-GWD-EQSD revision
(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,		We agree with the proposed changes

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).

Recitals Amended		
New text proposal_Clusters 2, 4	IT proposal	IT comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		We agree with the proposed changes, in line with the actual reporting under art. 15 and 17 of the Directive 91/271

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

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	IT proposal	IT comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~with regard to the main obligations to collect and treat wastewater.~~		We agree with the proposed changes
(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,		A reservation of consideration is expressed on Recital 38, that is, to make the inclusion of other sectors in Annex III dependent only on the outcomes of an evaluation of the Directive, which is scheduled for 2030 and 2040. The Ministry of

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	IT proposal	IT comments
analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		the Environment has recently carried out a stakeholder review of the EPR and one of the most important and urgent requests is precisely to examine the possibility of applying the EPR to sectors other than pharmaceuticals and cosmetics. WE CONFIRM the position of a fairness based approach that aims to allocate fair costs to the responsible sectors

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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;		
(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~~ collects and conducts urban wastewater including urban runoff including urban runoff;		

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

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations;		We agree with the proposed changes
(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;		

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	[Insert MS name] proposal	[Insert MS name] comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe management and disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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 <u>of a Member State</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	[Insert MS name] proposal	[Insert MS name] 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.~~		We agree with the proposed deadlines changes, in line with IT observations. We agree with the increase of the threshold for the application of tertiary treatment to facilities from 150.000 p.e., but we reiterate the request that the application of tertiary should be subject to a risk assessment
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	[Insert MS name] proposal	[Insert MS name] 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 <u>these</u> agglomerations.		Clarification is requested on the contents of paragraph 3 of Article 7 and Table 2, Annex 1. Paragraph 3, Article 7: Member States shall ensure that discharges from agglomerations of at least 10,000 p.e. meet the relevant tertiary treatment requirements in Part B and Table 2 of Annex I before discharge to areas included in a list referred to in paragraph 2. Table 2: Tertiary treatment requirements for discharges from municipal wastewater treatment plants referred to in Article 7(1) or serving agglomerations referred to in paragraph 3. For discharges from urban wastewater treatment plants referred to in Article 7(1), both parameters apply. For agglomerations referred to in Article 7(3), one or both parameters may apply depending on the local situation. Ex: Total phosphorus: 1 mg/L (10 000 - 150 000 p.e.) Therefore, to discharges from plants serving agglomerations of 10,000 p.e. and above and discharging to AS, the values in Table 2 apply. These values refer to the size of the plant. Question: If I have an agglomeration with CG equal to 12,000 p.e., served by 2 plants: - Plant size 7,000 p.e. - Plant size 6,000 p.e. What limits in Table 2 should I apply, the range 10,000 - 150,000 p.e. is shown in parentheses?

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date – the date of entry into force of this Directive], urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 400 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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</u>	<u>3 ter. [NEW] For urban wastewater treatment plants that are already in construction or were commissioned after 31 December 2018 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 2045</u>	We agree with the 3-ter proposition, but we ask to modify the dates, as indicated (2018 and 2045)

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<u>Article 7 of this Directive, shall apply as from 31 December 2040.</u>		
4. ~~Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I.~~ The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the ~~second subparagraph~~ to technological and scientific progress.		
5. By way of derogation from paragraphs 3 and 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 and 4 where it can be shown that the minimum percentage of reduction of the overall load entering all urban 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.	<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~~ 2040; ~~(b)~~ (c) 90 ~~85~~ 85 % for total phosphorus and ~~85~~ 82,5 % for total nitrogen by 31 December ~~2040~~ 2045.	As expresseed in July, we reiterate the request that the reduction percentage of phosphorous is maintained to 85% and by 2040

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
6. Discharges from urban wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 shall also be subject to paragraphs 3, 4 and 5.		
7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list.		

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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		We agree with the increase of the threshold for the application of quaternary treatment to installations above 150,000 a.e., but we reiterate the request

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) 31 December ~~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.	(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 50% of these urban wastewater treatment plants:	that the application of quaternary treatment should be subject to a risk assessment; We agree with a more gradual approach to equipping installations above 150,000 a.e., and the the dates. now indicated as 2033, 2039 and 2045 respectively, We reiterate to move the percentage of adjustment now indicated as 60% for 2039 to 50%.
2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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;		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(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. 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>.		Non si concorda con quanto affermato dalla Presidenza e riportato nei commenti del documento del 5 settembre 2023 (WK 10950/2023 INIT). Si ritiene necessario reintrodurre la scadenza precedentemente indicata, entro 6 mesi dall'entrata in vigore della direttiva.
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of~~		For agglomerations starting at 10,000 a.e. in risk areas, greater flexibility in timing is required, in order to have adequate financial and operational conditions.

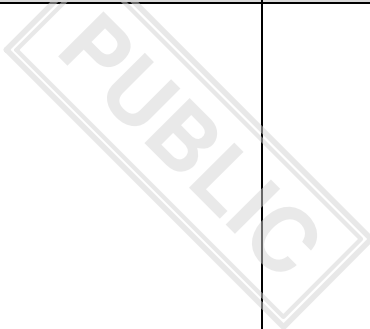
¹¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC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

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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 <u>these</u> 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.~~	(a) 31 December 2040 for 30 30 % of these agglomerations; (b) 31 December 2045 for 60 % of these agglomerations; (c) 31 December 2050 for all <u>these</u> agglomerations.	<u>In particular, we reiterate the proposal: 2040 for 30% of agglomerations, 2045 for 60% of agglomerations and 2050 for all agglomerations.</u>
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.~~		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] 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)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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.		
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.		<u>Minimum threshold: as expressed in July</u>, it will certainly be necessary to define a minimum threshold below which the EPR does not apply, but this could be done when defining the modalities of application of the cost sharing principle.
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)	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, related degradation products, substances and active molecules. Those implementing acts shall be adopted in	We appreciate the implementing act approach. We received observations about the need to use "substances" and their toxicity as an element of assessment, rather than products placed on the market. Since the management model for the

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<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>	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>	allocation of the expected/supported costs for the EPR has not yet been defined (it will be defined by subsequent acts and documents), We reiterate to propose to use a generic definition that will allow the best adaptation to future choices. The following diction is proposed: related degradation products, substances and active molecules.
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States shall ensure that: (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(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 paragraph prior to their effective establishment and operation.		We agree with the approach to ensure the sustainability of investments and the availability of investment resources. It agrees with what has already been expressed in Recital 38, in which it is believed that the contributions begin well before the construction of the quaternary facilities, and therefore that there is the establishment of an advance contribution fund, associated with balance sheet clearing mechanisms and the guarantee of the necessary resources.
	<u>1-bis: The Commission is empowered to adopt an implementing act to establish detailed criteria on the uniform application of the condition laid down in paragraph 1, in order to make the approach of individual countries homogeneous, aligned and more robust.</u>	In order to take into account the comments received, it is deemed necessary to propose an “implementing act” to be adopted within one year of the Directive’s entry into force, in order to make the approach of individual countries homogeneous, aligned and more robust.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
	<u>This implementing act shall be adopted no later than [OP please insert the date = the last day of the first year from the date of entry into force of this Directive]</u>	
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	[Insert MS name] proposal	[Insert MS name] 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. 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)		The exchange of information and dissemination of information is considered to be of definite interest.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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]		

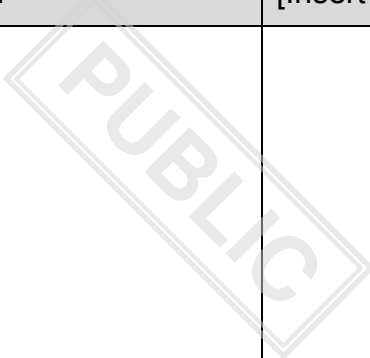
ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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

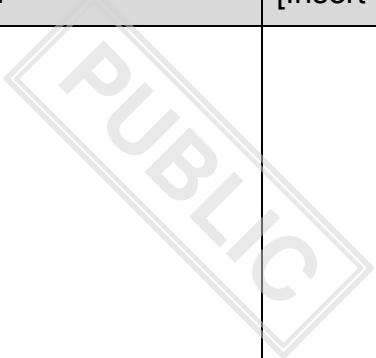
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from all urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and		We appreciate the proposed text, in line with our previous observations. We agree with the reorganisation of the article, which makes a clearer distinction between water reuse and urban wastewater discharge.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		
2. Member States shall ensure that <u>at least all</u> discharges from urban wastewater treatment plants <u>of 1000 p.e and above of 200 p.e and above</u>, 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.~~		We agree with the proposed changes

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every ~~6~~ ten years and, if necessary, adapted. <u>The provisions of the specific authorisations shall be updated in the cases where the characteristics of 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>		We agree with the proposed changes

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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 and assess the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human	T	We agree with the additions made to align the content of the article with the Water Framework Directive; GW Directive and Drinking Water Directive.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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</u> as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body. (e) the <u>ecological and chemical status of the receiving surface water body</u> as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.		
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;		We agree with the proposed text of new letter aa)

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 <u>4</u> ~~I~~, ~~part~~ Part B.		
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.		We agree with the addition made to align the activity with the Water Framework Directive;

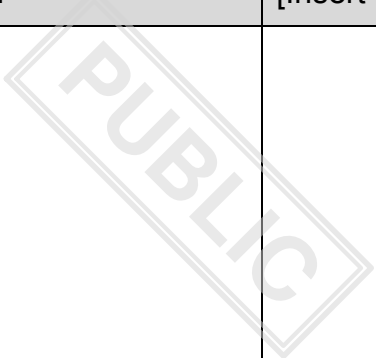
ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(20) 'sanitation'		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<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 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>		We agree with the proposed changes, in line with the Drinking Water Directive

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		
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		As expressed in July, we agree on the proposed deadline of 2030.

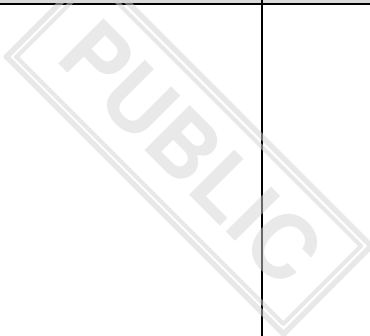
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
accordance with Part D of Annex I that have failed; (e) by 31 December ~~2025~~ 2030, set up a data set containing information on greenhouse gas emissions with a breakdown between different gasses and on the total energy 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; (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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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 <u>permanent</u> access to the data sets referred to in paragraph 1.		The proposal means a shared national database access to data of Par. 1. We propose to align the methodology to all Water Directives, starting from DWD Where is needed, the possibility for the Commission and the EEA to collect data on request, "send the data on request", is supported.
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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 <u>second first</u> year from the entry into force of this Directive].		We ask to define a logical data set content by end of 2029, in order to avoid the actual "Reporting chaos" under the RBMPs".

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the <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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
2. By ...[OP: please insert the date = the last day of the ~~thirty-fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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>		We agree with the proposed date
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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 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)].		The conditions indicated in (b) .." for Article 7 (3) is intendend as applied to all deadlines, as confirmed in the WPE on September 11. .

ARTICLE 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
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</u> each agglomeration <u>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.		IT maintains a reservation on the entire Article and on Annex VI, <u>in particular with regard to the quantity and quality of information</u> that continues to be excessive in detail. Inoltre, l'Italia chiede - The elimination of the instrument of delegated acts to amend paragraph 2 of this article and Annex VI; - That paragraph 4 indicate the timeframe by which the Commission will adopt implementing acts establishing the methods and formats for submitting the information to be provided. With reference to paragraph 2, it is believed that some of the required information is already reflected in the methods of use identified in Paragraph 1, and therefore being made available online should not be sent in a personalized manner to users; examples of this are compliance with Art. 3,4,6,7,8. Regarding Paragraph 4, it is requested that the time limit by which the Commission will prepare the methods and format for submitting the information to be provided be stated. It is necessary that the time limit be prior to the preparation of the

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
		information by the Member States. The method and format of submission should, on the other hand, be agreed with the Member States. Finally, there seems to be no deadline for the fulfilment of the obligations under this Article, which creates some uncertainty as to the measures to be taken by the Member States.
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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 <u>of this Article</u> and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those 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].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];		
(b) until 31 December 2039 for agglomerations that are not required to comply		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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~~ to 149 999 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~~ to 149 999 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~~ to 149 999 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				[Insert MS name] proposal	[Insert MS name] 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.					
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				[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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. <u>~~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> <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>		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water sewer~~		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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.		

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			[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		
98/15/EC	30 September 1998		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		

CYPRUS

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
<i>Recitals amended:</i>		We propose that the term micropollutants be written without the '-' throughout the text
(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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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		

Recitals Amended		
New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(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,		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		

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

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	Cyprus proposal	Cyprus comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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,		

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	Cyprus proposal	Cyprus comments
analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		We propose including a clear definition of the discharge of treated effluent that distinguishes it from reused water.
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;		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and services and institutions~~ which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, other than domestic wastewater and urban runoff , which is discharged ~~into collecting systems~~ from premises used for either 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.		A clarification about the 'exercise of a trade' is needed.
(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 ~~a~~ final discharge points into receiving waters ;		
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) 'sewer storm water overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~ ;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a single conduit ~~that that designed to~~ collects and conducts urban wastewater including urban runoff including urban runoff ;		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
(9) 'separate sewer' means a system of conduits that separately collect~~s~~ and conduct~~s~~ either urban runoff or ~~either of the following~~: ~~(a) domestic~~ urban wastewater not including urban runoff; ~~(b) non-domestic wastewater~~ non domestic wastewater; ~~(c) a mixture of domestic and non-domestic wastewater;~~ ~~(d) rainwater from agglomerations;~~		
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load~~ per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ per day;		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which reduces ~~removes most of~~ biodegradable organic matter ~~in~~ from urban wastewater;		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
(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;		We are a bit puzzled with this definition. Based on the CYS EN 1085:2007 the definition of tertiary treatment is: the additional treatment processes which result in further purification than that obtained by applying primary and secondary treatment. Based on the Commission Report 21.11.2001 COM(201) 685 final, tertiary treatment means treatment, supplementary to the secondary treatment, of the nitrogen (nitrification-denitrification) and/or phosphorus and/or any other pollutant which affects the quality or a specific use of water: microbiological pollution, colour, etc. For example, in Cyprus, tertiary treatment is provided by sand filters in a case of a treatment plant using traditional activated sludge system and a microfiltration or ultrafiltration process in other plants using membrane bioreactors. The removal of nitrogen and/or phosphorus takes place in the aeration tank, which is part of the secondary treatment. For all the aforementioned reasons, and in order to avoid confusion, the following definition is proposed: 'tertiary treatment' means treatment of urban wastewater by a process which reduces nitrogen and/or phosphorus from urban wastewater, and can be part of the secondary treatment.
(13) 'quaternary treatment' means treatment of urban wastewater by a process which <del>removes</del>~~reduces~~ a broad spectrum of micro-pollutants ~~in from the~~ <u>from</u> urban wastewaters;		
(14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ organic residue and inorganic sludge residue resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding debris, grit, grease and any other screenings residues from the first pre-treatment step);		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
(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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations ;		The following amendment is proposed: 'micropollutant' means a substance, including its ~~breakdown~~ transformation products, ~~that is usually present in the environment and urban wastewaters~~ present in the aquatic environment, urban wastewater and or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹² , even in low concentrations ;
(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~~ ;		Please clarify how the selection "for an average of five years" has been set.
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		

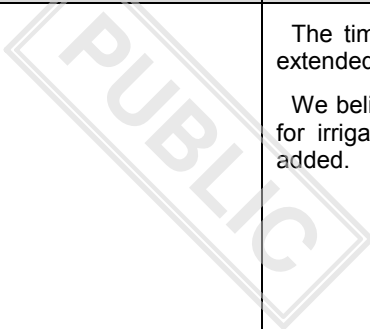
¹⁰ Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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 <u>Member States</u> market ~~of a Member State~~ ;		
(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	Cyprus proposal	Cyprus comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(12) 'tertiary treatment'; (15) 'eutrophication'; (23) 'plastic biomedica';		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
<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.~~		
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ Part B and Table 2 of Annex I in its entire territory.		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
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 <u>these</u> agglomerations.		The timetable set is tight, and we propose that this is extended. We believe that discharge does not include water reuse for irrigation within these areas. Clarification should be added.
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date – the date of entry into force of this Directive], urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 400 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		
~~4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I.~~ The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the ~~second subparagraph~~ to technological and scientific progress.		
5. By way of derogation from paragraphs 3 ~~and 4~~, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 ~~and 4~~ where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area is :		

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
<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 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.		We consider that irrigation should not be included in the term discharge. It should be clarified that in the case of irrigation of land within the catchment area of an area sensitive to eutrophication, this should be excluded from this requirement.
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	Cyprus proposal	Cyprus comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030,~~ Member States shall ensure that ~~50 % of discharges from urban wastewater treatment plants treating a load of 100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) ~~31 December 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.		The timetable set is tight, and we propose that this is extended. Cyprus strongly supports the need to set specific limit values. The justification for the percentage reduction should be explained. We believe that the need for quaternary treatment should only be taken based on specific limit values and after a full and detailed Risk Assessment Study, which takes all parameters into account. It is noted that the majority of existing plants in Cyprus which have tertiary treatment are projects that have been built in recent years and where no additional space has been foreseen to allow for the construction of quaternary treatment. Cyprus suggests that this requirement should only apply to new projects that will be constructed or to projects that are several years old and where renovation works will be carried out.

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter every five years thereafter</u> 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.		Specific limit values should be defined and taken into account when preparing the risk assessment

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).

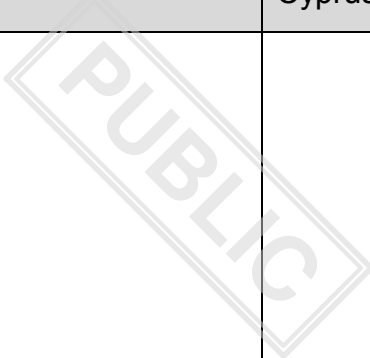
New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 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 [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].~~		Cyprus- Specific limit values should be defined.
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e. and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I~~ ~~accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:~~ (a) ~~31 December 2035 for 30 20 % of these~~ 31 December 2035 for 20 % of these agglomerations; (b) ~~31 December 2040 for 60 % of these~~ 31 December 2040 for 60 % of these agglomerations; (c) ~~31 December 2045 for all these~~ 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.~~		The timetable set is tight and should be extended We believe that the need for quaternary treatment should only be considered, based on specific limit values and after a full and detailed Risk Assessment Study, which takes all parameters into account. We also consider that irrigation is not included in the term discharge. Clarification is needed.

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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.		Under which Directive will the Extended Producer Responsibility Schemes be established? Will they be under this Directive or will they be based on the Waste Directive 2008/98/EC? The Republic of Cyprus is concerned about the increased costs as well as the increased administrative burden associated with the provisions of these articles.

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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		Cyprus is concerned about the increased administrative burden associated with the provisions of these articles.

New text proposal_Clusters 2, 4	Cyprus proposal	Cyprus 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.		Cyprus is concerned about the increased administrative burden associated with the provisions of these articles. We also consider that the successful implementation of the provisions of Article 10(2) is extremely difficult.
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.		Cyprus is concerned about the increased administrative burden associated with the provisions of these articles.
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	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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

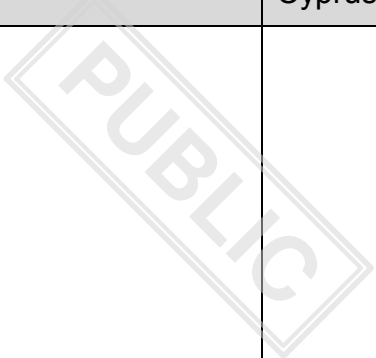
New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater 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.		We fully agree to derogate from requirements for tertiary treatment (nitrogen and phosphorus removal) if the treated wastewater is reused. But, we disagree with the new requirement added to demonstrate ‘ a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; 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.’ The new requirement added is considered impracticable. It is associated with high administrative costs and it is uncertain whether the requested data can be collected. In cases with many small agricultural parcels where many different crops are grown, this monitoring will be difficult. In Cyprus, most plots of land have these characteristics. It is proposed that the reclaimed water be used in accordance with a code of good agricultural practice as applied in Cyprus.

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
		Increased bureaucracy can ultimately be a strong disincentive for using recycled water. This will jeopardize the objectives of the circular economy.
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled. ~~Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:~~ ~~(a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and~~ ~~(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.~~		The obligation to issue a specific authorisation for all discharges from plants with a population equivalent of 1000 p.e. and above increases the administrative burden excessively without a clear view of the environmental benefit. It is proposed that this requirement should apply to plants with an equivalent population of 2.000 p.e. and above. Cyprus strongly supports the reuse of reclaimed water for irrigation, so the Directive should provide sufficient motivation for Member States to promote wastewater reuse in the context of the circular economy.
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every ~~6~~ ten years and, if necessary, adapted. The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the		

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
<u>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	Cyprus proposal	Cyprus 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 and assess the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC;		The timeframe set is extremely short. Cyprus considers that for economic as well as practical reasons this action should be linked to the action foreseen in paragraph 2 of Article 8 and therefore the same period of time should be given, which in any case should be longer than two years. We recommend that this can be done every 6 years. In addition, we believe that an extensive risk assessment entails an increased administrative burden.

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
(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) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ecological and chemical status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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;		Cyprus strongly supports that new wastewater treatment plants should only be constructed where there is a significant environmental benefit as determined through risk assessment and cost/benefit analysis.

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
(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 <u>1</u>, ~~part~~ Part B.		
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.		

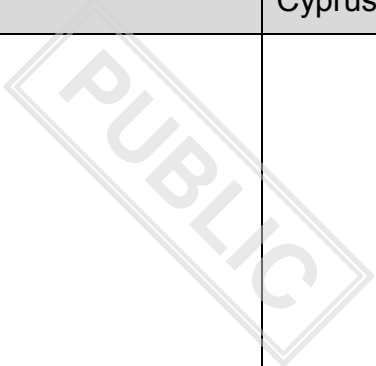
ARTICLE 19 – ACCESS TO SANITATION

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

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
<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 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 and ensure the information of the public.		The timetable set out in Article 19 is very ambitious. We recommend extension so that is realistic and achievable. Cyprus suggests the amendment of timetable, to allow a timeframe of at least five years from the date of entry into force of the revised Directive. The Republic of Cyprus requests further clarification on the requirements of this article (e.g. what is the sufficient number of sanitary facilities in public spaces, how we assess the possibilities for improving access to sanitation facilities etc.).

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus 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)		
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		Article 22 requires Member States to collect various data and to ensure access to these data sets. This requirement is associated with an increased administrative burden and increased costs for which Cyprus require contribution from EU. Otherwise, small Member States will find it difficult to fulfil their obligations. We recommend extension of the timetable to allow a timeframe of at least five years from the date of entry into force of the revised Directive. The new requirement added in paragraph 1 (k) shall be deemed to be impracticable. It is associated with high administrative costs and it is uncertain whether the requested data can be collected. It is proposed that the use of reclaimed water is done following a code of good agricultural practice as applied in Cyprus, and following the EU Regulation 2020/741.

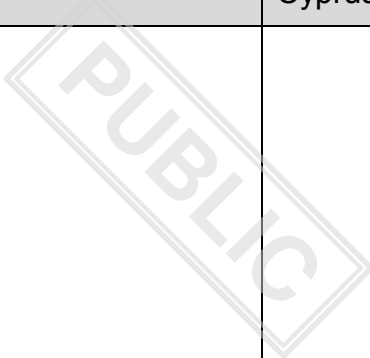
New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
accordance with Part D of Annex I that have failed; (e) by 31 December ~~2025~~ 2030, set up a data set containing information on greenhouse gas emissions with a breakdown between different gasses and on the total energy used and renewable 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; (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		

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
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 <u>permanent</u> access to the data sets referred to in paragraph 1.		We agree with the deletion of 'permanent' and we suggest to add that the data can be sent upon request
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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.		Cyprus requests clarification on the type of information that shall be provided to the public.
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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		Cyprus is of the opinion that the implementation act should be available shortly after the Directive enters into force, taking into account the time required for Member states to fulfill the necessary tasks, so we agree with the change setting the deadline 1 year earlier.

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus 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 this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		Cyprus continues to believe that Member States that have not yet completed all obligations under the current Directive should be given a later deadline to complete their first National Implementation Program under this Directive, which will be established three years after all obligations under the current Directive have been completed.

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
2. By ...[OP: please insert the date = the last day of the ~~thirty-fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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		

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
(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 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	Cyprus proposal	Cyprus 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)		
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</u> each agglomeration <u>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.		Cyprus considers that the cost of providing all the information specified in article 24 is disproportionate to the benefit to the public. We recommend replacing this obligation by an obligation for Member States to provide information to the public within 30 days of a written request.
2. In addition, Member States shall ensure that all all <u>persons households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, <u>including for example</u> on their invoice or by <u>digital means such as</u> 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;		

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
(b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the <u>average</u> household or the connected entity in cubic meter, together with <u>yearly</u> trends and the price of urban wastewater collection and treatment for ~~the~~ <u>that average</u> 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 <u>average</u> household per year and an indication of the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.		
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 <u>of this Article</u> and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ <u>households</u> connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). <u>~~The Commission will provide the format and methods by [12 months from the entry into force of this Directive].~~</u>		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus 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)		
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 .		Cyprus requests additional time for Member States that have not yet managed to implement the obligations of the current Directive. Otherwise, these Member States will fail to comply with the new demanding obligations.

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
For urban wastewater discharges from agglomerations of ~~between 10 000 p.e. and above 100 000 p.e. that are not required to comply with the requirements set out in Article 7(3) by 31 December 2035~~, Article 5 of Council Directive 91/271/EC shall continue to apply: ~~until 31 December 2040~~. (a) ~~until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by~~ [OP please insert the date = the date of entry into force of this Directive]; (b) ~~until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033~~; (c) ~~until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the derogation provided for in Article 7(3) third subparagraph~~.		
3 bis. [NEW] <u>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>		
3 ter. [NEW] <u>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>		

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
~~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.~~		
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	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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, except in cases where Article 7(5) is applied.		
4. Discharges from urban wastewater treatment referred to in Article 8(1) or serving agglomerations and included in the list referred to in Article 8(2 4) shall, in addition to the requirements referred to in points 2 and 3, meet the requirements set out in Table 3 of this Annex.		
5. Authorisations 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.		Are there any specific standards to be followed for this monitoring?

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus 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> .		How does this requirement relate to the provision for implementing solutions that do not impose excessive costs?
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	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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 <u>to 149 999</u> <u>to 99 999 p.e. or above</u></td><td>One sample per week. For micropollutants, two samples per ~~week~~ month</td></tr><tr><td>— <u>150 000 p.e. or above</u></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 <u>to 149 999</u> <u>to 99 999 p.e. or above</u>	One sample per week. For micropollutants, two samples per ~~week~~ month	— <u>150 000 p.e. or above</u>	<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~~	The following amendment is proposed: <table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample per month (see Note 1)</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples per month For micropollutants, one sample per month</td></tr><tr><td>— 50 000 to <u>149 999</u> to 99 999 p.e. <u>or above:</u></td><td><u>One sample per week Two samples per month</u> For micropollutants, <u>two one</u> samples per week month</td></tr><tr><td>— <u>150 000 p.e. or above:</u></td><td><u>Two One samples per week</u> For micropollutants, <u>two one samples per week month</u></td></tr></table>	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 to <u>149 999</u> to 99 999 p.e. <u>or above:</u>	<u>One sample per week Two samples per month</u> For micropollutants, <u>two one</u> samples per week month	— <u>150 000 p.e. or above:</u>	<u>Two One samples per week</u> For micropollutants, <u>two one samples per week month</u>	The reduction in the frequency of sampling is in the right direction however the position of Cyprus is that further reduction is required. We also suggest reducing the monitoring frequency where micropollutants are not detected in consecutive measurements.
— 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 <u>to 149 999</u> <u>to 99 999 p.e. or above</u>	One sample per week. For micropollutants, two samples per ~~week~~ month																			
— <u>150 000 p.e. or above</u>	<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 <u>149 999</u> to 99 999 p.e. <u>or above:</u>	<u>One sample per week Two samples per month</u> For micropollutants, <u>two one</u> samples per week month																			
— <u>150 000 p.e. or above:</u>	<u>Two One samples per week</u> For micropollutants, <u>two one samples per week month</u>																			
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				Cyprus proposal	Cyprus 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.					
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				Cyprus proposal		Cyprus 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	Cyprus proposal	Cyprus 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		Cyprus proposal	Cyprus 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><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 5-methyl- benzotriazole (CAS No 136-85-6).									

New text proposal_Clusters 2,4		Cyprus proposal	Cyprus comments																														
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><tr><td>156-171</td><td>13</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	156-171	13		
Table 4: Requirement for samples																																	
Series of samples taken in any year	Maximum permitted number of samples which fail to conform																																
4-7	1																																
8-16	2																																
17-28	3																																
29-40	4																																
41-53	5																																
54-67	6																																
68-81	7																																
82-95	8																																
96-110	9																																
111-125	10																																
126-140	11																																
141-155	12																																
156-171	13																																

New text proposal_Clusters 2,4		Cyprus proposal	Cyprus comments
172-187	14	PUBLIC	
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	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus 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	Cyprus proposal	Cyprus comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water sewer~~		

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	Cyprus proposal	Cyprus comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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.		

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

New text proposal_Clusters 2,4		Cyprus proposal	Cyprus 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		Cyprus proposal	Cyprus 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		Cyprus proposal	Cyprus 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		Cyprus proposal	Cyprus 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		

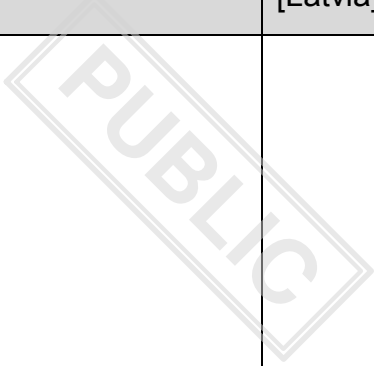
New text proposal_Clusters 2,4		Cyprus proposal	Cyprus comments
Article 19	Article 34	PUBLIC	
-	Article 35		
Article 20			
Annex I	Annex I(A)		
Annex I(B)	Annex I(B)		
Annex I(C)	Annex I(C)		
Annex I(D)	Annex I(D)		
Annex II	Annex II		
-	Annex III		
Annex III	Annex IV		
-	Annex V		
-	Annex VI		
-	Annex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

LATVIA

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	Latvia proposal	[Latvia] 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		

New text proposal_Clusters 2,4	Latvia proposal	[Latvia] comments
c) other costs required to exercise their extended producer responsibility.		
2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following: (a) the quantity of the product they place on the Union market is below 2 tonnes per year; (b) the products they place on the market do not generate 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;		

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

New text proposal_Clusters 2,4	Latvia proposal	[Latvia] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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;		

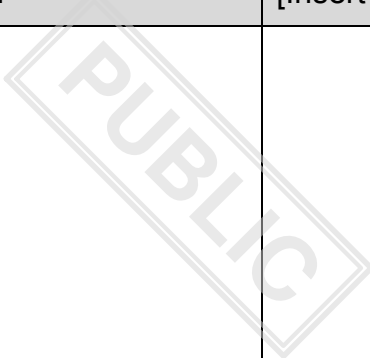
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.		
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.		
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or		

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

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
practices on these and other relevant aspects, and where relevant, provide recommendations to Member States.		

ARTICLE 15 – WATER REUSE AND DISCHARGES OF URBAN WASTEWATER

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from all urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled. ~~Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:~~ (a) ~~the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and~~ (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.~~		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every 6 ~~ten~~ years and, if necessary, adapted. <u>The provisions of the specific authorisations shall be updated in the cases where the characteristics of 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>	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>	As this Paragraph 3 already defines situations, when provisions of specific authorisations shall be reviewed, we believe that the requirement for an additional review every 10 years is an unnecessary administrative burden.

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		
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;	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;	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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; (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);	(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; (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);	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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;	(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) where appropriate, 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;	A comment related to Paragraph 23.1 (k). We believe that it is necessary to include “where appropriate” in this paragraph to ensure its consistency with Article 15 (1), which states: “1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from all urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741.” Not all Member States use wastewater for irrigation of agricultural lands, therefore not all of them will have such data.
2. Member States shall ensure that the Commission and the EEA have permanent access to the data sets referred to in paragraph 1.		
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
2. By ...[OP: please insert the date = the last day of the ~~thirty fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) no later		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].		
5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines: (a) the deadlines referred to in Article 3(2) and/or in Article 6(2) on the conditions that: (i) less than 50 % of these agglomerations are provided with collecting systems and are not subject to secondary treatment 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 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	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 or less than 50% of the estimated wastewater load of these agglomerations is collected in collecting systems and is 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 or has an insufficient a collecting system and secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; (b) the deadline for agglomerations referred to in Article 7(3) on the conditions that: (i) at least 50 % of these agglomerations are not applying tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and (ii) the national implementation programme includes:	We repeat our written comments concerning Article 23(5) submitted after the 4th of September Working Party. We ask for reconsideration of the conditions set forth in Paragraph (i) of Article 23 (5) a). According to estimates there are 66 agglomerations between 1000 and 2000 p.e. in Latvia, but only 16 (24%) of them fully lack collecting systems. At the same time the remaining agglomerations have collecting systems that cover only part of their territory, i.e., existing collection systems shall be extended and also renewed and wastewater treatment plants shall be upgraded to achieve full compliance with the requirements of Article 3 (2), Article 6 (2) and Annex I (as Annex I among the other things also requires prevention of leaks of wastewater and prevention of inflow and infiltration into the collecting systems). It is estimated that more than 900 km of collection networks and more than 600 pumping stations, and 59 wastewater treatment plants shall be upgraded or built to ensure compliance. Both a huge amount of investment and time will be needed to establish or upgrade such infrastructure. In our opinion it is not realistic to achieve compliance with Article 3 (2) and Article 6 (2) by 2033, taking into account that investments will be needed to achieve compliance with the requirements of other articles as well. We believe that the information provided above justifies the need for extension and that the conditions under which the extension may be granted should include also reference to the situations where most part of the wastewater load of the agglomeration is not collected and subject to secondary treatment.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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)].	- the number of agglomerations referred to in Article 7(3) lacking tertiary treatment on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].	

ARTICLE 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
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</u> each agglomeration <u>of above 1000 p.e. or each relevant administrative area.</u>		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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.	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 or connected entity (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 or connected entity 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.	We believe that the word “average” shall be established in Article 24 (2) (b)
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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
updating the information to be provided to the public online and to the ~~persons~~ households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those 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].~~		

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

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹ .		
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 ² .		

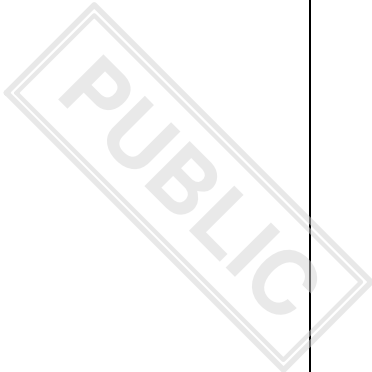
¹ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67–128).

² 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).

LUXEMBOURG

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg 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		

Recitals Amended		
New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg comments

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).

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 prefinancing 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg comments
<u>the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access Access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~with regard to the main obligations to collect and treat wastewater.~~		

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

(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		
Recitals Amended		
New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg comments
market, the improvement of knowledge on the presence of micropollutants 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	Luxembourg proposal	Luxembourg comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		

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).

(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either nondomestic 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	Luxembourg proposal	Luxembourg 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;		
(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~~ collects and conducts urban wastewater including urban runoff ~~including urban runoff~~ ;		

New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg comments
(9) 'separate sewer' means a system of conduits that separately collect~~s~~ and conduct~~s~~ either urban runoff or ~~either of the following~~: (a) ~~domestic~~ urban wastewater not including urban runoff; (b) ~~non-domestic wastewater~~ non-domestic wastewater; (c) ~~a mixture of domestic and non-domestic wastewater~~; (d) ~~rainwater from agglomerations~~;		
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load~~ per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ per day ;		

(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which reduces removes most of biodegradable organic matter in from urban wastewater;		
(12) 'tertiary treatment' means treatment of urban wastewater by a process which reduces removes most of by a process which removes nitrogen and/or phosphorus from the urban wastewaters;		
(13) 'quaternary treatment' means treatment of urban wastewater by a process which removes-reduces a broad spectrum of micro-pollutants in from the from urban wastewaters;		
New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg 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 pretreatment 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>1272/2008</u> ¹⁰ ; <u>even in low concentrations</u> ;		
(17) 'dilution ratio' means the ratio ~~of between~~ the <u>last five years average volume</u> 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;		

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	Luxembourg proposal	Luxembourg comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		

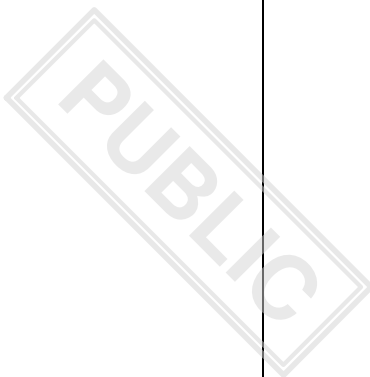
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(21) 'antimicrobial resistance' means the ability of microorganisms to survive or to grow in the presence 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 <u>Member States</u> market ~~of a Member State~~ ;		
(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	Luxembourg proposal	Luxembourg 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.~~	1. By 31 December 2033, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of ~~150.000~~ 100.000 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 tertiary treatment in accordance with Part B and Table 2 of Annex I before discharge into receiving waters. By 31 December 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of ~~150.000~~ 100.000 p.e. and above meet the relevant requirements for tertiary treatment in Part B and Table 2 of Annex I before discharge into receiving waters.	Luxembourg opposes the proposed increase of the threshold for wastewater treatment plants to 150,000 p.e. and would like to keep the threshold of 100,000 p.e. With this new threshold, the new directive would go below existing requirements and therefore the proposed change from 100k to 150 k does not seem compatible with the principle of non-regression. Going below the existing requirements of the current text cannot be considered a compromise
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	Luxembourg proposal	Luxembourg 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 agglomerations of 10 000 p.e and above</u> 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.	3. Member States shall ensure that discharges from agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by: (a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 2035 for 60% of these agglomerations; (c) 31 December 2045 2040 for all agglomerations.	The deadlines proposed by PRES are far too long, especially considering that it is a question of equipping wastewater treatment plants in sensitive areas and that a further extension of 6 years is possible under Art.23(5). We plead for a realistic but ambitious approach that does not exceed the 2040 deadline, which still gives Member States 17 years of time. Once again, we would like to stress out that the risk-based approach should be used to prioritize which actions should be taken first, and not to argue that there is no need in implementing a measure. In our view, tertiary treatment should be applied to all agglomerations of 10,000 p.e. and above.

~~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	Luxembourg proposal	Luxembourg 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).	Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of ~~150.000~~ 100.000 p.e. and above must still meet the deadlines set in Article 7(1).	

<u>3 bis. Tertiary treatment</u> 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. <u>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.</u>		
~~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	Luxembourg proposal	Luxembourg comments

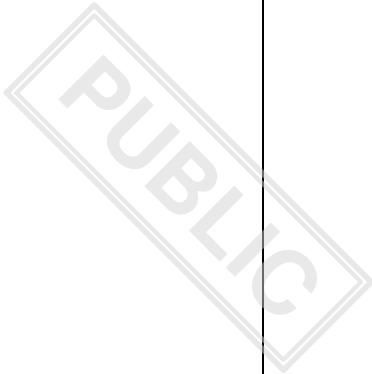
5. By way of derogation from paragraphs 3 and 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 and 4 where it can be shown that the minimum 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.	5. By way of derogation from paragraphs 3, 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 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 : (a) At least 75 % for total phosphorus and at least 75 % for total nitrogen from the date of entry into force of this Directive. (b) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2039 2035; (c) 90 87,5 90 % for total phosphorus and ~~85~~ 82,5-85 % for total nitrogen by 31 December 2045 2040.	The deadlines proposed by PRES are far too long, With 2045 + 6 additional years thanks to Article 23(5), this extends the requirements to 2051. We plead for a realistic but ambitious approach that does not exceed the 2040 deadline, which still gives Member States 17 years of time. In order to achieve the not yet achieved goals of good ecological and chemical status according to the WFD and MSFD, Luxembourg opposes lowering the threshold of P and N reduction. We would like to keep the initial proposal from the Commission.
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	Luxembourg proposal	Luxembourg comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		

1. ~~By 31 December 2030~~, Member States shall ensure that ~~50 % of discharges from urban wastewater treatment plants treating a load of 100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5~~ set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) ~~31 December 2030~~ 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) ~~By 31 December 2035~~ 2039, Member States shall ~~ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5~~, for discharges from 60% of these urban wastewater treatment plants: (c) ~~31 December 2040~~ 2045 for all discharges from these urban wastewater treatment plants.	1. Member States shall ensure that discharges from urban wastewater treatment plants treating a load of ~~150.000~~ 100.000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater 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:	Luxembourg opposes the proposed increase of the threshold for wastewater treatment plants to 150,000 p.e. and would like to keep the threshold of 100,000 p.e.

New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg comments

2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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 Council¹⁰, 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.		

New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg comments

¹⁰ 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).

The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than [OP please insert the date – the last day of the sixth month from the date of entry into force of this Directive].~~		
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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.		Luxembourg is fully in favor of the principle of extended producer responsibility, and this is a major innovation in the recast of the directive. It is important that this principle is applied in the same way throughout Europe so as not to create disparities between countries and have undesirable negative effects on the internal market. If there is too much flexibility for each Member State, the producer responsibility principle and the recovery costs might be very different from one Member State to another.

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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).		

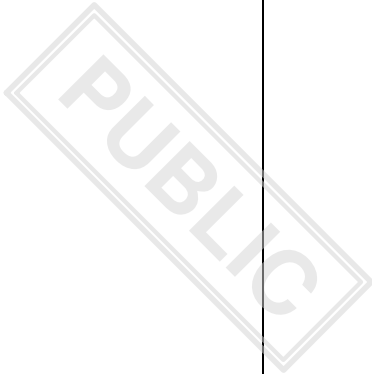
ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg comments

Relevant definitions (please comment on definitions linked to this article)		
Relevant recitals (please comment on recitals linked to this article)		
(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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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.		

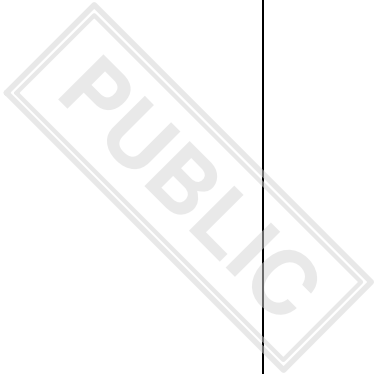
ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments

Relevant definitions (please comment on definitions linked to this article)		
Relevant recitals (please comment on recitals linked to this article)		
(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	Luxembourg proposal	Luxembourg 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 where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments

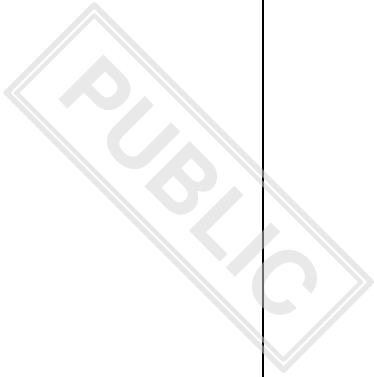
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of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

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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 [DP please insert the date – the last day of the second year after the date of entry in force of this Directive] 31 Deceml assess 2027, Member States shall identify <u>and</u> the risks caused by urban wastewater discharges environment and human health and at least those 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) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in</u>	T	

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>11</u>, ~~part~~ Part B.		
New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg comments

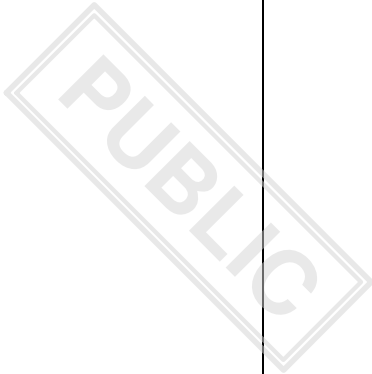
for sanitation. Member States shall take all necessary measures to improve access to sanitation for all, in particular for vulnerable and marginalised groups. For that purpose, Member States shall by ~~31 December 2027~~ 12 January 2029: (a) identify ~~categories of~~ people without access, or with limited 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg comments

PUBLIC

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;		

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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 <u>permanent</u> 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	Luxembourg proposal	Luxembourg 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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

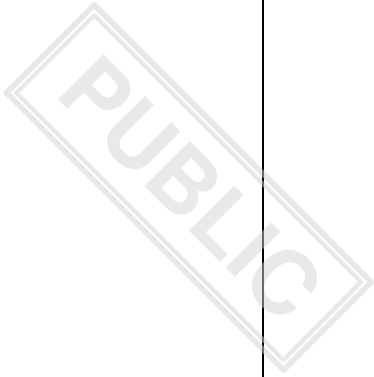
New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		

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	Luxembourg proposal	Luxembourg 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 level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
2. By ...[OP: please insert the date = the last day of the ~~thirty-fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		

3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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>		

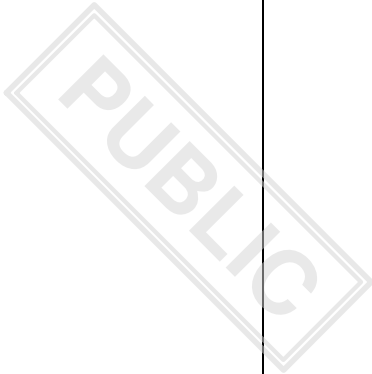
5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines: (a) the deadlines referred to in Article 3(2) and/or in Article 6(2) on the conditions that: (i) less than 50 % of these agglomerations are provided with collecting 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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, ~~in-for~~ each agglomeration <u>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.		
New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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.		

4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). <u>~~The Commission will provide the format and methods by [12 months from the entry into force of this Directive].~~</u>		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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 twentyfourth 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~~. <u>(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u> <u>(b) until 31 December 2039 for agglomerations that are not required to comply</u>		

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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 1– REQUIREMENTS FOR URBAN WASTEWATER

A. COLLECTING SYSTEMS

New text proposal_Clusters 2, 4	Luxembourg proposal	Luxembourg comments
Relevant definitions (please comment on definitions linked to this article)		

<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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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:

— 1000 to 9 999 p.e.:	One sample per month (see Note 1)
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month
— 50 000 to 149 999 p.e. ~~or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month
— <u>150 000 p.e. or above</u>	<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

Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.

4. The treated **urban** wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way:

- 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;
- 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				Luxembourg proposal	Luxembourg 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.~~					
Parameters	Concentration	Minimum percentage of	Reference method of measurement		

		reduction ¹¹ (See Note 1)			

New text proposal_Clusters 2,4				Luxembourg proposal		Luxembourg 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	1 mg/L (10 000 – ~~150 000~~ 100.000 p.e.) 0,5 mg/L (more than ~~150 000~~ 100.000 p.e.)	~~87,5%~~ 90 %	Luxembourg opposes the proposed increase of the threshold for wastewater treatment plants to 150,000 p.e. and would like to keep the threshold of 100,000 p.e.
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	10 mg/L (10 000 – ~~150 000~~ 100.000 p.e.) 8 mg/L (more than ~~150 000~~ 100.000 p.e.) (see Note 2) 8 mg/L (10.000 - 100.000 p.e.) 6 mg/L (more than 100.000 p.e.) (see Note 2bis) (see Note 3)	~~82,5%~~ 85 % (see Note 1 bis)	In order to achieve the not yet achieved goals of good ecological and chemical status according to the WFD and MSFD, Luxembourg opposes lowering the threshold of P and N reduction. We would like to keep the initial proposal from the Commission. New Wastewater treatment facilities can be designed in order to reach a 6mg/L threshold. The Table should provide ambitious, yet realistic thresholds for new UWWTP that will be planned after the entry into force of the Directive.

¹¹ Reduction in relation to the load of the influent.

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	Luxembourg proposal	Luxembourg comments

(2) representative continuous monitoring programme of the total nitrogen parameter is ensured;

(a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 1.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and

(b) in the relevant inlets of the concerned area designated under Article 7(2); and

(c) at the representative sampling locations in the receiving waters and relevant water bodies in the catchment area of the concerned area designated under Article 7(2);

(3) the minimum percentage reduction for nitrogen of table 2 is met; this percentage shall be calculated on the basis of the data collected from representative continuous monitoring programme referred to in point (2)

(4) it can be demonstrated that nitrogen releases from urban wastewater treatment plants in the catchment area are not harmful for the environment, including for biodiversity, and human health and do not modify the ecosystem;

(5) the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under Annex V.1.2.1 of Directive 2000/60/EC to define the good ecological status of those areas;

(6) the use of natural nitrogen retention is reported to the Commission in accordance with Article 22(1)(a) together with all the elements necessary to justify that conditions on (1), (2), (3), (4) and (5) above are fulfilled.

Note 2: This requirement shall apply to existing urban wastewater treatment plants on [OP please insert the date = date of adoption of this Directive] obliged to meet the deadlines established under Article 7.1 and Article 7.3. Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants.

~~Note 3: This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the wastewater treatment plant. Below that water temperature, the daily average must not exceed 15 mg/l N. As a substitute for the condition concerning the temperature, it is possible to apply a limited time of operation, which takes into account the regional climatic conditions. This alternative applies if it can be shown that paragraph 1 of Annex I.D is fulfilled.~~

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

(1) the same level of protection of the environment is obtained;

(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.

Note 2bis: This requirement shall apply to newly planned urban wastewater treatment plants for which detailed planning began after the [OP please insert the date = date of publication in the Official Journal of this Directive].

New Wastewater treatment facilities can be designed in order to reach a 6mg/L threshold. The Table should provide ambitious, yet realistic thresholds for new UWWTP that will be planned after the entry into force of the Directive.

New text proposal_Clusters 2,4		Luxembourg proposal	Luxembourg 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		Luxembourg proposal	Luxembourg comments																								
(iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and ~~6~~ 5-methyl- benzotriaz (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 substances six can be measured in sufficient concentration, the competent authority shall designate ot substances to er calculate the minimum percentage of removal when it is necessary. The average of t percentages of e removal of all substances used in the calculation shall be used in order to assess whet the required 80 er % 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></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		
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		Luxembourg proposal	Luxembourg comments
156-171	13		
172-187	14		
188-203	15		
204-219	16		
220-235	17		
236-251	18		
252-268	19		
269-284	20		
285-300	21		
301-317	22		
318-334	23		
335-350	24		
351-365	25		

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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	Luxembourg proposal	Luxembourg 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

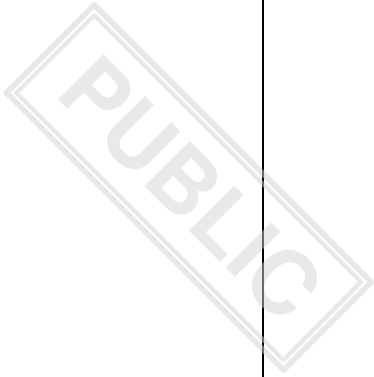
New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹²¹³ .		
2. Cosmetic products falling within the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ¹⁴ .		

¹² 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, ¹³ .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	Luxembourg proposal	Luxembourg comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		

(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) 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 <u>polluted</u> urban runoff and ~~storm water~~ sewer		

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		

(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant of 10 000 p.e. and above in the agglomeration : (a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter); (b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy;		
New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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.		

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			Luxembourg proposal	Luxembourg 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		Luxembourg proposal	Luxembourg comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		

98/15/EC	30 September 1998		
New text proposal_Clusters 2,4		Luxembourg proposal	Luxembourg 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		Luxembourg proposal	Luxembourg 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 10 Article 2, point 11 - Article 3(1)	Article 2, point 11 Article 2 ,points 12 and 13 Article 2, point 14 Article 2, point 15 Article 2, point 16 to 23 Article 3(1)		

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments

-	Article 3(2)		
Article 3(2)	Article 3(3)		
Article 3(1) third subparagraph	Article 4(1)		
-	Article 4(2)		
-	Article 4(3)		
-	Article 4(4)		
Article 4(1)	Article 4(5)		
-	Article 5		
Article 4(4)	Article 6(1)		
-	Article 6(2)		
-	Article 6(3)		
Article 5(2)	Article 6(4)		
-	Article 7(1)		
Article 5(4)	Article 7(2)		
Article 5(5) Article 5(7)	Article 7(3)		
-	Article 7(4)		
-	Article 7(5)		
Article 9	Article 7(6)		
-	Article 7(7)		
Article 10	Article 8		
Article 11(1)	Article 9		
	Article 10		
	Article 11		
	Article 12(1)		
	Article 12(2)		
	Article 13		
	Article 14(1)		
	Article 14(2)		

PUBLIC

New text proposal_Clusters 2,4	Luxembourg proposal	Luxembourg comments

PUBLIC

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

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



RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[HU] proposal	[HU] 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	low	There is no definition for the word “low”.

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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.	to the Commission and the EEA on request to the MS.	
(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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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;	by combined or separated sewers: except for separated stormwater systems	There are very different operational and technical conditions for the separated stormwater systems. Its impact on the environment and for the human health is limited.
(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	[HU] proposal	[HU] 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;~~	Urban runoff, separated stormwater sewer systems: We suggest to delete the separate sewer systems from the whole proposal of the 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	[HU] proposal	[HU] 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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations;	low	There is no definition for the word "low".
(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;		

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).

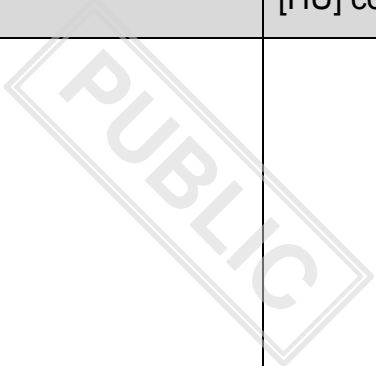
New text proposal_Clusters 2, 4	[HU] proposal	[HU] comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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 <u>Member States</u> market ~~of a Member State~~ ;		
(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	[HU] proposal	[HU] 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.~~	~~450.000~~ 200.000 p.e. ~~450.000~~ 200.000 p.e.	Hungary believes that risk based approach should be used more extensively, therefore we propose to extend the threshold to 200.000 p.e In case the conditions of the derogations for the tertiary treatment remain unchanged in the text, HU suggests to extend the deadline with 5 years (see Irish proposal) in order to have more time to fulfil the requirements.
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.		

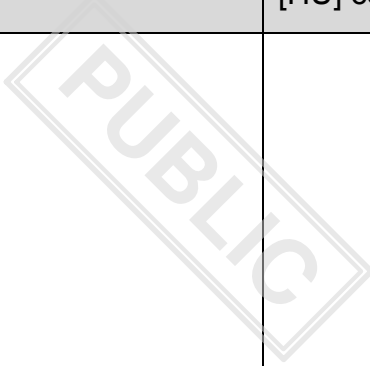
New text proposal_Clusters 2, 4	[HU] proposal	[HU] comments
The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with paragraph 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 <u>these</u> agglomerations.		In case the conditions of the derogations remain unchanged in the text, HU suggests suggests to extend the deadline with 5 years (see Irish proposal) in order to have more time to fulfil the requirements.
~~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	[HU] proposal	[HU] 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).	~~150 000-200.000 p. e~~	Hungary believes that risk based approach should be used more extensively, therefore we propose to extend the threshold to 200.000 p.e
<u>3 bis. Tertiary treatment</u> 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. <u>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.</u>		
~~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	[HU] proposal	[HU] 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.	~~seven~~ ten	

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	[HU] proposal	[HU] 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.	~~150.000-200.000 p. e.~~	Hungary believes that risk based approach should be used more extensively, therefore we propose to extend the threshold to 200.000 p.e.

New text proposal_Clusters 2, 4	[HU] proposal	[HU] comments
2. On 31 December ~~2030~~2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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).

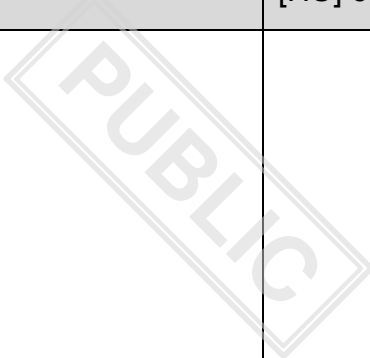
New text proposal_Clusters 2, 4	[HU] proposal	[HU] comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>	Scrutiny reservation for the whole Art.	
(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.	second third	Given that according to Art 9. para 3. COM will publish its implementing act on the detailed criteria on the uniform application of the conditions laid down in this paragraph, we think that MSs should establish their system after the publishing of the implementing act.

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>	Scrutiny reservation for the whole Art.	
<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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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.		Deadline would be necessary for EC.

ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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.		

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

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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 and assess the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; (c) ~~the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC;~~ (~~d~~ c) the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place. (~~e~~ d) the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in	T	

New text proposal_Clusters 2,4	[HU] proposal	[HU] comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) the <u>ecological and chemical</u> status of the <u>receiving surface water body</u> 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 thereceiving 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 <u>1-I, part</u> Part B.		

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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.		

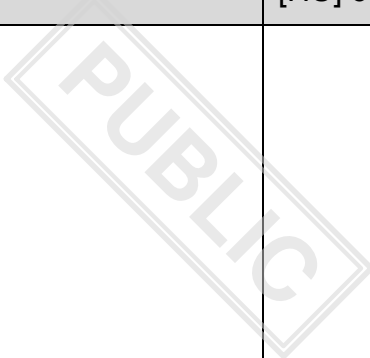
ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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	[HU] proposal	[HU] comments
for sanitation. 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 and ensure the information of the public.		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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)		

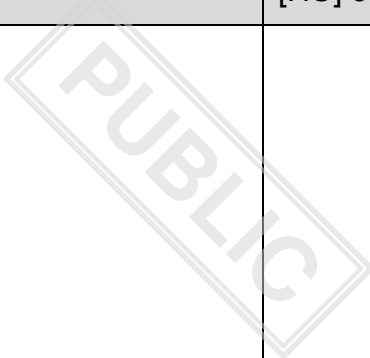
New text proposal_Clusters 2,4	[HU] proposal	[HU] comments
1. Member States, assisted by the European Environment Agency (EEA), shall: (a) by 31 December ~~2025~~ 2030, set up a data set containing information collected in accordance with Article 21 including information concerning the parameters referred 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;		

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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 <u>permanent</u> access to the data sets referred to in paragraph 1.	Member States shall ensure that the Commission and the EEA have <u>permanent</u> access on request 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	[HU] proposal	[HU] comments
shall be taken into account for the reporting required under this Article for those pollutants related with urban wastewaters. 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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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>andrelated 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	[HU] proposal	[HU] 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>	less than 50 % of the agglomerations between 1000 and 2000 p.e. that are provided with collecting systems and are not linked to other agglomerations, that are falling under the scope of the Directive 91/271/EEC to secondary treatment on [OP please insert the date=day of entry into force of the Directive]; ~~and~~ or at least 50 % of these agglomerations are not applying tertiary treatment or do not meet the requirement of Table 2. on [OP please insert the date=day of entry into force of the Directive]; and	There are a lot of municipalities, that have joined other agglomerations or together with other municipalities formed agglomerations which are over 2000 p.e. and these they fall under the scope of the Directive 91/271/EEC. These agglomerations should not be taken into account when we calculate the agglomerations between 1000-2000 p.e. If it is the case, Hungary can benefit from the conditions of the derogation. Even if the whole territory of Hungary just becoming sensitive area, extensive infrastructure for tertiary treatment has been established under the current directive in Hungary. Therefore we do not meet the condition of having less then 50% of agglomerations applying tertiary treatment. But this infrastructure that we have in place do not meet the requirements of Table 2, therefore a lot of additional investment is needed for upgrading our present infrastructure plus establish tertiary treatment where it is missing.

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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</u> each agglomeration <u>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~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including~~ <u>for example</u> on their invoice or by <u>digital means such as</u> 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 <u>average</u> household or the connected entity in cubic meter, together with ~~yearly~~ trends and the price of urban wastewater collection and treatment for ~~the that~~ <u>average</u> 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 <u>average</u> 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.		

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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.		
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].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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) <u>shall apply from [OP please insert the date = last day of the fifteenth year after the entry into force of this Directive]</u> 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: <u>until 31 December 2040</u> .		
(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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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 harmful~~ effects on receiving waters.		

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	[HU] proposal	[Insert MS name] 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	[HU] proposal	[Insert MS name] 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>~~— 100 000 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	~~— 100 000 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											
~~— 100 000 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				[HU] proposal	[Insert MS name] 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>				PUBLIC	
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.					
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				[HU] proposal	[Insert HU] 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		Because of the investment needs and the higher operational costs Hungary supports the AT position regarding the less ambitious requirements for N-removal (80 %) and the temperature base derogation of the current Directive. The overall 10 mg/L for Nitrogen would give a uniformed solution.
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	10 mg/L (more than 10.000 p.e.) ~~8 mg/L (more than 150 000 p.e.)~~ and 82,5 80,0 %	
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	[HU] proposal	[Insert MS name] 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>	below ~~40°~~ 12° C	

New text proposal_Clusters 2,4		[HU] proposal	[Insert MS name] 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).~~		low	There is no technically correct definition for “low”.
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		[HU] proposal	[Insert MS name] comments																												
(iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6-5</u>-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			[HU] proposal	[Insert MS name] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] 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	[HU] proposal	[HU] comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water~~ sewer		

New text proposal_Clusters 2,4	[HU] proposal	[HU] 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration</u> : (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;		

New text proposal_Clusters 2,4	[HU] proposal	[HU] comments
~~(c) the tonnes of CO₂ equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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.		

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			[HU] proposal	[HU] 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		[HU] proposal	[HU] comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		
98/15/EC	30 September 1998		

New text proposal_Clusters 2,4		[HU] proposal	[HU] 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		[HU] proposal	[HU] 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		[HU] proposal	[HU] 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		[HU] proposal	[HU] 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		[HU] proposal	[HU] 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		

THE NETHERLANDS

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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	(11) Recent scientific knowledge underpinning several Commission strategies² 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	Because of the importance of having a level playing field between MS, the Netherlands considers it desirable that the Commission will elaborate on the method for risk assessment shortly after this Directive comes into force. PRES's comments to Article 8(3) indicate that this would be clear enough and no described method would be required by the MS. The Netherlands believes that such a method is essential to properly implement 8(2).

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).

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Strategy for Plastics in a Circular Economy (COM/2018/028 final); Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, European Union Strategic Approach to Pharmaceuticals in the Environment (COM(2019) 128 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment (COM(2020) 667 final); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' (COM/2021/400 final).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to apply quaternary treatment to areas identified as sensitive to pollution with micro-pollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.	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 ~~above 100 000 p.e.~~, Member States should be required to apply quaternary treatment to areas identified as sensitive to pollution with micro-pollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment which is prepared by the Commission shortly after this Directive comes into force. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 204~~50~~ 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 <u>Member States</u> market, and the application of the quaternary treatment to urban wastewater in an efficient		

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
manner and in accordance with this Directive, including the pre-financing of installations already in place at the date of entry into force of this Directive. Since urban wastewater is treated collectively, it is appropriate to introduce a requirement for producers to join a centralised organisation which can implement their obligations under the extended producer responsibility on their behalf.		
(17) Since the transboundary nature of water pollution requires cooperation between neighbouring Member States or third countries in addressing such pollution and identifying measures to tackle its source, Member States should be required to inform each other or the third country if significant water pollution originating from urban wastewater discharges in one Member State or third country impacts or is likely to impact the water quality of another Member State or third country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing with 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> ³ 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		

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

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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 ⁴ .		
(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. ⁵ Furthermore, Principle 20 of the European Pillar of Social Rights ⁶ 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 Health ⁷ and the provisions of the Protocol on Water and Health ⁸ Member States should tackle the issue of access to sanitation at national level. That should be done through actions aimed at improving access to	(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. ⁹ Furthermore, Principle 20 of the European Pillar of Social Rights ¹⁰ 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 Health ¹¹ and the	

⁴ 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).

⁵ Resolution adopted by the United Nations General Assembly on 25 September 2015 ([A/70/L.1](#))

⁶ 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).

⁷ WHO Guidelines on Sanitation and Health, 2018.

⁸ Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 17 June 1999.

⁹ Resolution adopted by the United Nations General Assembly on 25 September 2015 ([A/70/L.1](#))

¹⁰ 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).

¹¹ WHO Guidelines on Sanitation and Health, 2018.

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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>	provisions of the Protocol on Water and Health¹² 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, regional or local 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 the Directive. The reporting model would be developed by EEA</u>		

¹² 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	[Insert MS name] proposal	[Insert MS name] comments
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 Council¹³ 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-Making¹⁴, the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-		

¹³ 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

¹⁴ 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	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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;		
(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~~ collects and conducts urban wastewater including urban runoff including urban runoff;		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(9) 'separate sewer' means a system of conduits that separately collect~~s~~ and conduct~~s~~ either urban runoff or either of the following: ~~(a) domestic~~ urban wastewater not including urban runoff; ~~(b) non-domestic wastewater~~ non-domestic wastewater; ~~(c) a mixture of domestic and non-domestic wastewater;~~ ~~(d) rainwater from agglomerations;~~		
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load~~ per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ per day;		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which reduces ~~removes most of~~ biodegradable organic matter in from urban wastewater;		
(12) 'tertiary treatment' means treatment of urban wastewater by a process which reduces ~~removes most of~~ by a process which removes nitrogen and/or phosphorus from the urban wastewaters;		
(13) 'quaternary treatment' means treatment of urban wastewater by a process which ~~removes~~ reduces a broad spectrum of micro-pollutants ~~in from the~~ from 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	[Insert MS name] proposal	[Insert MS name] 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 present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC <u>1272/2008</u> ¹⁵ ; <u>even in low concentrations;</u>	(16) 'micropollutant' means a substance, including its breakdown products, ~~that is usually present in the environment and urban wastewaters present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC <u>1272/2008</u> ¹⁶ ; <u>even in low concentrations;</u>	The Netherlands prefers the previous definition for micropollution for having a better connection between 'substance' and 'in low concentrations'
(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;~~		

¹⁵ 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).

¹⁶ 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	[Insert MS name] proposal	[Insert MS name] comments
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood, <u>among others</u>	(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe <u>management and</u> disposal of human urine, faeces, and menstrual blood; <u>among others</u>	The Netherlands does not see the added value of "among others". It is also unclear to what among others, refers. To urine, faeces and blood? Or to the management or disposal? Or to facilities and services?
(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;		
(22) 'public concerned' means the public affected or likely to be affected by, or having an interest in, the decision-making procedures for the implementation of the obligations laid down in this Directive, including non-governmental organisations promoting the protection of human health or the environment;		
(23) 'plastic biomedica' means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;		
(24) 'placing on the market' means the first making available of a product on the <u>Member States</u> market ~~of a Member State~~ ;		
(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	[Insert MS name] proposal	[Insert MS name] 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.~~	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 ~~100.000~~ 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~~ 100.000 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.~~	The Netherlands do not agree with raising the limit from 100.000 to 150.000 p.e., which would allow more UWWTPs to use a risk-based approach. NL identified all the downstream surface waters in its entire territory as sensitive areas to eutrophication. Low concentrations of nitrogen (N) and phosphate (P) are not only essential to protect the inland waters but also the marine aquatic environment for eutrophication as mentioned in the goals of the Marine Framework Directive and of the OSPAR convention for the North East Atlantic and its Quality Status Report 2023. Increasing the limit to 150.000 p.e. instead of 100.000 p.e. will result in a significantly increase of the load for P and N not only to the Dutch inland waters and the marine estuaries but to all downstreams located European waters. Therefore the Netherlands wants to stick to the 100.000 p.e. proposed by the Commission. The Netherlands believes there should be at European level a minimum for treating urban wastewater to achieve a certain protection of environmental and healthy protection of the waters. This is also in line with other (water) policy for industry that have to treat their

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
		wastewater in accordance with the best available techniques (BREF's) despite whether or not they are situated in a sensitive area. Why should there be a different approach to lowering the nutrients loads from wastewater by industry and by UWWTPs which are mostly under the responsibility of public authorities?
		The Netherlands supports the Committee's proposal regarding the implementation period for UWWTP's of 100,000 pe and above to meet the requirements for the tertiary treatment. But there can exceptional cases where Member State has a specific UWWTP that cannot meet this within the specified period. In the current Directive these 'bottlenecks' were regulated in Article 8, which is now deleted in the Commission proposal.
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ Part B and Table 2 of Annex I in its entire territory.		
3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that <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:	3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that <u>discharges from urban wastewater treatment plants serving</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	It is better to insert these to avoid misinterpretation.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all <u>these</u> agglomerations.	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 <u>these</u> agglomerations.	
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 400 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).	~~Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met.~~ Urban wastewater treatment plants treating a load of ~~400 000~~ 150 000 ~~100.000~~ p.e. and above must still meet the deadlines set in Article 7(1).	The Netherlands does not support this derogation possibility as mentioned in Article 23 paragraph 5b for Article 7 paragraph 3. The long period of twenty years until 2045 should be sufficient to implement the tertiary treatment at the WWTPs mentioned on the list of sensitive areas for eutrophication. This is not a new obligation but already part of the current directive. For similar requirements a period of 15 years (1991-2005) was reserved in the existing directive. The extra derogation possibility will result in a delay of the implementation of the tertiary treatment until 2051 for the group UWWTPs mentioned at the first list of sensitive areas which has been established in 2027 (see paragraph 2). This will be unacceptable to policymakers and industries who are required to take also measures (new best available techniques in BREF documents), but in a much shorter time schedule. Besides this it only involves tightening the standards for either nitrogen or phosphorus or one of them. In a lot of cases it will concern existing UWWTP's, which are situated in designated sensitive areas in the past and are already equipped with a tertiary treatment. Not a whole new UWWTP needs to be built, but an existing treatment plant needs to be adapted only to meet the new standards for phosphorous and/or nitrogen. It is expected that in the first period up to 2033, easy-to-adapt UWWTPs will be started and difficult-to-adapt UWWTPs will wait until the last period.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>	<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I. The samples are taken in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I.	The Netherlands prefer to split the sentence in two parts because this is more clearly. The words 'in accordance with' creates a connection between 'requirements' and 'methods'.
~~4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I.~~ The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the ~~second subparagraph~~ to technological and scientific progress.		
5. By way of derogation from paragraphs 3 ~~and 4~~, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 ~~and 4~~ where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area is :	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 :	The Netherlands does not support the lower thresholds for the derogation as stated in paragraph 5. For 2045 The Netherlands wants to stick to the Commission's proposal: i.e. 90% for total phosphorous and 85% for total nitrogen. For the justification for these minimum percentages of reduction see the remarks in Table 2 Annex I.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<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.	<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~~ 87,5-90 % for total phosphorus and ~~85~~ 82,5 85 % for total nitrogen by 31 December ~~2040~~ 2045.	We can meet the deadlines proposed by the Commission but the Netherlands can support some extension of the deadlines, without however compromising the overall ambition.
6. Discharges from urban wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 shall also be subject to paragraphs 3,4 and 5.		
7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list.	7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within seven years of the inclusion in that list. In case of conflict between Article 7(3) and Article 7(7), Article 7(3) takes precedence.	The obligation to comply within seven years after inclusion on that list, has a consequence that discharges into newly enlisted areas included in the first update of the list have to comply earlier with the requirements (2033+7=2040) than discharges into areas on the first list of paragraph 2 (see the data in paragraph 3 which has a date for the last agglomerations into such areas of 2045). In article 8 (8.5) this is regulated through a precedence rule.

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030~~, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 150.000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater ~~are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~2030~~ 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) By 31 December ~~2035~~ 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants: (c) 31 December ~~2040~~ 2045 for all discharges from these urban wastewater treatment plants.	1. ~~By 31 December 2030~~, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 150.000-100.000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater ~~are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~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.	In article 7 (see 7(1), 7(3) and 7(4)) a separation is made between the requirements and the methods of monitoring and evaluation. This is not done in article 8. The Netherlands therefore proposes changes in paragraph 1 and 4 and to add paragraph 4bis. The Netherlands do not agree with raising the limit from 100.000 to 150.000 p.e., which would allow more UWWTPs to use a risk-based approach. For micro-pollutants, <u>even more than for nutrients</u>, the load of environmentally harmful substances to surface water through UWWTP discharges should be reduced significantly for both inland waters and the marine estuaries. This is in line with the European Zero Pollution Action Plan. Increasing the limit to 150.000 p.e. will result in a significantly increase of the load of environmentally harmful substances not only to the Dutch inland waters and the marine estuaries but to all downstreams located European waters. The Netherlands wants to stick to the 100.000 p.e. proposed by the Commission.

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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 Council¹⁷, take place;	2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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 Council¹⁸, take place;	2(f): add Marine strategy directive (2008/56/EC) to make it in line with in annex I B.

¹⁷ 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).

¹⁸ 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	[Insert MS name] proposal	[Insert MS name] comments
(f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.	(f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC, (2008/56/EC) and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.	
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].~~	3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive]~~ no later than [OP please insert the date = the last day of the first year from the date of entry into force of this Directive].	Because of the importance of a comparable approach between MS, the Netherlands considers it desirable that the Commission will elaborate on the method for risk assessment shortly (one year) after this Directive comes into force. PRES's comments to Article 8(3) indicate that this would be clear enough and no described method would be required by the MS. The Netherlands believes that such a method is essential to properly implement 8(2). Therefore, The Netherlands do not agree with the deletion of the deadline for IA.
4. ~~By 31 December 2035~~, Member States shall ensure that ~~for 50 % of the agglomerations of between 10 000 p.e and 400 000 p.e~~ above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I ~~accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:~~ (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 <u>these</u> agglomerations.	4. ~~By 31 December 2035~~, Member States shall ensure that ~~for 50 % of the~~ discharges of agglomerations of ~~between 10 000 p.e and 400 000 p.e~~ above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I ~~in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I~~ accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by: (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 <u>these</u> agglomerations.	The Netherlands prefer to split the sentence in two parts: '.... meet the relevant requirements for quaternary treatment in part D of Annex I'. See Article 8(4bis).

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
~~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.	~~Urban wastewater treatment plants treating a load of 100 000 p.e. and above must still meet the deadlines set in Article 8(1).~~ 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.	The Netherlands is of the opinion that the deadlines in paragraph 8(1) and 8(4) differ. Therefore it should be made clear what the relation is between these articles. The Netherlands would like to hold on to the former sentence in article 8(4): Urban wastewater treatment plants treating a load of 100 000 p.e. and above must still meet the deadlines set in Article 8(1).
	4 bis: Discharges of urban wastewater referred to in paragraphs 1 and 4 shall meet the relevant requirements in Part B and Table 3 of Annex I. The samples are taken in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I.	
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.	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.	Why does only this article specifically add the text 'laid down in paragraph 4'?
~~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		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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).	~~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~~ shall 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) no later than [OP please insert the date = the last day of the first year from the date of entry into force of this Directive].	The Netherlands do not agree with the deletion of the deadline for IA. A well-described method for monitoring and sampling is needed for designing the treatment step and for the interpretation of article 8 by the implementation of the Directive into national legislation. The Netherlands propose the same time schedule as for the 'risk assessment' mentioned in paragraph 3.

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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.	1. Member States shall take measures to ensure that by [OP please insert the date = the last day of the ~~second~~ third 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 other costs required to exercise their extended producer responsibility.	Article 9 and 10 are very important for the Netherlands. We support the EPR in this directive. There is still a lot of discussion going on how the EPR should work in practice. Therefore, the implementation date of art. 9.1 should be three instead of two years. Full costs will leave no flexibility whatsoever for a combination combination of public funding (up to a fixed maximum of e.g. 25%) and funding by industry. Also in light of future expansion of sectors of industry a combination makes sense.
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.	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.	Art. 9.2.a the 2 tonne exoneration will make future implementation difficult. An alternative needs more discussion so best taken completely out. The 2 tonne is too high. REACH has an exoneration of 1 tonne of <i>substances</i> on Union level under which (provided some other provisions) registration is not obligatory For cosmetics a major ingredient of most products is water, so quantity is completely different than for pharmaceuticals. For pharmaceuticals there are a lot of active ingredients which at very low level (eg. hormones). Pharmaceuticals are registered at daily doses instead of product. For generics the composition (additives in the product next to the active ingredient) of the product can

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
		differ and could mean that at product level they are below 2 tonnes.
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>.	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 substances in 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>.	We need a clear link with the products and the substances of micropollutants.
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States shall ensure that: (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility;	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, including the substances, listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the substances products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility;	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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).	(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.		The Netherlands support the inclusion of this new paragraph. The new paragraph deals with exchange of experience and best practices between Member States on the topic in article 9 and 10. An important outcome of this exchange should be the recommendations or preferably a guidance document on the specifications of the key elements (hazardous and risks, cost distribution) from the Commission, in co-operation with the Member states to help Member States to set up the EPR scheme, ensuring consistency and transparency across Member States. This of course also implies that Member States start discussions on implementing this article as soon as possible, where the two sectors of industry are completely different from each other.

ARTICLE 12 – TRANSBOUNDARY COOPERATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from ~~all~~ urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled. ~~Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:~~ ~~(a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and~~ ~~(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.~~	2. Member States shall ensure that at least all discharges from urban wastewater treatment plants serving agglomerations of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled.	
3. The specific authorisations referred to in paragraph 2 shall be reviewed at least every ~~6~~ ten years and, if necessary, adapted. The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the discharges from non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions requirements set out in Part B of Annex I remain fulfilled.	3. The prior regulations and/or specific authorisations referred to in paragraph 2 shall be reviewed at least every ~~6~~ ten years and, if necessary, adapted. The provisions of the specific authorisations shall be updated in the cases where the characteristics of incoming urban wastewaters or the discharges from non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions requirements set out in Part B of Annex I remain fulfilled.	The obligation to review the regulations was already in directive 91/271/EEC.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>Non paper Sweden and Finland no deterioration WFD</u>		We question if this directive is the right place to say something about WFD objectives, it would be better to have this in the WFD itself instead in fragmented in other pieces of legislation separate from the WFD. The wording is also different from the wording in art. 4.7 WFD. This recast aims at better connection to the WFD in art. 18 and annex I part B. The proposed article seems to contradict this.

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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 and assess the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ecological and chemical status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</u>	(e d) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body or other environmental objectives as stated in Article 4 of Directive 2000/60/EC for the chemical status of the receiving groundwater body.</u>	The Netherlands does not understand the reference to the articles in Directive 2006/118. Article 2, point 1, of Directive 2006/118 mentions the “groundwater quality standard” and not status. Status of groundwater body is mentioned in Directive 2000/60, so a reference to this directive should be added. Article 4 of Directive 2006/118/EC explains when a groundwater body has good chemical status.
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;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 <u>4</u> ~~I~~, ~~part~~ Part B.		
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(20) 'sanitation'		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<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 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>	<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 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 on sanitation facilities is known to of the public.</u>	The Netherlands wishes to delete the reference to article 9 of Directive 2000/60/EC which contains an article on water services. Sanitation does not fall within the definition of water services as defined in article 2 of Directive 2000/60/EC. Art. 19c: Some missing worthing “and ensure the information of the public”

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		
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	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 every two years 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 every two years 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 every two years 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	The Netherlands repeats the earlier written comments that some of the information asked will lead to an extra, not very useful, administrative burden. The frequency of one year is too much. The administrative burden can be reduced by not requesting and analysing these data sets every year but once in the 2 years. Regarding f) even two years is too frequent, better three years here. For g) only AMR monitoring is obligatory. Choice of parameters in Art 17.1 are up to Member States, but in case of a pandemic monitoring and reporting is relevant.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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; (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	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 ~~every two years 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 ~~every three years annually~~ thereafter; (g) by 31 December ~~2025~~ 2030, set up a data set containing the monitoring results referred to in accordance with Article 17(1), ~~when relevant,~~ and ~~(4)~~ (3) and update that data set ~~every two years 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.	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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;	(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 <u>permanent</u> access to the data sets referred to in paragraph 1.		
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.	1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each municipality or agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
2. By ...[OP: please insert the date = the last day of the ~~thirty-fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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	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	The Netherlands can in principle support the derogation for article 3.2. and 6.2. This is a new obligation and can be a lot of effort for some member states. But a better justification for this derogation seems desirable e.g.: (iii) the deadline for agglomerations referred to in Article 3(2) and 6(2) can not be met because providing with collecting systems and applying the secondary treatment within the timescale would be disproportionate expensive or technically not feasible.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 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)].	(ii) the national implementation programme includes: - the number of agglomerations between 1 000 and 2 000 p.e. that lacks a collecting system and secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines; ~~(b) the deadline for agglomerations referred to in Article 7(3) on the conditions that:~~ ~~(i) at least 50 % of these agglomerations are not applying tertiary treatment according to the requirements set out in Council Directive 91/271/EC on [OP please insert the date=day of entry into force of the Directive]; and~~ ~~(ii) the national implementation programme includes:~~ ~~-the number of agglomerations referred to in Article 7(3) lacking tertiary treatment according to the requirements set out in Council Directive 91/271/EC on [OP please insert the date=day of entry into force of the Directive]; and~~ ~~-a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines;~~ The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].	iv) the reasons why the deadline for agglomerations referred to in Article 3(2) and 6(2) can not be met are included in the national implementation. The Netherlands does <u>not</u> agree with an extra derogation possibility for six years as mentionend in paragraph 23.5b for article 7(3). As a result, the implementation of the tertiary treatment will be delayed too much (to the year 2051). This will be unacceptable to policymakers and industries who are required to take measures, but in a much shorter time schedule, to lowering the nutrient load to inland waters or marine estuaries. Besides this, the implementation time of the requieremnts of the current directive was 14 years. For the recast of the directive, implementing the requirements by 2040 is around 15 years, and by 2045 is around 20 years. Both deadlines mean already more time then in the current directive, and this time we do not start fom scratch.

ARTICLE 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, ~~in-for~~ each agglomeration <u>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.	1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, ~~in-for~~ each agglomeration <u>of above 1000 p.e. or each relevant administrative area e.g.per municipality and/or per connected 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.	For this article it is important to keep in mind what is the most essential information for the general public. This is different than information for professionals. Some of the information, especially in the Annex VI is very specific and detailed and of no value for the general public: e.g. point 2b, 2c, 3, 4b, 4c, 5 and 6. In the Netherlands, municipalities are responsible for the collection of urban wastewater and urban runoff. Regional water authorities are responsible for the treatment of urban wastewater. So they have the up-to-date information per municipality or per connected area of a UWWTP. In the Netherlands, every emission of wastewater falls into a municipality or the connected area of urban wastewater to a UWWTP. The public is aware of this Dutch structure, so they can find information easier if it is presented in this structure.
2. In addition, Member States shall ensure that all ~~persons~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including for example~~ on their invoice or	2. In addition, Member States shall ensure that all ~~all~~ <u>persons households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including for example~~ on their invoice or	The Netherlands would like to delete point b and c because this information is already available in point 1.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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.	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.	If b and c are not deleted than we would like to change “household” to the term “e.g. an average”, because it may be specific/detailed to give information for each and every household. In the Netherlands overviews are given for one-person-households and more-persons-households, so the term “e.g. an average” will be usefull.
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 of this Article and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in		

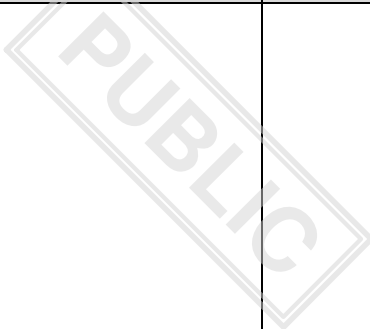
New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
Article 28(2).). ~~The Commission will provide the format and methods by [12 months from the entry into force of this Directive].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.		
2. Article 3(1) and Article 6(1) shall apply from 31 December ~~2027~~ 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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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 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~~. <u>(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u> <u>(b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033;</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>	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.~~ 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~~ and urban wastewater treatment plants of 10.000 p.e. and above into a catchment area of an area sensitive to eutrophication, ~~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~~. <u>(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u> <u>(b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033;</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>	See article 7.6
3 bis. [NEW] For urban wastewater treatment plants referred to in Article 7(3)(ter), the requirements set out		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>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>		
~~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.~~	~~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.~~ 3 bis. For urban wastewater treatment plants that 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, as mentioned in paragraph 7(3ter), and that are not required to comply with the requirements set out in Article 7(1) or 7(3), a and b, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2040	According to the Netherlands this paragraph should not be deleted. Article 7ter regulates that the requirements of article 7 apply as of 31 december 2040. Without this transitional provision it is not clear that Article 5 of Directive 91/271/EC still applies to these UWWTP's. A transitional provision is necessary. There are transitional provisions for th UWWTP's and agglomerations that still do not have the comply with the requirements of article 7. The same goes for the UWWTP that are regulated in article 7ter.
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].		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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.	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~~ combined sewer overflows considering the relevant requirements in Article 5 and annex V.	See comments on the other clusters.

B.DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.	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 to 5 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.	Monitoring data are inextricably linked to the monitoring method applied, but also have a strict relationship with the conditions under which monitoring was carried out (such as dry weather flow). This is especially the case for monitoring micropollutants in inlet and outlet of urban wastewater treatment plants. Therefore it is necessary to include point 5 for the 'alternative monitoring methods' mentioned in point 1.
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	[Insert MS name] proposal	[Insert MS name] 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~~ to 149 999 p.e. ~~or above~~ 99.999</td><td>One sample per week. For micropollutants, two samples per ~~week~~ month</td></tr><tr><td>— ~~150 000~~ 100.000 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~~ to 149 999 p.e. ~~or above~~ 99.999	One sample per week. For micropollutants, two samples per ~~week~~ month	— ~~150 000~~ 100.000 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~~ to 149 999 p.e. ~~or above~~ 99.999	One sample per week. For micropollutants, two samples per ~~week~~ month											
— ~~150 000~~ 100.000 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				[Insert MS name] proposal	[Insert MS name] 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.					See comments on point 1
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.					The Netherlands supports the compromise text that for discharges from UWWTP's referred to in Article 7(1) both parameters, i.e. phosphorous and nitrogen, shall apply and for agglomerations referred to in Article 7(3) one or both parameters may be
Parameters	Concentration	Minimum percentage of reduction ⁴⁹ (See Note 1)	Reference method of measurement		

⁴⁹ ~~Reduction in relation to the load of the influent.~~

New text proposal_Clusters 2,4				[Insert MS name] proposal	[Insert MS name] 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% 90%	Molecular absorption spectrophotometry	See the adjustments in the table left	applied depending on the local situation. The Netherlands can still support the standards and percentages of reduction proposed by the Commission. The Netherlands expects that in the timeframe of the directive these can be achieved. We can in the spirit of compromise accept some extension of the deadlines without however compromising the overall ambition. In the Presidency's proposal there is for category 100.000-150.000 p.e. no stricter standard than already in the current directive.
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%~~ 85% (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,</u>					Note 1 bis: The Netherlands is not in favor of taken in this in also from a precautionary principle.

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>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> <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.~~	PUBLIC	

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments						
<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> ~~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><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>	Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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);								

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments																						
(b) Category 2 (substances that can be easily disposed of): (i) Benzotriazole (CAS No 95-14-7), (ii) Candesartan (CAS No 139481-59-7), (iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 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></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		
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																							

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] comments
111-125	10	PUBLIC	
126-140	11		
141-155	12		
156-171	13		
172-187	14		
188-203	15		
204-219	16		
220-235	17		
236-251	18		
252-268	19		
269-284	20		
285-300	21		
301-317	22		
318-334	23		
335-350	24		
351-365	25		

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ²⁰ .		
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 ²¹ .		

²⁰ 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).

²¹ 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	[Insert MS name] proposal	[Insert MS name] 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.	(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, or per municipality and/or per connected area of an urban wastewater treatment plant and, ~~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.~~	In the Netherlands, municipalities are responsible for the collection of urban wastewater and urban runoff. Regional water authorities are responsible for the treatment of urban wastewater. So they have the up-to-date information per municipality or per connected area of a UWWTP. In the Netherlands, every emission of wastewater falls into a municipality or a connected area of urban wastewater to a UWWTP. The public is aware of this Dutch structure, so they can find information easier if it is presented in this structure. For this reason after "...the agglomeration a text is added For Annex VI it is important to keep in mind what is the most essential information for the general public. This is different than information for professionals. Some of the information asked is very specific and detailed and of no value for the general public. The Netherlands would like to suggest: - To delete point 2b and 2c, 3, 4b and 4c: The information on discharges by individual systems or not collected waste water should be part of the integrated urban wastewater management plan (IUWWMP) in a more condensed way (overview of emission sources but no quantification of total volumes or loads).

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.	~~(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.~~	See remarks in point 2.
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above , an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and storm-water sewer overflows for the parameters referred to in Tables 1 and 2 of Annex I.	(4) Information on the quality of the urban wastewater discharged from the agglomeration or per municipality and/or per connected area of an urban wastewater treatment plant to each receiving water body, including the following elements : ~~(a) — annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant;~~ ~~(b) — an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I;~~ ~~(c) — for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and storm-water sewer overflows for the parameters referred to in Tables 1 and 2 of Annex I.~~	
(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;	~~(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;~~	The Netherlands would like to delete point 5 and 6 because this information is very detailed and not of value for the general public. A breakdown in different sources of the cost can be very arbitrary and organisation specific/location specific.
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system,	~~(6) information on how the costs referred to in point 5 are covered and, where costs are~~	See point 5

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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;	~~recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;~~	
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;	~~(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;~~	The Netherlands would like to delete point 7, because this should be part of the IUWWMP in article 5.
(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; (c) ~~the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO2 equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures <u>of 10 000 p.e. and above</u> in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO2 equivalent) produced during the construction of those infrastructures;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

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

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

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] 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		

AUSTRIA

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	AT proposal	AT 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		Recital 11 needs to be updated to reflect the latest amendments (150.000 p.e. instead of 100.000 p.e.; areas of potential risk to be included in a risk assessment instead of areas to be included unless an absence of risk can be demonstrated).

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).

Recitals Amended		
New text proposal_Clusters 2, 4	AT proposal	AT comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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.		Scrutiny reservation (cf. comments on Art. 9).
(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		Scrutiny reservation

Recitals Amended		
New text proposal_Clusters 2, 4	AT proposal	AT comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		Scrutiny reservation
(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,		As Recital 25 goes beyond the requirements of Art. 19, it should be changed.

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).

Recitals Amended		
New text proposal_Clusters 2, 4	AT proposal	AT comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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>	(....) 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. (...)	"...should be accessible to all <u>at all times</u>..." In AT, several municipalities have agreements with local catering business to provide free access to sanitation facilities during their business hours. While this could be in line with Art. 19 (if the assessment under lit. b) shows other possibilities for improving access to sanitation facilities than having facilities available 7/24 are available), it would not be in line with Recital 25.
(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		

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

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	AT proposal	AT comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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,		

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	AT proposal	AT comments
analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	AT proposal	AT 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;~~	(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;~~	Cf. our comment in WK 10708/2023 INIT (repeated hereafter): Please go back to the previous wording. It should be "or" and not "and".

New text proposal_Clusters 2, 4	AT proposal	AT comments
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services and institutions which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, other than domestic wastewater and urban runoff , which is discharged ~~into collecting systems~~ from premises used for either 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 ~~a~~ final discharge points into receiving waters ;		
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) 'sewer storm water overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~ ;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		

New text proposal_Clusters 2, 4	AT proposal	AT comments
(8) 'combined sewer' means a single conduit ~~that that~~ designed to collect and conducts urban wastewater including urban runoff including urban runoff;	(8) 'combined sewer system' means one collecting system a single conduit ~~that that designed to jointly~~ collect and conducts urban wastewater including urban runoff including urban runoff;	Same suggestion as already included in WK 0708/2023 INIT (repeated hereafter): Par. 8 and 9: Why should a combined sewer be only a single conduit, while a separate sewer is a system?
(9) 'separate sewer' means a system of conduits that separately collect 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;	(9) 'separate sewer system' means ~~a two collecting systems of conduits~~ that separately collect and conducts either urban runoff or either of the following: (a) domestic urban wastewater not including urban runoff; (b) ~~non-domestic wastewater non-domestic wastewater~~; (c) ~~a mixture of domestic and non-domestic wastewater~~; (d) ~~rainwater from agglomerations~~;	
(10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load per day~~ having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ per day;		
(10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.		
(11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or another process which reduces removes most of biodegradable organic matter in from urban wastewater;		

New text proposal_Clusters 2, 4	AT proposal	AT comments
(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~~ <u>from</u> urban wastewaters;	(13) 'quaternary treatment' means treatment of urban wastewater by a process which ~~removes~~ ~~specifically~~ ~~reduces~~ a significant proportion of poorly biodegradable or non-biodegradable organic matter, including broad-spectrum of micro-pollutants ~~in from the~~ <u>from</u> urban wastewaters;	Same suggestion as already included in WK 10708/2023 INIT (repeated hereafter): We still believe that a more precise description is necessary in the definition. The current definition suggested by PRES would also describe tertiary treatment.
(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);~~		Same comment as already in WK 10708/2023 INIT (repeated hereafter): It is important that primary sludge from primary settling tanks is included in the definition of sludge. We understand that PRES replaced the term "primary treatment" with "pretreatment" to make this clear. But now the question arises how pretreatment is defined.
(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>1272/2008</u> ¹⁰ ; even in low concentrations;		The definition has definitely improved. We welcome that PRES put "present in the aquatic environment, urban wastewater and/or sludge". The aspect of low concentrations is covered in Recital (11).

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).

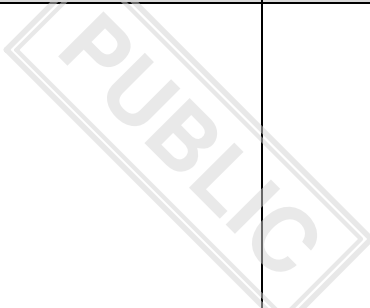
New text proposal_Clusters 2, 4	AT proposal	AT comments
(17) 'dilution ratio' means the ratio ~~of between~~ the last five years average volume of annual flow of the receiving waters at the point of discharge ~~and to the last five years average of the~~ annual discharge volume of urban wastewater into surface waters ; ~~discharged from a treatment plant;~~		
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an 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 <u>such as flush and dry toilets</u> , for the safe management and disposal of human urine, faeces, and menstrual blood, <u>among others</u>		Scrutiny reservation
(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~~ ;		

New text proposal_Clusters 2, 4	AT proposal	AT comments
(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	AT proposal	AT 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		Scrutiny reservation regarding the threshold 150.000 p.e.

New text proposal_Clusters 2, 4	AT proposal	AT comments
Part B and Table 2 of Annex I before discharge into receiving waters accordance with paragraph 4.		
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ Part B and Table 2 of Annex I in its entire territory.		
3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that discharges from agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by: (a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all ~~these~~ agglomerations.	3. Without prejudice to paragraph 1, Member States shall ensure that discharges from agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by: (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.	PRES has ~~deleted~~ "without prejudice to par. 1". We consider this inappropriate, because it leads to ambiguous requirements for UWWTPs of 150.000 p.e. or above. As for the other amendments: OK.
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		

New text proposal_Clusters 2, 4	AT proposal	AT comments
~~treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into these areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 400 000 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 ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).		Art. 7(3c) together with Art. 23 (5) allows for an extension of the deadline for agglomerations of between 10 000 p.e. and above up to 2051. 2051 is almost 30 years from now. This is definitely too much time if compared to Art. 5 (2) of the current UWWTD, where MS had to realise tertiary treatment in sensitive areas until 31.12.1998. This was approx..7,5 years (!) after the publication of the UWWTD.
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>	(...) ~~3 ter. 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.~~	Par. 3 ter is not necessary: * For UWWTPs of 150.000 p.e. and above it provides “only” one more year to build tertiary treatment (2040 instead of 2039) * For UWWTPs of 10.000 p.e. and above, par. 3) already provides the flexibility to MS to prioritize until 2045. Hence, a MS can decide to give those UWWTPs priority b) (2039) or c) (2045) that have just been commissioned or are currently being built. For these reasons, we cannot support it. In addition, this clause is ambiguous and could be misinterpreted. What is covered by “plant in construction” or “plant commissioned”? The very first construction of secondary treatment, a minor extension, a rehabilitation?
~~4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the~~	(...)	Major remark. As long as limit values (tables 1,2, and 3), provisions on

New text proposal_Clusters 2, 4	AT proposal	AT comments
~~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.	~~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.~~ [or, as an alternative:] 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 sampling evaluation of results in par. 1, 2 and 5 of 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.	the minimum frequency of sampling (Annex 1D (3)) and provisions on how to assess whether limit values are met (Annex 1D (4)) are included in Annex I part D, AT strictly disagrees with any delegation of power to COM allowing to change part D. We are therefore opposed to the ES proposal, that clearly refers to the title of Annex 1 Part D and therefore to its entire content. We therefore maintain that Art. 7 (4) must be deleted completely. As mentioned before: As an alternative, AT could only agree to a delegated act focussing on analytical methods (as per Annex I D, par. 1, 2, 5).
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.	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~~ 80 % ~~82,5~~ % for total nitrogen by 31 December ~~2040~~ 2045.	Major remark. AT cannot accept the required elimination rates for nitrogen both here and in Table 2 of the Annex. We decidedly call for planning security. Over the past 30 years, we have ambitiously dimensioned our UWWTPs in such a way that today every UWWTP in AT that treats 5,000 p.e. (!) or more, removes at least 70% nitrogen, whenever the wastewater temperature is $\geq 12^{\circ}\text{C}$. This legal requirement has enabled Austria to currently remove about 81% nitrogen at MS level and to fully comply with the current UWWTD. It may sound easy to increase the nitrogen removal rate from 81% today to 82.5% in the future. But it is not, as we have stated in writing several times. How should we explain to UWWTP operators in AT that their UWWTPs, which have so far been exemplary, now have to be expanded at great expense, so that AT no longer removes 81% but 82.5% nitrogen in the future? If

New text proposal_Clusters 2, 4	AT proposal	AT comments
	[or] 5. By way of derogation from paragraphs ~~1 and 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 ~~1 and 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.	we look at the AT nitrogen balance, only 20% of nitrogen in our waters stems from municipal and industrial point sources. The big portion stems from diffuse sources such as agriculture. For the AT nitrogen balance, + 1,5% more nitrogen removal through UWWTPs is of limited relevance, but just expensive.
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	AT proposal	AT comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030,~~ Member States shall ensure that ~~50 % of discharges from urban wastewater treatment plants treating a load of 100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) ~~31 December 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.		Scrutiny reservation. We agree with the ES Presidency in its previous analysis that a risk-based approach is already contained in par. 2. Therefore, if this helps to reach a compromise, we see the threshold of 150 000 p.e. cautiously positive.

New text proposal_Clusters 2, 4	AT proposal	AT comments
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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.		Thanks for having taken up our previous suggestion to better align with the WFD cycle.

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	AT proposal	AT 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 [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].~~		
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I~~ ~~accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:~~ (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.~~		Scrutiny reservation regarding lit. b).

New text proposal_Clusters 2, 4	AT proposal	AT 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.	(...) ~~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.~~ [or] 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 sampling evaluation of results in par. 1, 2 and 5 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.	Major remark. Same comment as for Art. 7 (4).
6-7 6. By 31 December 2030 ~~OP please insert the date = the last day of the second year from the date of entry~~		

New text proposal_Clusters 2, 4	AT proposal	AT comments
~~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	AT proposal	AT 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		Scrutiny reservation entire Art. 9.

New text proposal_Clusters 2,4	AT proposal	AT comments
remove micropollutants resulting from the products and their residues they place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and b) the costs for gathering and verifying data on products placed on the market; and c) other costs required to exercise their extended producer responsibility.		
2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following: (a) the quantity of the product they place on the Union market is below 2 tonnes per year; (b) the products they place on the market do not generate micro-pollutants in wastewaters ~~at the end of their life~~ at the end of their life.		Major remark. a) There are several aspects where the system can only work if COM takes a more coordinating role (more than the role outlined in Art. 10 (6)). Here is one obvious example: How can a MS check what the producers tries to demonstrate is true? Wouldn't it significantly decrease the overall administrative burden to create a register on which quantity of a product producers of pharmaceutical and cosmetic products put on the EU market? We point out that registration under REACH is already bound to tonnage bands. We also remind on the goal of "one substance one assessment", hence existing EU databases under REACH could be expanded to pharmaceuticals and cosmetics products.
3. The Commission is empowered to adopt implementing acts to establish detailed criteria on the uniform application of the condition laid down in paragraph 2, point (b) to specific categories of products and its hazardourness. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <u>no later than [OP please insert the date = the last day</u>	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</u>	•We see this implementing act as a prerequisite to the establishment of the EPR system. Therefore we appreciate that PRES has added a deadline for the implementing act. •We repeat that existing EU databases under REACH should be expanded to pharmaceuticals and cosmetics products in order to have a harmonized approach, so that

New text proposal_Clusters 2,4	AT proposal	AT comments
<u>of the second year from the date of entry into force of this Directive].</u>	<u>of the second year from the date of entry into force of this Directive].</u>	throughout the EU, the same hazardouzness is attributed to the same active substance. Also: What is a “category of products” when it it all about the hazardousness of active substances in products?
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation. Member States shall ensure that: (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a)		

New text proposal_Clusters 2,4	AT proposal	AT comments
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).		Scrutiny reservation.

ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

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

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

New text proposal_Clusters 2, 4	AT proposal	AT comments
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.		Scrutiny reservation.
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).		Scrutiny reservation.
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.		Scrutiny reservation.
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:		Major remark To support MS, COM should also set up a register on which quantity of a product producers of pharmaceutical and cosmetic products is put on the EU market

New text proposal_Clusters 2, 4	AT proposal	AT comments
(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.		expand existing EU databases under REACH to pharmaceuticals and cosmetics products

ARTICLE 12 – TRANSBOUNDARY COOPERATION

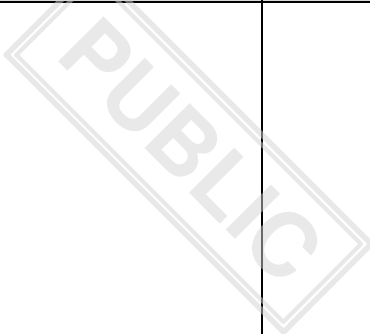
New text proposal_Clusters 2,4	AT proposal	AT comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		

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

ARTICLE 15 – WATER REUSE AND DISCHARGES OF URBAN WASTEWATER

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

New text proposal_Clusters 2,4	AT proposal	AT comments
<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 where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		We welcome the amendment.
2. Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above ~~of 200 p.e and above~~, are subject to prior regulations and/or specific authorisation. Such		

New text proposal_Clusters 2,4	AT proposal	AT comments
<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	AT proposal	AT 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) 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) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u>	T	Scrutiny reservation. • So far, the UWWTP has been a directive defining minimum requirements according to the precautionary principle. There were some risk-based elements – e.g. the areas sensitive to eutrophication, or some distinction between requirements for larger and for smaller UWWTPs. We fundamentally support that these risk-based approaches considered natural sensitivities, but did not focus on specific downstream uses. • We have an issue with the interaction of Art. 18(1) and the WFD 2000/60/EC. What is the added value of Art. 18(1) with respect to Art. 5 and the Identification of Pressures according to Annex II of the WFD? We raise similar questions for the interaction with Art. 8 of the DWD (EU) 2020/2184 and Annex III of the BWD (EU) 2006/7/EC.

New text proposal_Clusters 2,4	AT proposal	AT comments
(e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>1 I, part Part B</u>.		

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

ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	AT proposal	AT 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 for sanitation.</u> Member States shall take all necessary	~~Without prejudice to Article 9 of Directive 2000/60/EC and to the principles of subsidiarity and proportionality, whilst taking into account the local, regional and cultural perspectives and circumstances for sanitation, Member States shall take all necessary~~	We maintain AT's objections from WK 04327_2023_ADD 3: "AT acknowledges the intention of this article. Improving access to sanitation is in line with the UN Agenda 2030 and in particular with SDG 6. However, the creation of sanitary facilities in public spaces can be adequately regulated at national or local level. Therefore,

New text proposal_Clusters 2,4	AT proposal	AT comments
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 and ensure the information of the public.	~~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 and ensure the information of the public.~~	we question the transnational aspects of sanitation facilities in public spaces and the need of EU-wide requirements (cf. Opinion on the application of the Principles of Subsidiarity and Proportionality, issued by the EU committee of the Austrian Federal Council on 17th March 2023). For further clarification, we propose that the legal service of the Council is requested to carry out a legal assessment to determine whether Article 19 is in line with the principle of subsidiarity." We are aware that Council's Legal Service, on 08.06.2023, has given an opinion on the legal basis on Art. 17. We kindly request the opinion in writing.

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	AT proposal	AT 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	AT proposal	AT 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;	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~~	Scrutiny reservation (a) Deletion of text, as we believe it is already included in lit d). If not, then we ask for clarification. We maintain our previous comment that such a level of detail is not requested for the sector of industrial emissions (cf. ongoing discussions on Industrial Emissions Portal Regulation). (f) goes very far, creates a lot of administrative burden and is contradictory to Art. 5 (4) where integrated urban

New text proposal_Clusters 2,4	AT proposal	AT 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;	~~accordance with point 3 of Annex V and update that data set annually thereafter;~~ (g) by 31 December ~~2025~~ 2030, set up a data set containing the monitoring results referred to in accordance with Article 17(1) and ~~(4)~~ (3) and update that data set annually thereafter; (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;	WW management plans shall be made available to the COM <u>on request</u>. (j) please refer to our comment on Art. 19.
2. Member States shall ensure that the Commission and the EEA have <u>permanent</u> access to the data sets referred to in paragraph 1.		We welcome the amendment

New text proposal_Clusters 2,4	AT proposal	AT comments
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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	AT proposal	AT 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)		

New text proposal_Clusters 2,4	AT proposal	AT comments
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		Scrutiny reservation
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.		Scrutiny reservation
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They		

New text proposal_Clusters 2,4	AT proposal	AT comments
shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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:		

New text proposal_Clusters 2,4	AT proposal	AT comments
(i) at least 50 % of these agglomerations are not applying 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 (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	AT proposal	AT 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	AT proposal	AT 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</u> each agglomeration <u>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.		We appreciate the amendments.
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;	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 an average household in the concerned agglomeration;	Major comment We are very much opposed to the change and ask to go back to the previous version. We think that par. 2b and 2c now again is to be read in such a way that each particular household gets an invoice that informs on data broken down to that specific households. We have again and again explained, that it is very complex to ask this kind of details from smaller UWWTP operators. The word "average" had solved it. Also, we do not understand the comment of PRES. Which comparisons were made confusion by adding the word average in subparagraphs b) and c)?

New text proposal_Clusters 2,4	AT proposal	AT comments
(d) a link to the online content referred to in paragraph 1.	(d) a link to the online content referred to in paragraph 1.	
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 of this Article and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.	~~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.~~	AT is concerned about the implementing acts in par. 3 and 4. It might force all those UWWTP operators, which already make their information available online, to adapt it.
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). <u>The Commission will provide the format and methods by [12 months from the entry into force of this Directive].</u>	~~4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). The Commission will provide the format and methods by [12 months from the entry into force of this Directive].~~	See comment under par. 3.

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

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

New text proposal_Clusters 2,4	AT proposal	AT comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.		Scrutiny reservation entire art. 32.
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) until 31 December 2033 for agglomerations that are not required to comply		

New text proposal_Clusters 2,4	AT proposal	AT comments
<u>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> <u>(b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033;</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>	~~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.~~	Art. 32 (3bis) is not needed, as Art. 7 (3bis) is not necessary either. For further explanation, please refer to our comment on Art. 7 (3bis).
<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>		
~~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~~		

New text proposal_Clusters 2,4	AT proposal	AT comments
<u>91/271/EC, this Article 5 shall continue to apply until 31 December 2040.</u>		
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.~~		We appreciate the elimination of par. 6.

ANNEX I 4– REQUIREMENTS FOR URBAN WASTEWATER

A.COLLECTING SYSTEMS

New text proposal_Clusters 2, 4	AT proposal	AT 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	AT proposal	AT 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, except in cases where Article 7(5) is applied.		Amendment = Appreciated.
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	AT proposal	AT 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	AT proposal	AT 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	AT proposal	AT 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 <u>to 149 999</u> ~~to 99 999 p.e. or above~~</td><td>One sample per week. For micropollutants, two samples per ~~week~~ month</td></tr><tr><td>— <u>150 000 p.e. or above</u></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 <u>to 149 999</u> ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— <u>150 000 p.e. or above</u>	<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~~	PUBLIC	Amendment highly appreciated. The previous suggestion had the potential to create quite some pressure on AT to lower national standards.
— 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 <u>to 149 999</u> ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month											
— <u>150 000 p.e. or above</u>	<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	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											

New text proposal_Clusters 2,4	AT proposal	AT comments
parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall ~~be~~ conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply; (d) for the parameters specified in Table 3, ~~each sample taken shall be conform to the parametric values set out in that table~~ <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>	must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall ~~be~~ conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply; (d) for the parameters specified in Table 3, ~~each sample taken shall be conform to the parametric values set out in that table~~ <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 48-hour average percentage of removal of all substances used in the calculation according to Table 3, Note 2, shall be conform to used in order to assess whether the required 80% minimum percentage of removal as specified in Table 3. has been reached.</u>	We think it is indeed necessary to better specify compliance with regard to quaternary treatment. However, we do not believe that the suggestion of PRES is not clear enough. Here is an alternative suggestion that has to be read in connection with amendments that we propose for Note 2 of Table 3, and which we believe is more conform to the provisions for N and P removal rates.
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.		

New text proposal_Clusters 2,4			AT proposal			AT comments		
Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) and or serving agglomerations referred to in 7(3). For discharges from urban wastewater treatment plants referred to in Article 7.1, both parameters shall apply. For agglomerations referred to in Article 7.3 One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.			Table 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.			Major remark: As already mentioned under Art. 7(8) AT cannot accept the required elimination rates for nitrogen.		
Parameters	Concentration	Minimum percentage of reduction ¹² (See Note 1)	Reference method of measurement	Concentration	Minimum percentage of reduction ¹³ (See Note 1)	Reference method of measurement		
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~~ (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~~ (see Note 2)		
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~~ (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~~ 80% 82,5% (see Note 1 bis)	~~Molecular absorption spectrophotometry~~ (see Note 2)		
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			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					

¹² Reduction in relation to the load of the influent.

¹³ Reduction in relation to the load of the influent.

New text proposal_Clusters 2,4	AT proposal	AT comments
calculation of the influent load and be excluded from the discharged load. ~~Natural nitrogen retention shall not be taken into account in the calculation of the minimum percentage reduction. This Note shall apply only as from [OP please insert the date = the last day of the XX year following the entry into force of the directive] where Member States were taking into account natural nitrogen retention in the calculation of the minimum percentage reduction of Nitrogen referred to under table 2 of Annex I of Council Directive 91/271/EEC.~~ Note 1 bis: In exceptional situations due to specific local circumstances where it is demonstrated that part of Nitrogen originated from urban wastewater can be eliminated in the receiving waters, natural nitrogen retention may be taken into account until [OP please insert the date = last day of the fifteenth year after the entry into force of the Directive] for the calculation of the minimum percentage reduction of Nitrogen referred to in table 2 of Part B of Annex I if all the following conditions are fulfilled: (1) <u>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> (2) <u>representative continuous monitoring programme of the total nitrogen parameter is ensured:</u> (a) <u>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> (b) <u>in the relevant inlets of the concerned area designated under Article 7(2); and</u> (c) <u>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> (3) <u>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> (4) <u>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> (5) <u>the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under</u>	that fraction may be included in the calculation of the influent load and be excluded from the discharged load. ~~Natural nitrogen retention shall not be taken into account in the calculation of the minimum percentage reduction. This Note shall apply only as from [OP please insert the date = the last day of the XX year following the entry into force of the directive] where Member States were taking into account natural nitrogen retention in the calculation of the minimum percentage reduction of Nitrogen referred to under table 2 of Annex I of Council Directive 91/271/EEC.~~ ~~Note 1 bis: In exceptional situations due to specific local circumstances where it is demonstrated that part of Nitrogen originated from urban wastewater can be eliminated in the receiving waters, natural nitrogen retention may be taken into account until [OP please insert the date = last day of the fifteenth year after the entry into force of the Directive] for the calculation of the minimum percentage reduction of Nitrogen referred to in table 2 of Part B of Annex I if all the following conditions are fulfilled:~~ ~~(1) the average hydraulic retention time of the discharged effluent is at least 1.5 years before it reaches the area sensitive to nitrogen designated under Article 7(2);~~ ~~(2) representative continuous monitoring programme of the total nitrogen parameter is ensured:~~ ~~(a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 1.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and~~ ~~(b) in the relevant inlets of the concerned area designated under Article 7(2); and~~ ~~(c) at the representative sampling locations in the receiving waters and relevant water bodies in the catchment area of the concerned area designated under Article 7(2);~~ ~~(3) the minimum percentage reduction for nitrogen of table 2 is met; this percentage shall be calculated on the basis of the data collected from representative continuous monitoring programme referred to in point (2)~~ ~~(4) it can be demonstrated that nitrogen releases from urban wastewater treatment plants in the catchment area are not~~	Note 1bis: Please delete to avoid unequal treatment of urban wastewater emissions and industrial emissions. The following sentence of Art. 15 IED should be included in the UWWTD, as well : “The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.”

New text proposal_Clusters 2,4	AT proposal	AT comments
<u>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. <u>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> <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> <u>Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date = last day of the transposition period of the directive].</u>	~~harmful for the environment, including for biodiversity, and human health and do not modify the ecosystem;~~ ~~(5) the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under Annex V.1.2.1 of Directive 2000/60/EC to define the good ecological status of those areas;~~ ~~(6) the use of natural nitrogen retention is reported to the Commission in accordance with Article 22(1)(a) together with all the elements necessary to justify that conditions on (1), (2), (3), (4) and (5) above are fulfilled.~~ ~~Note 2: This requirement shall apply to existing urban wastewater treatment plants on [OP please insert the date = date of adoption of this Directive] obliged to meet the deadlines established under Article 7.1 and Article 7.3. Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants.~~ Note 3: This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the wastewater treatment plant. Below that water temperature, the daily average must not exceed 15 mg/l N. As a substitute for the condition concerning the temperature, it is possible to apply a limited time of operation, which takes into account the regional climatic conditions. This alternative applies if it can be shown that paragraph 1 of Annex I.D is fulfilled. ~~Note 3: Where the temperature in the effluent of the biological reactor is below 10°C, and when feasible below 5°C, the results of the samples taken may be excluded from the calculation of the annual mean for nitrogen as referred to in point (c) where all the following can be demonstrated:~~ ~~(1) the same level of protection of the environment is obtained;~~ ~~(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.~~ ~~Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date = last day of the transposition period of the directive].~~	Note 3: Please go back to the previous version. The new suggestion is too complicated for practical use.

New text proposal_Clusters 2,4		AT proposal	AT comments
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 in relation to the load of the influent		
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), (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		Note 1: The concentration of the organic substances referred to in points (a) and (b) shall be measured. (a) Category 1 (substances that can be very easily treated): (i) Amisulprid (CAS No 71675-85-9), (ii) Carbamazepine (CAS No 298-46-4), (iii) Citalopram (CAS No 59729-33-8), (iv) Clarithromycin (CAS No 81103-11-9), (v) Diclofenac (CAS No 15307-86-5), (vi) Hydrochlorothiazide (CAS No 58-93-5), (vii) Metoprolol (CAS No 37350-58-6), (viii) Venlafaxine (CAS No 93413-69-5); (b) Category 2 (substances that can be easily disposed of): (i) Benzotriazole (CAS No 95-14-7), (ii) Candesartan (CAS No 139481-59-7), (iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and ~~6~~ 5-methyl- benzotriazole (CAS No 136-85-6). 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	

New text proposal_Clusters 2,4		AT proposal	AT comments
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.		minimum percentage of removal when it is necessary. The average of the specific percentages of removal of all single substances used in the calculation shall be used in order to assess whether the required 80 % minimum percentage of removal has been reached.	Clarification.
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		

New text proposal_Clusters 2,4		AT proposal		AT comments
29-40	4		PUBLIC	
41-53	5			
54-67	6			
68-81	7			
82-95	8			
96-110	9			
111-125	10			
126-140	11			
141-155	12			
156-171	13			
172-187	14			
188-203	15			
204-219	16			
220-235	17			
236-251	18			
252-268	19			
269-284	20			
285-300	21			
301-317	22			
318-334	23			

New text proposal_Clusters 2,4		AT proposal		AT comments
335-350	24			
351-365	25			

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	AT proposal	AT 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	AT proposal	AT 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	AT proposal	AT comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹⁴ .		
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 ¹⁵ .		

¹⁴ 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).

¹⁵ 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	AT proposal	AT 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:	(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements:	The operator of the urban wastewater collection and treatment services is usually not the operator of blue-green infrastructure.
(a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm water sewer~~	(a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer ~~and separate sewer collecting~~ systems ~~for polluted urban runoff and storm water~~	

New text proposal_Clusters 2,4	AT proposal	AT comments
overflows for the parameters referred to in Tables 1 and 2 of Annex I.	~~sewer overflows~~ for the parameters referred to in Tables 1 and 2 of Annex I.	
(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;	(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, waste disposal and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;	Waste disposal is = significant cost for UWWTP operators.
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter);		

New text proposal_Clusters 2,4	AT proposal	AT comments
(b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy; (c) ~~the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures <u>of 10 000 p.e. and above</u> in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;		
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

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

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

New text proposal_Clusters 2,4		AT proposal	AT 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		AT proposal	AT 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		AT proposal	AT 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		AT proposal	AT 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		AT proposal	AT 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		

POLAND

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		<u>PI states for the obligation to monitor the effluents for micropollutants and setting emission limits. This requirement will determine if and where quaternary treatment is necessary and proceed accordingly with the appropriate treatment. For the treatment plants below 1000 000 p.e. the risk analysis and cost-benefit analysis</u>

Commented [DM1]: Red line

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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		

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(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,		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		

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

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	[Insert MS name] proposal	[Insert MS name] comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access</u> 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 % <u>of the agglomerations are compliant with articles 3 to 8 with regard to the main obligations to collect and treat wastewater.</u>		
(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,		

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	[Insert MS name] proposal	[Insert MS name] comments
analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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.		It seems that the difference between "services" and "economic activities" is not clear.
(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;		
(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~~ collects and conducts urban wastewater ~~including urban runoff including urban runoff~~;		We believe that the addition of the word single is a mistake because the distinction between combined and separate systems should be for the sewer system in question and not focus on single pipes. We suggest deleting this "single" word.

Commented [SS2]: PGW WP

Commented [SS3]: PGW WP

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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;~~		
(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%.	<u>'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.</u>	<u>The phrase "before discharge" should be deleted, because primary treatment is not tantamount to a mechanical treatment plant discharging wastewater to a receiving waters, but it can be treated as a preliminary stage of treatment before subsequent stages, as well.</u>
(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;		

Commented [SS4]: PGW WP

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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);~~	<u>sludge' means organic and inorganic residue resulting from the treatment of urban wastewater in an urban wastewater treatment plant (excluding grit, grease, other debris and any other screenings residues especially from the pre-treatment step);</u>	<u>The addition of "other debris" seems redundant.</u> <u>However, it is unreasonable to remove wording "screenings" from screens and sieves. These are residues from mechanical treatment and do not qualify as sludge.</u> <u>Moreover, it is proposed to add the word "especially" because at the stage of the second treatment, waste that is not sludge may also be generated (e.g. selection of grease in biological reactors intended for incineration or cotton buds catchers).</u>
(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 present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations;		
(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;~~		

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Commented [DM6]: Uwaga na żółto

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	[Insert MS name] proposal	[Insert MS name] comments
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means ~~an~~ nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(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~~ ;		
(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).	<u>'load' means the amount of BOD5 in urban wastewater, expressed in p.e., COD or any pollutant or nutrient in urban wastewater, expressed in p.e. or mass unit per time (usually kilogram per day or year).</u>	<u>Please note that pollutant such as N, P, TSS and others are expressed in mass per time. However, organic carbon is expressed in of oxygen demand equivalent. Thus, we propose to add COD as an important wastewater parameter determining its biodegradability (as the COD:BOD5 ratio)</u>

Commented [SS7]: PGW WP

ARTICLE 7 – TERTIARY TREATMENT

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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.~~		
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	[Insert MS name] proposal	[Insert MS name] 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 ~~discharges from~~ agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by: (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.	(c) 31 December 2045 for all <u>these</u> agglomerations	For clarity, we propose leaving the word "these" because this paragraph applies to agglomerations above 10,000 pe, and not to all agglomerations
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], 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 these 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~~		

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New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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.	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.	It is proposed to delete the wording "after 31 December 2020". The exact date of entry into force of the directive is not known. The investment process lasts several years, therefore some treatment plants whose investment process began before December 31, 2020 may still be under construction when the directive enters into force and will not be able to be redesigned during the project durability.
~~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.		

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New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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.	<u>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 agglomerations in that area is :</u>	<u>Wastewater treatment plants outside the agglomeration boundaries and below 10.000 pe are not obliged to test nutrients, therefore these provisions, in order to be realistic, must apply only to agglomerations.</u> <u>In letter (c), the value 90 should be deleted because the value of 87.5% was entered.</u>
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.	<u>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.</u>	
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.		

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ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] 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 to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) ~~31 December 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:		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
(c) 31 December ~~2040~~ 2045 for all discharges from these urban wastewater treatment plants.		
2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <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;		

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	[Insert MS name] proposal	[Insert MS name] comments
(f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than 10P please insert the date = the last day of the sixth month from the date of entry into force of this Directive~~.		Since the MS has to implement actions by 2030, the directive should include a date by which the Commission will be obliged to adopt acts on this matter. Otherwise, MS may assess the risk based on their own methodologies.
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~~		

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New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.		
5. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph, fulfil the requirements <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.		

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

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(18) 'producer'; (19) 'Producer Responsibility Organisation'; (24) 'placing on the market';		The draft directive assumes that the ROP system will cover only two sectors: cosmetics and pharmaceuticals. According to PL, the ROP system should be based on the "true polluter pays" principle. The Wastewater Directive should ensure a fair distribution of costs under the ROP system between all sectors that contribute to the introduction of micro-pollutants. According to the proposed regulations, the following are considered micropollutants: caffeine, of which the pharmaceutical and cosmetics industries are not the largest emitters. The list of micropollutants should be clearly defined in the directive (e.g. in Annex III, part 2), and updated by the Commission, based on appropriate criteria (contained, for example, in the specially added Annex III, part 2). In the opinion of Poland, in the current wording of the directive, the status of micropollutant will potentially cover all chemical compounds classified as hazardous (approximately 190,000 substances). The scope is not precise and raises serious doubts. The definition and identification of micropollutants covered by the ROP system should be based on well-established risk-based principles, complemented by specific hazard properties, adopted by regulatory authorities in Europe under several regulations, such as for human and veterinary medicinal products, agrochemicals, biocides and general chemicals. The system should also ensure that compounds that have no effect or have reduced impact during their lifetime can be removed from any ROP system. In principle, such a system would identify

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New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
		substances and agents that reduce risks and threats to the environment and human health, which is consistent with the objectives of the Water Framework Directive (as the main European legislation for good water quality) and with the subsequent requirements of the Urban Waste Water Treatment Directive; PL ~~asks for an explanation why is unsure if the directive assumes that~~ the calculation of costs under ROP is to be based only on the quantity of the product². Substances (micropollutants) are present in finished products in various concentrations. For example, a body lotion, the weight of the finished product may be large (e.g. 200 g), and the percentage of the substance contained in the product may be very small, e.g. 0.5% (or less), which will consequently generate low emission of micropollutants (which is a substance) to the environment. PL asks you to analyze whether the method of calculation should not be based on the amount of substances used and not only on the amount of the finished product? In general, PL raises an analytical reservation on the provisions regarding EPR and at the same time asks the Presidency/EC to analyze the feasibility of the proposed EPR system and propose specific regulations.
<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:		

Commented [SS16]: Komentarz z instrukcji Kuby

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
a) the full costs for complying with the requirements set out in Article 8, including the costs for the quaternary treatment of urban wastewater to remove micropollutants resulting from the products and their residues they place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and b) the costs for gathering and verifying data on products placed on the market; and c) other costs required to exercise their extended producer responsibility.		
2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following: (a) the quantity of the product they place on the Union market is below 2 tonnes per year; (b) the products they place on the market do not generate micro-pollutants in wastewaters ~~at the end of their life~~ at the end of their life.	PL proposes extending the validity to all producers, regardless of the quantity of the product placed on the market.	This will avoid the creation of small entities introducing one product to avoid liability. The same applies to packaging and packaging fees.
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) no later than [OP please insert the date = the last day of the second year from the date of entry into force of this Directive].		
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer		

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

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
responsibility obligations of the producers, including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.		
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body independent of private interests or entrust a public authority to oversee the implementation.		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).		
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.		
6. [NEW] By the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on: (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations; (b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of (i) the coverage of the full cost as referred to in Article 9(1), (ii) the control of the methods of calculation of producers' contributions by the producer responsibility		

New text proposal_Clusters 2, 4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
1. Member States shall ~~systematically~~ promote the reuse of treated wastewater from ~~all~~ urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.		
2. Member States shall ensure that ~~at least all~~ discharges from urban wastewater treatment plants ~~of 1000 p.e and above of 200 p.e and above~~, are subject to <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~~	<u>2. Member States shall ensure that at least all discharges from urban wastewater treatment plants in agglomerations of 1000 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled.</u>	<u>The directive should only applies to agglomerations.</u>

Commented [SS18]: PGW WP

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(24)		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
1. By ~~[OP please insert the date = the last day of the second year after the date of entry in force of this Directive]~~ 31 December 2027, Member States shall identify and assess the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; ~~(c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC;~~ ~~(d c)~~ the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place. (e d) the <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 Article 4 of the same Directive for the receiving groundwater body.</u> (e) the ~~ecological and chemical~~ <u>status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</u>	T	
2. Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate the following measures: (aa) taking additional measures to prevent and reduce pollution of wastewater at source in	~~(a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of less than 1 000;~~	<i>Nie rozumiem tego punktu. Dodatkowe opomiarowanie nie redukuje zanieczyszczeń. Zanieczyszczenia można zredukować wprowadzając działania z lit. a-f. Jednak należy podkreślić, że działania te nie będą stały w sprzeczności z terminami określonymi w poprzednich art. (np. 8). Nie ma sensu skupiać się na inwestycjach w aglo</i>

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>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 <u>4</u>, ~~part~~ Part B.		~~ponizej 1000, jeśli nie będzie funkcjonować sieć w aglo >1000.~~ We propose deleting point a. The directive does not provide for agglomerations below 1.000 pe.
3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every ~~5~~ six years aligned with the timing of the review of the River Basin Management Plans developed under the Directive 2000/60/EC and starting on 31 December 2033. A summary of the identified risks accompanied with a description of the measures adopted in accordance with paragraph 2 of this Article shall be included in the appropriate River Basin Management Plans and in the national implementation programmes referred to in Article 23 and communicated to the Commission on request.		

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ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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 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,		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
safely accessible and ensure the information of the public.		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(30)		
1. Member States, assisted by the European Environment Agency (EEA), shall:	<u>(e) by 31 December 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 30 000 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;</u>	<u>It is proposed to apply this requirement only to treatment plants with the potential to produce biogas.</u>
(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;	<u>(k) Proszę o zastanowienie się, czy nie wymóc wykasowania tego pkt</u>	
(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;	<u>(h) by 31 December 2030, set up a data set containing the list of areas identified as sensitive to eutrophication and update that data set in accordance with Article 7(2). This point does not apply to MS which have designated a sensitive area throughout their area;</u>	
(c) by 31 December ~~2025~~ 2030 , set up a data set containing information on the implementation of measures taken to implement Article 4(4 5) and		

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New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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; (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);		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(j) by 12 January 2029, set up a data set containing information on measures taken to improve access to sanitation in accordance with Article 19, including information on the share of their population that has access to sanitation and update that data set every 6 years thereafter. (k) by 31 December 2027 2030, set up a data set containing the monitoring results referred to in point (c) of Article 21(1) with a comparison of the monthly water and nutrient demand of the crops targeted by the reused fraction of treated urban wastewater referred to in Article 15(2) (1), and update that dataset annually thereafter;		
▲		
2. Member States shall ensure that the Commission and the EEA have ~~permanent~~ access to the data sets referred to in paragraph 1.		
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article for those pollutants related with urban wastewaters. 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.	~~3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article for those pollutants related with urban wastewaters.~~ ~~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.~~	The information contained in Regulation (EC) No 166/2006 is subject to separate reporting. There is no justification for introducing this provision into this Directive.
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		

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New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(31)		
1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty fifth month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive. Those programmes shall include: (a) an assessment of the level of implementation of Articles 3 to 8; (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban	(c) <u>an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age-technical and operating condition and depreciation rates;</u>	<u>Please remember that age does not always correspond to technical condition. A very important element is the material from which the conduits are made. Therefore, information about age is not the most important, i.e. unnecessary for analysis.</u>

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New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
2. By ...[OP: please insert the date = the last day of the ~~thirty fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) <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:		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
(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 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		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].		

ARTICLE 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(34)		
1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, ~~in-for~~ each agglomeration <u>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~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including~~ <u>for example</u> on their invoice or		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
by digital means such as smart applications, without having to request it, the following information: (a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I; (b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the average household or the connected entity in cubic meter, together with ~~yearly~~ trends and the price of urban wastewater collection and treatment for ~~the~~ that average household (cost per litre ~~and or~~ cubic meter); (c) a comparison of the yearly volume ~~of load~~ of urban wastewater collected and treated for the average household per year and an indication of the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.		
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 of this Article and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ households connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).) The Commission will provide the format	~~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 paragraph should be deleted. Paragraph 2 states that information may be provided on invoices. Therefore, we see no reason why the Commission should specify their format.~~

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New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<u>and methods by [12 months from the entry into force of this Directive].</u>		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(39); (40)		
1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.		
2. Article 3(1) and Article 6(1) shall apply from 31 December ~~2027~~ 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.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive]; (b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033; (c) until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the derogation provided for in Article 7(3) third subparagraph.		
3 bis. [NEW] For urban wastewater treatment plants referred to in Article 7(3)(ter), the requirements set out in Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2040.		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<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>		
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].		
<u>6. Outermost regions may derogate for a period of maximum 15 years from [OP please insert the date = the date of entry into force of this Directive] the provisions of articles 6, 7 and 8, for discharges into coastal waters of urban wastewater from agglomerations of less than 150 000 p.e., and adopt an appropriate level of treatment, but not less stringent than primary treatment, if it is not technically feasible or it would involve excessive cost according to the cost-benefit ratio and scientific studies that sustain it.</u> <u>For the purposes of the preceding paragraph, the Member States comprising the outermost region shall</u>		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~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	[Insert MS name] proposal	[Insert MS name] comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
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	[Insert MS name] proposal	[Insert MS name] 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.	<u>1. Wastewater treatment plants shall be designed or modified so that representative samples of the incoming (if necessary) wastewater and of treated effluent can be obtained before discharge to receiving waters.</u>	<u>As part D, paragraph 2</u>
2. Discharges from urban wastewater treatment plants ~~serving agglomerations referred to in~~ 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,~~ requirements shown in Table 2 of this Annex, except in cases where Article 7(5) is applied.		
4. Discharges from urban wastewater treatment referred to in Article 8(1) or serving agglomerations and included in the list ~~referred to in Article 8(2 4)~~ shall, ~~in addition to the requirements referred to in points 2 and 3,~~ meet the requirements set out in Table 3 of this Annex.		
5. Authorisations for discharges from urban wastewater treatment plants using plastic biomedica shall include an obligation to ~~permanently~~ monitor and prevent ~~all unintentional~~ such biomedica from being released into receiving waters the environment.		

Commented [SS26]: PGW WP

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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 <u>the harmful</u> effects on receiving waters.		

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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 149 999 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 149 999 to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	~~— 150 000 p.e. or above~~	<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~~	Poland proposes limiting the frequency of analyses, in particular with regard to micropollutants.	It is unjustified to perform very expensive analyzes so frequently. <u>Poland does not agree to increase the frequency of sampling again.</u>
— 1000 to 9 999 p.e.:	One sample per month (see Note 1)											
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month											
~~— 50 000 to 149 999 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;												

Commented [SS27]: IGWP

Commented [DM28]: redline

Commented [SS29]: PGW WP

New text proposal_Clusters 2,4				[Insert MS name] proposal	[Insert MS name] 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.				Poland proposes to increase the limit of total nitrogen from 10 to 12 mg/l for treatment plants of 10,000-100,000 PE.	At the level of 10 mg/l, huge expenditure will be necessary, especially for treatment of 10-50 thousand pe. They are not justified.
Parameters	Concentration	Minimum percentage of reduction ⁴² (See Note 1)	Reference method of measurement		
					Poland demands the restoration of the provision: Table 2: "Requirements for

Commented [SS30]: IGWP

⁴² Reduction in relation to the load of the influent.

New text proposal_Clusters 2,4				[Insert MS name] proposal	[Insert MS name] 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		tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) one or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply". Introducing the need to test the percentage of reduction, and thus the sewage at the inlet and effluent of the treatment plant, doubles (already significantly increased) the number of samples specified in part D, section 3. This is not justified and burdens the citizens financially.
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>"... nutrients in that fraction may be included in the calculation of the influent load and be excluded from the discharged load"</u>	This part of the note is incomprehensible. Changing note 3 is unjustified. Additionally, it is incomprehensible to say that achieving "correct" nitrogen values would require excessive energy consumption. As stated, tertiary treatment is based on biological methods and energy consumption has nothing to do with it. Please restore the previous version of note 3.

Commented [SS31]: PGW WP

Commented [DM32]: Red line

Commented [SS33]: PGW WP

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
<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> <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. <u>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> <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>		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] comments				
<u>(2) excessive costs and/or excessive energy consumption would be required to reach the values for Nitrogen in Table 2.</u> ~~Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date – last day of the transposition period of the directive].~~							
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).~~ <table><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		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)		
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),							

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] comments																										
(iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> <u>5</u>-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></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		
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																												

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] comments
141-155	12		
156-171	13		
172-187	14		
188-203	15		
204-219	16		
220-235	17		
236-251	18		
252-268	19		
269-284	20		
285-300	21		
301-317	22		
318-334	23		
335-350	24		
351-365	25		

ANNEX 2 II - AREAS SENSITIVE TO EUTROPHICATION

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] 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	[Insert MS name] proposal	[Insert MS name] comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) <u>for agglomerations of 10 000 p.e. and above</u>, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water~~ sewer		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	[Insert MS name] proposal	[Insert MS name] comments
~~(c) the tonnes of CO₂ equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO ₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures <u>of 10 000 p.e. and above</u> 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.		

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		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] comments
Directive	Time-limit for transposition		
91/271/EC	30 June 1993		
98/15/EC	30 September 1998		

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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 & VIII – CORRELATION TABLE

New text proposal_Clusters 2,4		[Insert MS name] proposal	[Insert MS name] 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		[Insert MS name] proposal	[Insert MS name] comments
-	Article 3(2)		
Article 3(2)	Article 3(3)		
Article 3(1) third subparagraph	Article 4(1)		
-	Article 4(2)		
-	Article 4(3)		
-	Article 4(4)		
-	Article 4(5)		
-	Article 5		
-	Article 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		[Insert MS name] proposal	[Insert MS name] comments
-	Article 14(3)		
-	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		[Insert MS name] proposal	[Insert MS name] comments
Article 19	Article 34		
-	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		

SLOVENIA

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	SI proposal	SI comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	SI proposal	SI comments
locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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.	(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	Please find below our previous comments on this point: Phrase “where appropriate” is added. It is not rational nor proportionate to inform the Commission on each cooperation activity among Member States. The obligation to inform the Commission should be limited to problematic / significant issues.

Recitals Amended		
New text proposal_Clusters 2, 4	SI proposal	SI comments
Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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.	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 where appropriate, and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <i>United Nations Economic Commission for Europe (UNECE) Water Convention</i>³ 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		

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

Recitals Amended		
New text proposal_Clusters 2, 4	SI proposal	SI comments
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 ⁴ .		
(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 2030.⁵ Furthermore, Principle 20 of the European Pillar of Social Rights⁶ 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 Health⁷ and the provisions of the Protocol on Water and Health⁸ 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		

⁴ 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).

⁵ Resolution adopted by the United Nations General Assembly on 25 September 2015 ([A/70/L.1](#))

⁶ 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).

⁷ WHO Guidelines on Sanitation and Health, 2018.

⁸ 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	SI proposal	SI comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~Permanent access~~ <u>Access</u> 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 Council⁹ should be ensured to optimise the use of the data, as well as to support full transparency.	(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, following notification to the Member States, to verify compliance with the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~Permanent access~~ <u>Access</u> 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	In our view, countries should be informed of the Commission's intention to use the data to verify compliance with the directive prior to such activity.

⁹ 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

Recitals Amended		
New text proposal_Clusters 2, 4	SI proposal	SI comments
	(EC) 166/2006 of the European Parliament and of the Council ¹⁰ 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-Making ¹¹ , the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

¹⁰ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) OJ L 33, 4.2.2006, p. 1–17

¹¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	SI proposal	SI comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		
		We are of the opinion that the following definitions should be added: - 'urban wastewater management objectives' from paragraph 5 in article 9 - "catchment area" from article 15
(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	SI proposal	SI 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.~~	(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 activities of a trade; (b) ~~activities carried out by an institution;~~ the activities carried out by healthcare institutions, such as hospitals (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.~~	We acknowledge that attempt to clarify the definition regarding wastewater from medical institutions / healthcare facilities (hospitals, etc) has been included in Recital 19. But we are of the opinion that such wastewater should be included in the definition, because wastewater from medical institutions / healthcare facilities (hospitals, etc) can not be covered under "activities of the trade", industrial activities" or "economical activities". Please find below our previous comments on this point: It is not clear what is meant by "exercise". We propose to use "activities" as it is the case in other bulletpoints
(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;	(4) 'agglomeration' means an area where the population combined or not with and/or economic activities services or institutions referred to in points (2) and (3) ~~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;	We are of the opinion that because the definition only addresses "economic activities", it can be interpreted that there is no need to include other activities listed in points 2 and 3. Is this really the case?
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) '~~sewer storm water~~ overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall~~;		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;	(7) 'collecting system' means a system of conduits, and related technological assemblies and devices connected to the system, which collects and conducts urban wastewater;	Please find below our previous comments on this point: We propose to amend the text

New text proposal_Clusters 2, 4	SI proposal	SI comments
(8) 'combined sewer' means a single conduit ~~that that designed to~~ collects and conducts urban wastewater ~~including urban runoff including urban runoff~~;	(8) 'combined sewer' means a <u>single conduit collecting system</u> ~~that that designed to~~ collects and conducts urban wastewater <u>including urban runoff</u> ~~including urban runoff~~;	Please find below our previous comments on this point: Based on the proposed change we understand, that the collecting system that collects and conducts the mixture of domestic and non-domestic wastewater (no urban runoff) should be considered as 'combined sewer'. Is this interpretation correct? We would prefer definition of combined sewer in such a way, that it conducts such urban wastewater that always includes urban runoff. Hence, we propose: "combined sewer" means a collecting system that collects and conducts urban wastewater that includes urban runoff. With such definition it would be clear, that urban wastewater that is a mixture of domestic and non-domestic wastewater is collected and conducted through separate collecting system.
(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~~;	(9) 'separate sewer' means a <u>system of conduits collecting system</u> 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 our understanding individual "separate sewers" are connected through a "system of conduits" into a "collecting system". The same goes for combined sewer. We suggest aligning both definitions.

New text proposal_Clusters 2, 4	SI proposal	SI comments
(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) '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;	Please find below our previous comments on this point: We do not support the proposed deletion. The provision from existing directives should be used, that it is an approximation of the load of 1 person per day, should be kept. Alternatively, it could be explained in the recital. It is not appropriate to change the principle after decades of implementation of the directive.
(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%.		Please find below our previous comments on this point: We support inclusion of the definition; however, we keep scrutiny reservation on the proposed percentages.
(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;	(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~~ suspended solids and biodegradable organic matter in from urban wastewater;	Please find below our previous comments on this point: Welcome and support. To align definition of 'secondary treatment' with the 'tertiary treatment'. We propose to amend the text by adding "suspended solids and".
(12) 'tertiary treatment' means treatment of urban wastewater by a process which ~~reduces removes most of by a process which removes~~ reduces nitrogen and/or phosphorus from ~~the~~ urban wastewaters;	(12) 'tertiary treatment' means appropriate treatment of urban wastewater by a process which ~~reduces removes most of by a process which removes~~ reduces nitrogen and/or phosphorus from ~~the~~ urban wastewaters;	Please find below our previous comments on this point, which we still consider to be relevant: We would propose to include the principle of 'appropriate treatment' linked to achievement of environmental objectives for water as it is the case in the current directive.
(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	SI proposal	SI 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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹² ; even in low concentrations ;		Scrutiny reservation. The definition is very broad.
(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;~~	(17) 'dilution ratio' means the ratio ~~of between~~ the at least 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;~~	Scrutiny reservation. Please find below our previous comments on this point which we still consider to be relevant: Flexibility is needed to enable Member States to continue using the relevant statistical values as defined in the national legislation.
(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;		Scrutiny reservation.

¹² Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

New text proposal_Clusters 2, 4	SI proposal	SI comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;	(19) 'Producer Responsibility Organisation' means an nationally ~~recognised~~ authorised organisation legal entity established collectively by producers for the purpose of fulfilling their that financially organises the fulfilment of extended producer responsibility obligations under Article 9 and 10 on behalf of several producers ;	Scrutiny reservation. Please find below our previous comments on this point which we still consider to be relevant: We propose to align the definition as much as possible with the one used in the recently agreed text of the Batteries Regulation.
(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~~ ;	(24) 'placing on the market of the Member State ' means the first making available of a product on the market of a Member State;	Please find below our previous comments on this point which we still consider to be relevant: To avoid confusion in relation to Marker Surveillance – there, the definition of “placing on the market” has a different meaning.
(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	SI proposal	SI 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)		
		On a general note, we welcome the proposed prolongation of dealines and adaptation to 6-years cycles.
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.~~	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 accordance with Part B and Table 2 of Annex I before discharge into receiving waters ~~accordance with paragraph 4.~~	
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years		

New text proposal_Clusters 2, 4	SI proposal	SI comments
starting on 31 December ~~2030~~ 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ Part B and Table 2 of Annex I in its entire territory.		
~~3. Without prejudice to paragraph 1, Member States shall ensure that discharges from agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by:~~ (a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all <u>these</u> agglomerations.	~~3. Without prejudice to paragraph 1, Member States shall ensure that discharges from agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by:~~ (a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all <u>these</u> agglomerations.	It is not clear to us from the text, what the dedalines relate to – to UWWTPs or to agglomerations. The clarification is important because MS have to understand the obligations. The paragraph should be complemented in a way that it would be clear that the discharges are comming from UWWTP (and not from agglomerations) and that the deadlines relate to UWWTPs (and not to agglomerations). We empasise that it is not necessary that one agglomeration relates to one UWWTP. Additionally, alignment with the RBMPs under the Water Framework Directive is missing. Linkage to risk assessment under the RBMPs would enable to prioritise the agglomerations.
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], 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 these areas.~~	~~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 these areas.~~	

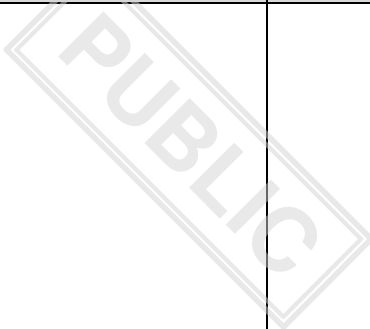
New text proposal_Clusters 2, 4	SI proposal	SI comments
~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of ~~400 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).	~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ Without prejudice to paragraph 1, Member states may derogate from the deadlines in Article 7(3) for ~~a period~~ of maximum six years, if the conditions in Article 23(5) are met. ~~Urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).~~	
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		We welcome and support paragraph "3 ter. [NEW]"
~~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		Please find below our previous comments on this parahraph which we still consider to be relevant: The proposed empowerment is not acceptable since it includes adaptation of emission limit values and frequencies that represent essential element of the Directive.

New text proposal_Clusters 2, 4	SI proposal	SI comments
to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.		
5. By way of derogation from paragraphs 3 ~~and~~ 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 ~~and~~ 4 where it can be shown that the minimum percentage of reduction of the overall load entering all urban 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.	5. By way of derogation from paragraphs 3 ~~and~~ 4, Member States may decide that an individual urban wastewater treatment plant situated discharging into 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 overall load entering-treated in 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.	We propose to use the wording “discharging into” to align with the previous paragraphs / articles. It is not clear what is meant by ‘overall load’. We propose different wording.
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		

New text proposal_Clusters 2, 4	SI proposal	SI comments
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.	7. Without prejudice to paragraph 1 , Member States shall ensure that discharges from urban wastewater treatment plants which are situated discharging into an area included in a list referred to in paragraph 2 or into a catchment area of 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, except in cases where paragraph 5 is applied .	From an environmental protection point of view, we are of the opinion that the discharge point from UWWTP should be addressed rather than the location of the WWTP.

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	SI proposal	SI 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		

New text proposal_Clusters 2, 4	SI proposal	SI comments
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 to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December 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.		
2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter</u> every ~~five~~ six years <u>thereafter</u> 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	2. On 31 December ~~2030~~ 2027 2030 Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter</u> every ~~five~~ six years <u>thereafter</u> 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 containing micropollutants 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;	We welcome the alignment with WFD cycles. We have a reservation about the wording. It is not clear how we can unmistakably prove that it is precisely the pollution from UWWTPs that is causing the pollution; as the sources of pollution may vary from point to diffuse sources; Regarding point f): We suggest using the term “environmental objectives” which is directly linked to environmental standards for substance. In our opinion the term “requirements” is very broad with regard the WFD and includes also, for example, prior authorisations for water use.

New text proposal_Clusters 2, 4	SI proposal	SI comments
2006/7/EC; (c) lakes as defined in Article 2, point (5), of Directive 2000/60/EC; (d) rivers as defined in Article 2, point (4), of Directive 2000/60/EC or other water streams where the dilution ratio is below 10; (e) areas where aquaculture activities, as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹³, take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.	(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 Council¹⁴, take place; (f) areas where additional treatment is necessary to meet the requirements environmental objectives set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC. The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.	
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), <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>.		We do not support this implementing act. To our opinion a guidance should be prepared and not the implementing act, to ensure sufficient flexibility in this respect. It should be clarified what is meant by 'format of risk assessment' – a methodology? Criteria? Or just formats for presentation of results?

¹³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

¹⁴ 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	SI proposal	SI comments
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 <u>these</u> 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.~~	4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the~~ urban wastewater treatment plants serving ~~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 <u>these</u> 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.~~	It is not clear to what the dedalines relate to – to UWWTPs or to agglomerations. The clarification is important because MS have to understand the obligations. The paragraph should be complemented in a way that it would be clear that the discharges are comming from UWWTP (and not from agglomerations) and that the deadlines relate to UWWTPs (and not to agglomerations). We empasise that it is not necessary that one agglomeration relate to one UWWTP.
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.	5. Without prejudice to paragraph 1, Member States shall ensure that discharges from urban wastewater treatment plants serving agglomerations of 10 000 p.e and above which ~~are situated discharge into~~ 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.~~	From an environmental protection point of view, we are of the opinion that the discharge point from UWWTP should be addressed rather then the location of the WWTP. Please find below also our previous comments on this parahraph, which we still consider to be relevant: In our opinion this provision “<i>In case of conflict between Article 8(4) and Article 8(5), Article 8(4) takes precedence.</i>” is not needed since it is not clear what kind of conflict might occure.

New text proposal_Clusters 2, 4	SI proposal	SI comments
~~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.		Please find below our previous comments on this paragraph which we still consider to be relevant: We do not support this paragraph. The proposed empowerment is not acceptable since it includes adaptation of emission limit values and frequencies that represent essential element of the Directive.
~~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).		Please find below our previous comments on this paragraph which we still consider to be relevant: We would appreciate clarification of the role of standardised methods / standardisation in relation to the proposed implementing act. We welcome the inclusion of a deadline.

ARTICLE 9 - EXTENDED PRODUCER RESPONSIBILITY

New text proposal_Clusters 2,4	SI proposal	SI comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(18) 'producer'; (19) 'Producer Responsibility Organisation'; (24) 'placing on the market';		

New text proposal_Clusters 2,4	SI proposal	SI comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(13); (14), (15)		
		Scrutiny reservation. In our opinion the introduction of Extended Producer Responsibility is acceptable if the provisions that address this mechanism ensure that additional financial burden for the producer will not affect the prices of medicines which are used in the primary health care and are essential for human health. Additionally we are of the opinion that Member State should have the possibility to include in the EPR also other products that are not medicines or cosmetics.
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.	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 of that Member State are registered and 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 of that Member State, 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 other costs required to exercise their extended producer responsibility.	Please find our previous comments on this paragraph which we still consider to be relevant.

New text proposal_Clusters 2,4	SI proposal	SI 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.	2. Member States shall may exonerate producers from their extended producer responsibility under paragraph 1 for a certain product 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, or below any lower quantity as considered relevant by the Member State, 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.	Please find our previous comments on this paragraph which we still consider to be relevant.
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) 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].		Scrutiny reservation.
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	4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organization organization and 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 of a Member State in the context of their professional activity;	Please find some of our previous comments on this paragraph which we still consider to be relevant. <u>Regarding point d)</u>: Scrutiny reservation. The requirement in point d) should be further clarified.

New text proposal_Clusters 2,4	SI proposal	SI comments
products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).	(ii) information on the hazardousness of the micropollutants resulting from the products referred to in point (i) in the wastewaters during their use or at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs referred to in that paragraph 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 of the micropollutants in the wastewaters of the resulting from 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		Please find some of our previous comments on this paragraph which we still consider to be relevant. <u>Regarding "urban wastewater management objectives" in point b):</u> Clarification is needed; in the directive, there is no exact definition of 'urban wastewater management objectives'. The provision should be reformulated or a definition should be added. <u>Regarding point c):</u> There might be several reporting systems for reporting of different data by different entities. It is not clear who is obliged to report and to whom – is this

New text proposal_Clusters 2,4	SI proposal	SI comments
on the quaternary treatment of wastewater, as well as other data relevant for the purposes of point (b).		a reporting system for reporting by producers to the PRO or something else? The provisions have to be clear.

ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

New text proposal_Clusters 2, 4	SI proposal	SI 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)		
		Special scrutiny. Although we strongly support the implementation of the Polluter Pays Principle, we have concerns about the feasibility of the proposed requirements on EPR. We would propose to include more flexibility for Member States to be able to use other alternatives to implement that principle.
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,	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,	Please find below our previous comments on this paragraph which we still consider to be relevant. <u>Regarding the wording “coherent with the requirements set out in Article 8” in point a):</u> The requirement is misleading – further clarification is needed. It could be understood, that the geographical coverage of

New text proposal_Clusters 2, 4	SI proposal	SI comments
including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.	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~~ authorisation procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.	certain PRO should be the same as an area under Article 8(2), which might not be the case. We propose to delete this part of the sentence. <u>Regarding the wording “organisational means” in point b):</u> What is meant by organisational means? It needs to be further clarified, considering that the PRO has no organisational obligation, but only financial one. <u>Regarding the wording “iii) the activities that it undertakes every year” in point c):</u> It is not clear what is meant by those activities - the provision needs to be further clarified.
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.		Please find below our previous comments on this paragraph which we still consider to be relevant. <u>Regarding the wording “when requested”:</u> Is this aligned with the Article 9(4) where yearly reporting is required? Is this the same reporting as in Article 9(4) or additional reporting is meant in this provision? If this is the case – what data is to be reported in addition to Article 9(4)? <u>Regarding the wording “report reliable data to the competent authorities and, when requested, to the producer responsibility organisations”:</u> To which reporting obligation is this provision referring to? There is a requirement for reporting in Article 9(4) – reporting by producers to PRO. However, there is no direct obligation to report to the MS (or Competent Authority). There is a requirement to put in place a reporting system in Article 9(5)(c), but again no direct obligation on the

New text proposal_Clusters 2, 4	SI proposal	SI comments
		reporting by producers (i.e. what to report and to whom). The provision needs to be clarified.
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.		Please find below our previous comments on this paragraph, which we still consider to be relevant. Special scrutiny on the whole paragraph. <u>Regarding the wording "oversee the implementation":</u> Clarification is needed as to what would be the tasks of this 'overseeing' of the implementation – especially in relation to the 'adequate monitoring and enforcement framework' in the previous paragraph. Both provisions should be further clarified.
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).	4. Each Member State shall ensure that ~~the a~~ producers as defined oin Article 2(18) established on the territory of another Member State and placing products on its market: (a) established in another Member State and placing products referred to in Annex III on its market is allowed to appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations of the producer on its territory; ~~or and~~ (b) ~~take equivalent measures to point (a)~~ established on its territory, which sells products referred to in Annex III in another Member State in which it is not established, appoints an authorised representative in that other Member State as the person responsible for fulfilling the extended producer responsibility obligations of that producer on the territory of	Please find below our previous comments on this paragraph which we still consider to be relevant. Provisions apply to producers established on the territory of another Member State than that, where they are placing products on the market. Such requirement is not implementable in practice. Member States cannot adopt obligations or requirements for producers, established outside their territory. Therefore, the obligation should be redrafted in a way, as it is the case in the waste legislation. We propose similar wording as in WEEE directive and SUP directive.

New text proposal_Clusters 2, 4	SI proposal	SI comments
	that other Member State. Appointment of an authorised representative shall be by written mandate.	
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.	5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.	Please find below our previous comments on this paragraph which we still consider to be relevant. <u>Regarding the wording “regular dialogue”:</u> Clarification is needed what would be the exact tasks to be done by the Member States and what would be the purpose of such dialogues. What would be the practical actions and measures by Member State?
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	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~~ monitor in accordance with paragraph 2 the establishment, the ~~recognition~~ authorization and functioning of Producer Responsibility Organisations; (b) the measures to ~~control~~ monitor in accordance with paragraph 2 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~~ monitoring of the methods of calculation of producers’ contributions by the producer responsibility organisation as referred	Please find below our previous comments on this paragraph which we still consider to be relevant. <u>Regarding the wording “provide for the organisation of exchange of information”:</u> Is this meant to be implemented through Expert Group for the implementation of the Directive (which already exist) or is this meant to be part of a separate mechanism? Clarification is needed (possibly in appropriate recital). <u>Regarding point a):</u> Is this related to paragraph 2? If so, the wording should be aligned.

New text proposal_Clusters 2, 4	SI proposal	SI comments
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.	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	SI proposal	SI 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		

New text proposal_Clusters 2,4	SI proposal	SI comments
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.	2. The concerned Member States shall, where appropriate, inform the Commission of any the cooperation referred to in paragraph 1. The Commission shall participate in such cooperation at the request of the concerned Member States.	Please find below our previous comments on this paragraph which we still consider to be relevant. In our opinion, information to the Commission on any cooperation with other Member States or third countries would be disproportionate. We would propose to limit such information and keep the requirements at the level of current directive that includes the information to the Commission where appropriate (or where relevant). In our opinion such information and involvement of the Commission would be justified and/or useful in cases where the problem could not be solved among Member States and/or third countries concerned or in case of the incident impacts EU-wide area.

ARTICLE 15 – ~~WATER REUSE AND~~ DISCHARGES **TREATED** OF URBAN WASTEWATER **AND WATER REUSE**

New text proposal_Clusters 2,4	SI proposal	SI 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>		
	~~WATER REUSE AND~~ DISCHARGES OF TREATED	We propose amending the title to “Discharges of treated

New text proposal_Clusters 2,4	SI proposal	SI comments
	URBAN WASTEWATER <u>AND WATER REUSE</u>	urban wastewater and water reuse” The requirement to hold an autorisation should be addressed first since it is needed in any case. The water reuse should be addressed second. The reuse of treated wastewater should not lead to the understanding that regulation and/or specific autorisation for operation of such UWWTPs is not needed. Therefore, we propose to change the order of paragraphs 1 and 2.
1. Member States shall systematically promote the reuse of treated wastewater from all urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated: (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.	1. Member States shall systematically promote the reuse of treated wastewater from all urban wastewater treatment plants where appropriate. Where treated urban wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. Where treated urban wastewater is reused in agriculture, for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741. In such cases, 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 <u>to receiving waters</u> that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I, <u>to receiving waters</u>.	Please find below our previous comments on this paragraph which we still consider to be relevant. The order of paragraphs (1) and (2) should be switched around, or the article 15 should be divided into two articles. Placing the paragraph on reuse as first might mislead the reader in a way, that obtaining a permit is a secondary obligation. However, a permit should be obtained in case of reuse of treated water as well. Especially in case that the reuse would not be for agricultural irrigation (which is covered by obligation for permit under regulation from 2020), the provisions might lead to the wrong understanding, that in case of reuse, the permit is not required. Therefore, <u>the second paragraph should be placed as first</u>. The obligation of Member States in this respect should be further clarified. What are considered as sufficient measures / actions by Member States? Should incentives be offered or is raising of public awareness sufficient? Scrutiny on the whole paragraph.

New text proposal_Clusters 2,4	SI proposal	SI comments
2. Member States shall ensure that <u>at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above</u>, 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.~~		Please find below our previous comments on this paragraph which we still consider to be relevant: We support this change that allows for sufficient flexibility to define thresholds at national level. The requirement to hold an autorisation should be addressed first since in any case it is needed. The water reuse should be addressed second. The reuse of treated wastewater should not lead to the understanding that regulation and/or specific autorisation for operation of such UWWTPs is not needed. Therefore, we propose to change the order of paragraphs 1 and 2.
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>		Please find below some of our previous comments on this paragraph which we still consider to be relevant: It is not clear what would be the criteria for 'significant change'.

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	SI proposal	SI 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) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in</u>	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 where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC, where urban wastewater is discharged in a catchment area of that bathing water;; ~~(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 and where urban wastewater is discharged in a	Please find below some of our previous comments on this paragraph which we still consider to be relevant: We propose to link the deadline to the date of transposition into national law; the risks can only be identified after appropriate transitional period that is needed to carry out the necessary analysis. The obligation to carry out risk analysis should be limited to the relevant water bodies (receiving or downstream of the receiving water bodies).

New text proposal_Clusters 2,4	SI proposal	SI comments
<u>Article 4 of the same Directive for the receiving groundwater body.</u> (e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</u>	<u>catchment area of that aquaculture area.</u> (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 Article 4 of the same Directive for the receiving groundwater body.</u> (e) the <u>~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 V;		Please find below our previous question on this paragraph which we still consider to be relevant: <u>Regarding point f):</u> Does this provision include adding of additional parameters or does it refer (only) to stricter emission limit values?

New text proposal_Clusters 2,4	SI proposal	SI comments
(f) applying more stringent requirements for the treatment of collected urban wastewaters than the requirements set out in Annex 4 ~~1~~ , ~~part~~ Part B .		
3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every ~~5~~ six years aligned with the timing of the review of the River Basin Management Plans developed under the Directive 2000/60/EC and starting on 31 December 2033 . A summary of the identified risks accompanied with a description of the measures adopted in accordance with paragraph 2 of this Article shall be included in the appropriate River Basin Management Plans and in the national implementation programmes referred to in Article 23 and communicated to the Commission on request.		

ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	SI proposal	SI 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)		
		Although we support the overall objective on access to sanitation and SDG6, we are of the opinion, that those requirements go beyond the scope of this Directive as they address human rights and also interfere with spatial

New text proposal_Clusters 2,4	SI proposal	SI comments
		planning and construction rules. To our opinion those requirements do not fit in environmental legislation and therefore, they should be addressed elsewhere. We are of the opinion that any detailed provisions on the access to sanitation should be pursuant to the principle of subsidiarity left to the Member States.
<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 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>.	<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 for sanitation</u>, Member States shall ~~take all necessary~~ promote the 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 or for low service fee and, in particular for women, safely accessible ~~and ensure the information of the public~~ inform the public about such possibilities.	

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	SI proposal	SI 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)		
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	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	

New text proposal_Clusters 2,4	SI proposal	SI comments
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; (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	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; (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	

New text proposal_Clusters 2,4	SI proposal	SI comments
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;	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.	2. Member States shall ensure that the Commission and the EEA have ~~permanent~~ access to the data sets referred to in paragraph 1 following notification to the Member States.	In our view, countries should be informed of the Commission's intention to use the data to verify compliance with the directive prior to such activity.
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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.		Please find below our previous comments on this paragraph which we still consider to be relevant: Regarding Article 22 (3) - The provision should be clarified considering, that different data should be reported under Regulation 166/2002 (or new IEPR) and at different level. And The provision should be clarified considering, that reporting obligations differ and that under Regulation 166/2006 only UWWTPs above 100 000 p.e. are obliged to report.
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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	SI proposal	SI 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 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.	1. By [OP please insert date = the last day of the ~~twenty-third~~ thirty-fifth ~~twenty three~~ month after the date of ~~entry~~ into force transposition], 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.	Scrutiny We are still of the opinion that the preparation of national implementation programme for this Directive can only start after the provisions which the national implementations program must include, are transposed and defined in the national law. The deadline should be therefore linked to the date of transposition and the time taken to prepare the programme reduced as a result of this change.

New text proposal_Clusters 2,4	SI proposal	SI comments
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.	2. By ...[OP: please insert the date = the last day of the ~~thirty-fifth~~ fortieth ~~month~~ entry into force transposition 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.	Please find below our previous comments on this paragraph which we still consider to be relevant: To enable MS to demonstrate that, and to avoid different interpretations, clear criteria should be defined as to how to assess compliance with the directive.
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.		Please find below our previous question on this paragraph which we still consider to be relevant: <u>Regarding "by 31 December":</u> Of the year when it is updated or the year after the adoption of the updated programme?
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		Please find below our previous question on this paragraph which we still consider to be relevant: <u>Regarding indent (i) in point a):</u> Scrutiny. The condition is not clear. Regarding the wording " <i>provided with collecting systems</i> ": Clarification is needed. Is it sufficient, theoretically, that a

New text proposal_Clusters 2,4	SI proposal	SI comments
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 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)].	PUBLIC	half of the agglomeration is provided with collecting system and the other part is served by individual systems? <u>Regarding the wording “lacks a collecting system” in indent (ii) in point a):</u> Agglomeration as a whole or part of it? <u>Regarding indent (i) in point b):</u> Scrutiny. The intention and the justification of this condition should be clarified. <u>Regarding the wording “lacking tertiary treatment” in indent (ii) in point b):</u> Agglomeration as a whole or part of it (considering, that more than one UWWTD can serve the same agglomeration)? <u>Regarding the paragraph “The Commission shall notify the Member States”</u> Scrutiny. What is the purpose of such notification? Is it meant that the Commission should approve the national implementation programme adopted under this Article? Should it happen before the adoption? Although this is not possible since the program can only be reported after it is adopted pursuant to national procedures.

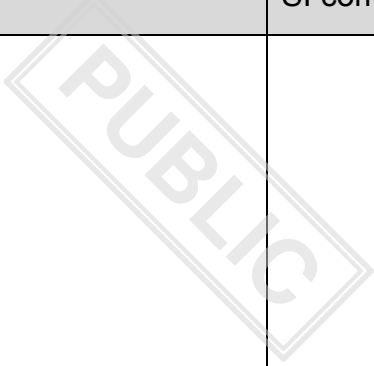
ARTICLE 24 – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	SI proposal	SI 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)		
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</u> each agglomeration <u>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;	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;	In our opinion, the list is too detailed. It is necessary to identify information that is relevant to the general public. <u>Regarding point a):</u> To ensure that Member States would be able to inform the public on the compliance, clear and unambiguous criteria to assess compliance are needed and should be defined in the directive itself. <u>Regarding point c):</u> The requirement is not feasible in practice. Yearly volume of load of urban wastewater per household can only be calculated if monitoring of that urban wastewater is carried out. Monitoring for each household would be

New text proposal_Clusters 2,4	SI proposal	SI comments
(b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the <u>average</u> household or the connected entity in cubic meter, together with <u>yearly</u> trends and the price of urban wastewater collection and treatment for ~~the that~~ <u>average</u> 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 <u>average</u> 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.	(b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the <u>average</u> household or the connected entity in cubic meter, together with <u>yearly</u> trends and the price of urban wastewater collection and treatment for ~~the that~~ <u>average</u> 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.	disproportionate!
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 <u>of this Article</u> and Annex VI by updating the information to be provided to the public online and to the <u>persons households</u> connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.		Please find below our previous comment on this parahrph which we still consider to be relevant: We have reservation regarding the possibility to change Annex VI by delegated powers of the Commission. We would prefer implementing act.
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). <u>The Commission will provide the format and methods by [12 months from the entry into force of this Directive].</u>		Please find below our previous comment on this parahrph which we still consider to be relevant: We have reservation regarding the proposed implementing act. Flexibility should be ensured for Member States to define such technical requirements at national level according to the national, regional or local needs and circumstances.

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	SI proposal	SI 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)		
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		

New text proposal_Clusters 2,4	SI proposal	SI comments
~~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.~~ <u>(a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];</u> <u>(b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033;</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>		

New text proposal_Clusters 2,4	SI proposal	SI comments
~~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/EEC, this Article 5 shall continue to apply until 31 December 2040.~~		
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	SI proposal	SI 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	SI proposal	SI 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.		
		General comment References to agglomerations in paragraphs 2, 3 and 4 are not needed and are confusing. In Article 6 there are clear provisions for which urban wastewater treatment plants the requirements are applicable.
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.	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.	We propose to delete the word “shown” to align the text with the next point.
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>	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 1 and Table 2 of this Annex, <u>except in cases where Article 7(5) is applied.</u>	It should be clear that Table 1 applies as well.
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.	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 1 and Table 3 of this Annex.	It should be clear that Table 1 applies as well.

New text proposal_Clusters 2,4	SI proposal	SI comments
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~~ .		
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> .		Please find below our previous question on this paragraph which we still consider to be relevant: Does this also mean additional parameters or just stricter emission limit values for the parameters in the tables?
7. The points of discharge of urban wastewater shall be chosen, as far as possible, so as to minimize ~~the~~ harmful effects on receiving waters.		

D.METHODS FOR MONITORING AND EVALUATION OF RESULTS

New text proposal_Clusters 2,4	SI proposal	SI 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	SI proposal	SI 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 149 999~~ to 149 999 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 149 999~~ to 149 999 to 99 999 p.e. ~~or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— 150 000 p.e. or above	<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 149 999~~ to 149 999 to 99 999 p.e. ~~or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month											
— 150 000 p.e. or above	<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 urban wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted; (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter		Scrutiny.										

New text proposal_Clusters 2,4				SI proposal	SI comments
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.					Scrutiny on proposed limit values.
Parameters	Concentration	Minimum percentage of reduction ⁴⁵ (See Note 1)	Reference method of measurement		

⁴⁵ ~~Reduction in relation to the load of the influent.~~

New text proposal_Clusters 2,4				SI proposal		SI 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> <u>(2) representative continuous monitoring programme of the total nitrogen parameter is</u>						

New text proposal_Clusters 2,4	SI proposal	SI comments
<u>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> ~~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~~	PUBLIC	

New text proposal_Clusters 2,4		SI proposal	SI comments						
~~period of the directive].~~									
<table><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		Scrutiny on proposed limit values.
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), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 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			Scrutiny Please find below our previous question on this paragraph which we still consider to be relevant: <u>Regarding “the average of the percentages of removal of all substances used in the calculation”:</u> This is not completely clear in relation to Annex 1, point d(4)(d), which requires that each sample shall be conform to the parametric values set out in Table 3.						

New text proposal_Clusters 2,4		SI proposal	SI comments
substances can be measured in sufficient concentration, the competent authority shall designate other substances to calculate the minimum percentage of removal when it is necessary. The average of the percentages of removal of all substances used in the calculation shall be used in order to assess whether the required 80 % minimum percentage of removal has been reached.			
Table 4: Requirement for samples			
Series of samples taken in any year	Maximum permitted number of samples which fail to conform		
4-7	1		
8-16	2		
17-28	3		
29-40	4		
41-53	5		
54-67	6		
68-81	7		
82-95	8		
96-110	9		
111-125	10		
126-140	11		
141-155	12		
156-171	13		
172-187	14		

New text proposal_Clusters 2,4		SI proposal	SI comments
188-203	15	PUBLIC	
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	SI proposal	SI 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;~~	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; which are according to Directive 2008/56/EC and Directive 2008/56/EC not achieving the environmental objectives related to human-induced eutrophication	The Directive 2008/56/EC (MSFD) does not require Member States to identify sensitive areas to eutrophication. The same goes for WFD. However, while assessing the quality of marine waters, the description related to eutrophication is used. When assessing the ecological status of water bodies biological elements that are sensitive to eutrophication are considered. The text should be aligned with the requirements of the MSFD and WFD to avoid confusion and misunderstanding or different interpretations.
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;		

New text proposal_Clusters 2,4	SI proposal	SI comments
3. Surface freshwaters intended for the abstraction of drinking water which could contain more than the concentration of nitrate laid down under the relevant provisions of Directive (EU) 2020/2184 if protective action is not taken;	3. Surface freshwaters intended for the abstraction of drinking water which could contain ~~more than the~~ such concentration of nitrate ~~that would not be ensured that, under the water treatment regime applied, the resulting water would meet the requirements for nitrate~~ laid down under the relevant provisions of Directive (EU) 2020/2184 if protective action is not taken;	The requirement should be aligned with the provisions of the Water Framework Directive. It is not required that the surface freshwater complies with the concentration of nitrate laid down in the Directive (EU) 2020/2184. The limit values in that Directive EU) 2020/2184 apply for drinking water. At the same time, the WFD (Article 7) requires Member States to: <i>'2. For each body of water identified under paragraph 1, in addition to meeting the objectives of Article 4 in accordance with the requirements of this Directive, for surface water bodies including the quality standards established at Community level under Article 16, Member States shall ensure that under the water treatment regime applied, and in accordance with Community legislation, the resulting water will meet the requirements of Directive 80/778/EEC as amended by Directive 98/83/EC.'</i> We propose to revise the paragraph to avoid misunderstanding and different interpretations.
4. Areas where further treatment than that prescribed in Article 7 of this Directive is necessary to comply with other Union acts in the environmental field, including in particular water bodies covered by Directive 2000/60/EC which are at risk of not maintaining or achieving good ecological status or potential .	4. 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 due to nutrient pollution posing a risk for eutrofication.	
5. Any other areas found by the Member States to be sensitive to eutrophication.		

PUBLIC

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

New text proposal_Clusters 2,4	SI proposal	SI comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹⁶ .		
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 ¹⁷ .		

¹⁶ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67–128).

¹⁷ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59–209).

ANNEX 6 VI – INFORMATION TO THE PUBLIC

New text proposal_Clusters 2,4	SI proposal	SI 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.	(1) The competent authority and/ or the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information, and the area and number of people supplied .	Please find our previous comments/proposed changes on this paragraph which we still consider to be relevant:
(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.	(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration in the area referred to in point (1), with details on the share of that load (in %) per agglomeration that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.	Please find our previous comments/proposed changes on this paragraph which we still consider to be relevant:
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.	~~(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.~~	Please find our previous comments/proposed changes on this paragraph which we still consider to be relevant:
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I;	(4) Information on the quality of the urban wastewater discharged from ~~the agglomeration to each receiving water body~~ each urban waste water treatment plant , including the following elements: (a) geographical location of outlet and the receiving water body; ~~(a)~~ (b) annual average concentrations and the load of pollutants covered by Article 21 released	Please find our previous comments on this paragraph which we still consider to be relevant: <u>Regarding point c):</u> The level is to be defined - per agglomeration / per arey covered by each operatos?.

New text proposal_Clusters 2,4	SI proposal	SI comments
(c) for agglomerations of 10 000 p.e. and above , an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm water~~ sewer overflows for the parameters referred to in Tables 1 and 2 of Annex I.	by each urban wastewater treatment plant; ~~(b)~~ (c) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I per agglomeration ; ~~(e)~~ (d) an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for urban runoff and sewer overflows for the parameters referred to in Tables 1 and 2 of Annex I.	
(5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;	~~(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;~~	Please find our previous comments on this paragraph which we still consider to be relevant: In our opinion it is sufficient that this information is available on request. There is no need to have this information publicly published.
(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;~~	Please find our previous comments on this paragraph which we still consider to be relevant: To our opinion it is sufficient that this information is available on request. There is no need to have this information publicly published.
(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;		

New text proposal_Clusters 2,4	SI proposal	SI comments
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration</u>: (a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter); (b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy; ~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures <u>of 10 000 p.e. and above</u> in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;		
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

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

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

New text proposal_Clusters 2,4		SI proposal	SI 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		SI proposal	SI 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		SI proposal	SI 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		SI proposal	SI 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		SI proposal	SI 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		

SLOVAKIA

2022/0345 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning urban wastewater treatment (recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

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

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

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

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 environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.

- (15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the hazardousness of their residues. The contributions should cover, but not exceed, the **investment and operational** costs for the monitoring activities for micro-pollutants, the collection, reporting and impartial verification of statistics on the quantities and hazardousness of products placed on the Member States market, and the application of the quaternary treatment to urban wastewater in an efficient manner and in accordance with this Directive, **including the pre-financing of installations already in place at the date of entry into force of this Directive**. Since urban wastewater is treated collectively, it is appropriate to introduce a requirement for producers to join a centralised organisation which can implement their obligations under the extended producer responsibility on their behalf.
- (17) Since the transboundary nature of water pollution requires cooperation between neighbouring Member States or third countries in addressing such pollution and identifying measures to tackle its source, Member States should be required to inform each other or the third country if significant water pollution originating from urban wastewater discharges in one Member State or third country impacts or is likely to impact the water quality of another Member State or third country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. **Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account.** The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the *United Nations Economic Commission for Europe (UNECE) Water Convention*⁴ or other relevant regional Conventions such as the Regional Seas or Rivers Conventions.

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

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

- (24) In order to protect the environment and human health, Member States should identify the risks caused by urban wastewaters management. **A broad chemical screening and/or biological effect-based methods can be part of the risk assessment.** On the basis of that identification, and where necessary to comply with the requirements of the Union water legislation, Member States should take more stringent measures for the urban wastewater collection and treatment than the measures required to comply with the minimum requirements set out in this Directive. Depending on the situation, those more stringent measures can include, inter alia, the establishment of collecting systems, the development of integrated urban wastewater management plans or the application of secondary, tertiary or quaternary treatment to urban wastewater for agglomerations or urban wastewater treatment plants that do not reach the p.e. thresholds triggering the application of the standard requirements. They can also include more advanced treatment than the treatment necessary to respect the minimum requirements or disinfection of treated urban wastewaters necessary to comply with Directive 2006/7/EC of the European Parliament and of the Council⁵.
- (25) Sustainable Development Goal 6 and the associated target requiring Member States to ‘achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations’ by 2030.⁶ Furthermore, Principle 20 of the European Pillar of Social Rights⁷ states that everyone has the right to access essential services of good quality, including water and sanitation. Against that background, and in accordance with the recommendations in the WHO Guidelines for Sanitation and Health⁸ and the provisions of the Protocol on Water and Health⁹ Member States should tackle the issue of access to sanitation at national level. That should be done through actions aimed at improving access to sanitation for all, for example by setting up sanitation facilities in public spaces, as well as by encouraging the availability of appropriate sanitation facilities in public administrations and public buildings free of charge and/or making them affordable to all. **including all kind of facilities and services, such as flush and dry toilets.** Sanitation facilities should allow the safe management and disposal of human urine, faeces and menstrual blood. They should be safely managed, which implies that they should be accessible to all at all times, including for people with particular needs, such as children, older persons, persons with disabilities and homeless people, that they should be placed in a location that ensures minimal risk to the safety of users, and that they should be hygienically and technically safe to use. Such facilities should also be sufficient in number to ensure that the needs of people are met and waiting times are not unreasonably long. **The sufficient number of sanitation facilities in public spaces will be decided at national level.**
- (30) In order to reduce administrative burden and better use the possibilities offered by digitalisation, the reporting on the implementation of the Directive should be improved and simplified by removing the obligation for Member States to report every two years to the Commission and for the Commission to publish bi-yearly reports. It should be replaced by a requirement for Member States to improve, with the support of the European Environment Agency (EEA), the existing national standardised data sets established under Directive 91/271/EEC, and to regularly update them. **These data sets will be used by the Commission to verify compliance with the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access Access** to the national databases should

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

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

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

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

⁵ Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC (OJ L 64, 4.3.2006, p. 37).

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

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

⁸ WHO Guidelines on Sanitation and Health, 2018.

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

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 Council¹⁰ should be ensured to optimise the use of the data, as well as to support full transparency.

- (31) In order to ensure a timely and proper implementation of this Directive, it is essential that Member States establish a national implementation programme including long-term programming of the required investments accompanied with a financing strategy. Those national programmes should be reported to the Commission. To limit administrative burden, that requirement should not apply to Member States showing a level of compliance of more than 95 % of the agglomerations are compliant with articles 3 to 8, with regard to the main obligations to collect and treat wastewater.
- (38) Pursuant to the Interinstitutional Agreement on Better Law-Making¹¹, the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. **On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.**

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

¹⁰ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) OJ L 33, 4.2.2006, p. 1–17

¹¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

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

Article 2
Definitions

For the purpose of this Directive, the following definitions apply:

- (1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and with and urban runoff, or both of them;~~
- (2) 'domestic wastewater' means wastewater from residential settlements, ~~and services and institutions~~ which originates predominantly from the human metabolism and/or from household activities;
- (3) 'non-domestic wastewater' means ~~any~~ wastewater, **other than domestic wastewater and urban runoff**, which is discharged ~~into collecting systems from premises used for either the following:~~
 - (a) the exercise of a trade;
 - (b) ~~activities carried out by an institution;~~
 - (e) ~~or industrial or economical~~ activities;~~The wastewaters from the above activities, that are only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters.~~
- (4) 'agglomeration' means an area where the **population (expressed in population equivalent), combined or not with and/or economic activities** pollution load of urban wastewater is sufficiently concentrated (~~taking as a reference 10 p.e. per hectare or above~~) for urban wastewater to be collected and conducted to **one or more** ~~an~~ urban wastewater treatment plants or to **a one or more** final discharge points. ~~into receiving waters;~~
- (5) 'urban runoff' means **precipitation rainwater** from agglomerations collected by combined or separate sewers;
- (6) '~~sewer storm water~~ overflow' means discharge of untreated urban wastewater **into** receiving waters from **separate or** combined sewers ~~caused by rainfall;~~
- (7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;

Commented [IMS7]: PRES: Deletion suggested by MS

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

Commented [IMS9]: PRES: clarification

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

- (8) 'combined sewer' means a **single conduit that that designed to** collects and conducts urban wastewater **including urban runoff, including urban runoff**;
- (9) 'separate sewer' means a **system of** conduits that separately collects and conducts **either urban runoff or either of the following**:
- (a) **domestic urban wastewater not including urban runoff**;
 - (b) **non-domestic wastewater non-domestic wastewater**;
 - (c) ~~a mixture of domestic and non-domestic wastewater~~;
 - (d) ~~rainwater from agglomerations~~;
- (10) '1 population equivalent' or '(1 p.e.)' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load per day~~ having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day per day~~;
- (10 bis) [NEW] 'primary treatment' means treatment of urban wastewater by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming wastewater is reduced by at least 20% before discharge and the total suspended solids of the incoming wastewater are reduced by at least 50%.
- (11) 'secondary treatment' means treatment of urban wastewater by a process generally involving biological treatment with a secondary settlement or **another process which reduces removes** ~~most of biodegradable organic matter in~~ from urban wastewater;
- (12) 'tertiary treatment' means treatment of urban wastewater by a process which **reduces removes** ~~most of by a process which removes~~ nitrogen and/or phosphorus from the urban wastewaters;
- (13) 'quaternary treatment' means treatment of urban wastewater by a process which **removes reduces** a broad spectrum of micropollutants ~~in from the~~ **from** urban wastewaters;
- (14) 'sludge' means ~~any solid, semisolid, or liquid waste~~ **organic residue and inorganic sludge residue** resulting from the treatment of urban wastewater **in an urban wastewater treatment plant (excluding debris, grit, grease, other debris and any other screenings residues from the first pre-treatment step)**;
- (15) 'eutrophication' means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;

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

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

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

(16) 'micropollutant' means a substance, including its breakdown products, ~~that is usually present in the environment and urban wastewaters~~ **present in the aquatic environment, urban wastewater and/or sludge in low concentrations** below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008¹²; **even in low concentrations;**

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

(17) 'dilution ratio' means the ratio ~~of between the last five years average volume~~ of annual flow of the receiving waters at the point of discharge ~~and to the last five years average of the annual discharge volume of urban wastewater into surface waters; discharged from a treatment plant;~~

(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;

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

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

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

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

(21) 'antimicrobial resistance' means the ability of micro-organisms to survive or to grow in the presence of a concentration of an antimicrobial agent which is usually sufficient to inhibit or kill micro-organisms of the same species;

(22) 'public concerned' means the public affected or likely to be affected by, or having an interest in, the decision-making procedures for the implementation of the obligations laid down in this Directive, including non-governmental organisations promoting the protection of human health or the environment;

(23) 'plastic biomedica' means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;

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

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

Commented [TD17]: Consider that Directive 2019/904 relates to a single product « plastic ». Is it feasible to use this definition for complex products of pharmaceutical and cosmetic industries ?

¹² Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

- (25) 'load' means the amount of organic biodegradable matter **measured** as BOD5 in urban wastewater, expressed in p.e., or any pollutant or nutrient ~~in urban wastewater,~~ expressed in ~~p.e. or~~ mass unit per time (usually kilogram per day or year).

Commented [IMS18]: PRES: minor changes have been made to clarify the definition

Article 7

Tertiary treatment

1. By 31 December ~~2030~~ **2033**, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of ~~100 000~~ **150 000** p.e. and above and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] **meet the relevant requirements for** ~~are subject to~~ tertiary treatment in accordance with **Part B and Table 2 of Annex I before discharge into receiving waters** ~~paragraph 4.~~

Commented [EGD19]: PRES: the deadlines have been slightly extended as suggested by the delegations who considered that the planning and adaptation or refurbishment of this type of infrastructures require a minimum of 6-7 years.

By 31 December ~~2035~~ **2039**, Member States shall ensure that all urban wastewater treatment plants treating a load of ~~100 000~~ **150 000** p.e. and above ~~are subject to~~ **meet the relevant requirements for** tertiary treatment in **Part B and Table 2 of Annex I before discharge into receiving waters** ~~accordance with paragraph 4.~~

- 2 By 31 December ~~2025~~ **2027**, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ **six** years starting on 31 December ~~2030~~ **2033**.

The list referred to in the first subparagraph shall include the areas identified in Annex II.

The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ **Part B and Table 2 of Annex I** in its entire territory.

3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that ~~discharges from~~ agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by:

Commented [IMS20]: PRES: some MS commented that this sentence basically means the same as the last one in the next subparagraph, and therefore is not needed

Commented [EGD21]: PRES: to clarify the text

- (a) 31 December 2033 for 20% of these agglomerations;
- (b) 31 December 2039 for 60% of these agglomerations;
- (c) 31 December 2045 for all ~~these~~ agglomerations.

3. ~~By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging~~

into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on ~~[OP please insert the date – the date of entry into force of this Directive]~~, meet the relevant requirements for urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas.

~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~

Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of ~~100 000~~ 150 000 p.e. and above must still meet the deadlines set in Article 7(1).

- 3 bis. ~~Tertiary treatment~~ Discharges of urban wastewater referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I.

Commented [EGD22]: PRES: amendments made for consistency with paragraphs 1 and 3.

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

Commented [EGD23]: PRES: following MS requests this paragraph has been moved from Article 32 and adapted with a deadline.

4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I.

The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ **adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph** to technological and scientific progress.

5. By way of derogation from paragraphs 3 ~~and~~ 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 ~~and~~ 4 where it can be shown

that the minimum percentage of reduction of the overall load entering all urban wastewater treatment plants in that area is:

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

~~(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~~ **80** % for total nitrogen by 31 December 2040 ~~2045~~.

6. Discharges from urban wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 shall also be subject to paragraphs 3, ~~4~~ and 5.
7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 ~~and 4~~ within seven years of the inclusion in that list.

Article 8

Quaternary treatment

1. ~~By 31 December 2030,~~ Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of ~~100 000~~ **150 000** p.e. and above **meet the relevant requirements for quaternary treatment of urban wastewater** ~~are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~

(a) 31 December 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.

Commented [EGD24]: PRES: this addition has been made as transitional provision to ensure that percentages from D/91/271 keep applying until new deadlines in b) and c) are applicable. Also this is consistent with what Recital 40 states.

Commented [TD25]: Clarification requested : in table 2 (Annex I, part B), it is written that **one or both** parameters may be applied depending on the local situation. Should this « one or both » be also stipulated in letters b) and c) ?

Commented [EGD26]: PRES: phosphorus percentage has been increased by request of MS. PRES considers that this will help to reach a better level of environmental ambition.

Commented [TD27]: Consider that UWWTP contributions to not achieving good status of water body represent about 25-30% of the load from the N substances.

2. On 31 December ~~2030-2027~~ **2030** Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants **from urban wastewater treatment plants** represents a risk for human health or the environment. Member States shall review that list in **2033**, and thereafter every ~~five~~ **six** years ~~thereafter~~ and update it if necessary.

Commented [EGD28]: PRES: addition made as proposed by some MS. It is important to have a first list in 2030 for EPR but after that, it seems better to align the revisions with the WFD cycles.

The list referred to in the first subparagraph shall **be based on an assessment of the risks for human health or the environment that the discharge of micropollutants in urban wastewater poses on** ~~include~~ the following areas, ~~unless the absence of risk for human health or the environment in those areas can be demonstrated based on a risk assessment:~~

- (a) water bodies used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;
- (b) bathing water falling within the scope of Directive 2006/7/EC;
- (c) lakes as defined in Article 2, point (5), of Directive 2000/60/EC;
- (d) rivers as defined in Article 2, point (4), of Directive 2000/60/EC or other water streams where the dilution ratio is below 10;
- (e) areas where aquaculture activities, as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹³, take place;
- (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, **2006/118/EC** and 2008/105/EC.

The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.

3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). ~~no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive]~~ **no later than insert the date = the last day of the sixth month from the date of entry into force of this Directive**

Commented [EGD29]: PRES: even though several MS asked for a deadline in this paragraph 3, PRES considers that Article 8(2) is clear enough and it does not requires any methodology to be immediately applied.

Commented [TD30]: Slovakia request that implementing act (with format and method to be used) is necessary prior to excersicing risk assessment (in 2033). This would avoid different approaches in different states on duties to be imposed to mega industries.

¹³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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.~~

5. Member States shall ensure that ~~discharges from urban wastewater treatment plants which are situated in an area~~ included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph, fulfil the requirements ~~laid down in paragraph 4 in Part B and Table 3 of Annex I within seven years of the inclusion in that list.~~

In case of conflict between Article 8(4) and Article 8(5), Article 8(4) takes precedence.

6. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 3 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 3 of Part B of Annex I is set out in table 4 of Part D of Annex I.

The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.

- ~~676. By 31 December 2030 [OP please insert the date – the last day of the second year from the date of entry into force of this Directive], the Commission shall~~ may adopt implementing acts to establish the monitoring and sampling methods to be used by the Member States to determine the presence and quantities in urban wastewater of the indicators

Commented [TD31]: Clarification requested : should we interpret the article that those agglomeration of 10,000 pe and more that discharge treated urban wastewater into areas in a list (para 2) are subject to quaternary treatment ?

Commented [EGD32]: PRES: to better align it with previous paragraph.

Commented [TD33]: Clarification requested : should we interpret the article that any discharges from UWWTP situated in areas in alist (para 2) are subject of quaternary treatment within 7 years ?

Commented [EGD34]: PRES: since 'may' has been kept, it does not seem necessary to establish a deadline.

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

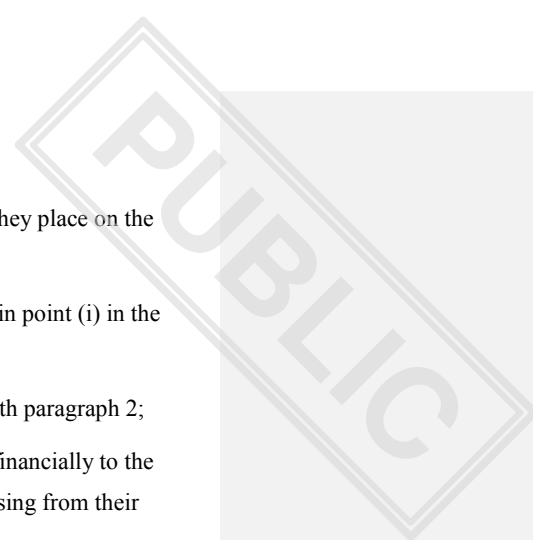
1. Member States shall take measures to ensure that by **[OP please insert the date = the last day of the second year from the date of entry into force of this Directive]**, producers who place any of the products listed in Annex III have extended producer responsibility. Such measures shall ensure that those producers cover:
 - (a) the full costs for complying with the requirements set out in Article 8, including the costs for the quaternary treatment of urban wastewater to remove micropollutants resulting from the products and their residues they place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and
 - (b) the costs for gathering and verifying data on products placed on the market; and
 - (c) other costs required to exercise their extended producer responsibility.
2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following:
 - (a) the quantity of the product they place on the **Union** market is **below 2 tonnes per year**;
 - (b) the products they place on the market do not generate micropollutants in wastewaters ~~at the end of their life~~ **at the end of their life**.
3. The Commission is empowered to adopt implementing acts to establish detailed criteria on the uniform application of the condition laid down in paragraph 2, point (b) to specific categories of products **and their hazardousness**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) **no later than [OP please insert the date = the last day of the second year from the date of entry into force of this Directive]**.
4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively by adhering to a producer responsibility organisation.
Member States shall ensure that:
 - (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following:

Commented [TD35]: Wording of EPR does not correspond to the objective that producers would bring less harmful substances on the market. Slovakia recommends that EPR for pharma and cosmetics would be treated in other directive and at Union level rather than individual member states and under the directive that address treatment of urban wastewater. Formulation of the text does not make enabling pre-conditions that the system would work in practice at national level. Reservation to full article.

Commented [TD36]: Not understandable. Why the baseline of 2 tonnes be taken ? this « threshold » provides for manipulation

Commented [EGD37]: PRES: as some EEMM indicated, « at the end of their life » has been taken back, because it is important that they do not generate micropollutants at that stage either.

Commented [EGD38]: PRES: a date for this implementing act was missing. Also it should be aligned with the obligation of establishing an EPR scheme in two years.



- (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity;
- (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life;
- (iii) when relevant, a list of products exonerated in accordance with paragraph 2;
- (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility;
- (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market;
- (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).

5. Member States shall ensure that:

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

Article 10

Minimum requirements for producer responsibility organisations

1. Member States shall take the necessary measures to ensure that any producer responsibility organisation established under Article 9(4):

Commented [TD39]: Reservation to the full article. Slovakia requests that minimum requirements for EPR are subject of other legislation.

- (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.

Commented [TD40]: What does it mean « financial and organizational means to meet EPR obligation ? including financial guarantees ?

Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.

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

producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.

6. [NEW] By the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on:

- (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations;**
- (b) the measures to control the compliance of producers with their obligations defined in this directive;**
- (c) the effective implementation of**
 - (i) the coverage of the full cost as referred to in Article 9(1),**
 - (ii) the control of the methods of calculation of producers' contributions by the producer responsibility organisation as referred to in point c of paragraph 9(4);**
- (d) the exonerations provided according to Article 9;**
- (e) any other issue in relation to the effective implementation of Articles 9 and 10.**

The Commission shall publish the results of the exchange of information, experience and best practices on these and other relevant aspects, and where relevant, provide recommendations to Member States.

Article 12

Transboundary cooperation

1. Where waters within the area of jurisdiction of a Member State are adversely affected by discharges of urban wastewater from another Member State or third country, the Member State whose waters are affected shall notify the other Member State or the third country and the Commission of the relevant facts.

This notification shall be immediate in case of incidental pollution that may significantly affect downstream water bodies.

The Member States concerned shall cooperate in order to identify the discharges in question and the measures to be taken at source to protect the waters that are affected in order to ensure conformity with this Directive.

2. The concerned Member States shall inform the Commission of any cooperation referred to in paragraph 1. The Commission shall participate in such cooperation at the request of the concerned Member States.

Article 15

Water reuse and discharges of urban wastewater

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

Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:

- (a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and
- (b) there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and there are no risks to human health particularly in relation to pathogenic organisms, and
- (c) the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.

- ~~2.~~ Member States shall ensure that at least all discharges from urban wastewater treatment plants of 1000 p.e and above of 200 p.e and above, are subject to prior regulations and/or specific authorisation. Such regulations and/or authorisations shall ensure that the requirements set out in Part B of Annex I are fulfilled.

~~Where treated urban wastewater is reused in agriculture, Member States may derogate from the requirements for tertiary treatment in Table 2 of Annex I, for the fraction of treated urban wastewater that is exclusively destined for reuse in agricultural irrigation, where all of the following can be demonstrated:~~

- ~~(a) the nutrient content in the fraction reused does not exceed the demand of the targeted crops; and~~

Commented [EGD41]: PRES: as requested by MS, addition made to clarify that water reuse should be promoted only where it is appropriate.

Commented [TD42]: Precision recommended : ...is reused in agricultural irrigation ».

Commented [EGD43]: PRES: amendments proposed by MS to clarify this paragraph and also to give consistency with other articles, specially in coherence with Articles 3 and 6 (regarding the threshold).

~~(b) — there are no risks for the environment, particularly in relation to eutrophication of the waters in the same catchment area; and~~

~~(c) — the treatment plant has enough capacity to treat or store urban wastewater, to avoid discharge to receiving waters that is not meeting the requirements set out in Part B and Table 2 of Annex I in accordance with the control methods laid down in Part D of Annex I.~~

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

Commented [EGD44]: PRES: last sentence was added previously following the suggestions of MS and now it has been amended in order to improve the wording which was confusing according to some MS.

Article 18

Risk assessment and management

1. By ~~[OP please insert the date — the last day of the second year after the date of entry in force of this Directive]~~ **31 December 2027**, Member States shall identify **and assess** the risks caused by urban wastewater discharges to the environment and human health and at least those related to the following:
- (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;
 - (b) the quality of bathing water falling within the scope of Directive 2006/7/EC;
 - ~~(c) — the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC;~~
 - ~~(d)~~ (c) the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place.
 - (e d) the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.**
 - (e) the ~~ecological and chemical~~ **status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.**

Commented [EGD45]: PRES: addition made as suggested by some MS. It seems reasonable that the risk are not only identified but also assessed (as also it is stated in the title of this article).

Commented [EGD46]: PRES: amendments in (d) and e), and the addition of (f) were made by suggestion of some MS.

2. Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate the following measures:

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

Commented [IMS47]: PRES: new clause added as suggested by some MS to increase the protection against industrial discharges

- (a) establishing collecting systems in accordance with Article 3 for agglomerations with a p.e. of less than 1 000;
- (b) applying secondary treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of less than 1 000;
- (c) applying tertiary treatment in accordance with Article 7 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000;
- (d) applying quaternary treatment in accordance with Article 8 to discharges of urban wastewater from agglomerations with a p.e. of less than 10 000;
- (e) establishing integrated urban wastewater management plans in accordance with Article 5 for agglomerations below 10 000 p.e. and adoption of measures referred to in Annex V;
- (f) applying more stringent requirements for the treatment of collected urban wastewaters than the requirements set out in Annex I, ~~part~~ Part B.

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

Article 19

Access to sanitation

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

Commented [EGD48]: PRES: addition in order to better align this article with Article 16 of the Drinking Water Directive, as suggested by MS.

For that purpose, Member States shall by ~~31 December 2027~~ **12 January 2029**:

- (a) identify ~~categories of~~ people without access, or with limited access, to sanitation facilities, including vulnerable and marginalised groups, and provide reasons for such lack of access;
- (b) assess the possibilities for improving access to sanitation facilities for ~~the categories of people referred to in point (a)~~ **such people**;
- (c) for all agglomerations of 10 000 p.e. and above, encourage the establishment of a sufficient number of sanitation facilities in public spaces, which are freely and, in particular for women, safely accessible **and ensure the information of the public**;

Commented [EGD49]: PRES: seeking for more consistency with the provisions of the DWD on access to water.

Article 22

Information on monitoring of implementation

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

- (a) by 31 December ~~2025~~ **2030**, set up a data set containing information collected in accordance with Article 21 including information concerning the parameters referred to in Article 21(1), point (a), and the results of the tests with regard to the pass/fail criteria established in Part D of Annex I and update that data set annually thereafter;
- (b) by 31 December ~~2025~~ **2030**, set up a data set indicating the percentage of urban wastewater which is collected and treated in accordance with Article 3 and update that data set annually thereafter;
- (c) by 31 December ~~2025~~ **2030**, set up a data set containing information on **the implementation of** ~~measures taken to implement~~ Article 4(~~4~~ **5**) and on the percentage of the urban wastewater load from agglomerations above 2 000 p.e. which is treated in individual systems and update that data set annually thereafter;
- (d) by 31 December ~~2025~~ **2030**, set up a data set containing information on the number of samples collected and the number of samples taken in accordance with Part D of Annex I that have failed;
- (e) by 31 December ~~2025~~ **2030**, set up a data set containing information on greenhouse gas emissions with a breakdown between different gasses and on the total energy used and renewable energy produced by each urban wastewater treatment plant of 10 000 p.e. and above as well as a calculation of the percentage of achievement of the targets set out in Article 11(2) and update that data set annually thereafter;

Commented [EGD50]: PRES: as pointed out by MS more information than just measures are requested in Article 4(5). The amendments try to better align this subparagraph with 4(5).

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

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**

Commented [EGD51]: PRES: references in subparagraphs (g) and (k) have been updated.

Commented [EGD52]: PRES: Some Member States indicated that ensuring permanent access entailed a high administrative burden. Others suggested to change « permanent access » to « send the data upon request ». PRES proposes this compromise solution.

Commented [EGD53]: PRES: addition suggested by MS to set out the scope.

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

Article 23

National implementation programme

1. By [OP please insert date = the last day of the ~~twenty-third~~ **thirty fifth** month after the date of entry into force of this Directive], Member States shall establish a national implementation programme for this Directive.

Those programmes shall include:

- (a) an assessment of the level of implementation of Articles 3 to 8;
 - (b) the identification and planning of investments required to implement this Directive for each agglomeration, including an indicative financial estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater **and related risks for environment or human health**;
 - (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates;
 - (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.
2. By ...[OP: please insert the date = the last day of the ~~thirty-fifth~~ **fortieth** month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.
 3. Member States shall update their national implementation programmes at least every ~~5~~ **6** years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.
 4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) **no**

Commented [EGD54]: PRES: some clarifications requested by MS were added in subparagraphs b) and c) to highlight the relation with environmental and human health risks and no to limit the estimate of investments to the renew of existing urban wastewater infrastructures, but also for the ones which are being upgraded or replaced.

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

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

- (a) the deadlines referred to in Article 3(2) and/or in Article 6(2) on the conditions that:
- (i) less than 50 % of these agglomerations are provided with collecting systems and are not subject to secondary treatment as set out in Part B and Table 2 of Annex I on [OP please insert the date=day of entry into force of the Directive]; and
 - (ii) the national implementation programme includes:
 - the number of agglomerations between 1 000 and 2 000 p.e. that lacks a collecting system and secondary treatment on [OP please insert the date=day of entry into force of the Directive]; and
 - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines;

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

- (i) at least 50 % of these agglomerations are not applying tertiary treatment according to the requirements set out in Council Directive 91/271/EC on [OP please insert the date=day of entry into force of the Directive]; and
- (ii) the national implementation programme includes:
- the number of agglomerations referred to in Article 7(3) lacking tertiary treatment according to the requirements set out in Council Directive 91/271/EC on [OP please insert the date=day of entry into force of the Directive]; and
 - a plan detailing the necessary investments to reach full compliance for these agglomerations within the extended deadlines;

The extensions of these deadlines shall be effective only if the above-mentioned conditions are fulfilled. The Commission shall notify the Member States if these conditions are not fulfilled by [OP please insert the date=the last day of the sixth month after the deadline referred to in Article 23(2)].

Commented [EGD55]: PRES: addition has been made to clarify that until deadline is reached, the requirements for tertiary treatment that are applying are those of the old D/91/271/EC.

Article 24

Information to the public

1. Member States shall ensure that adequate and up-to-date information on urban wastewater collection and treatment is available to the public online, in a user-friendly and customised way, ~~in for~~ **for each agglomeration of above 1000 p.e. or each relevant administrative area.** The information shall include at least the data listed in Annex VI.

The information referred to in paragraph 1 shall also be provided by other means upon justified request.
2. In addition, Member States shall ensure that all ~~persons~~ **households in agglomerations of above 1000 p.e.** connected to collecting systems receive regularly and at least once a year, in the most appropriate **and easily accessible** form, ~~including for example~~ **by digital means such as** smart applications, without having to request it, the following information:
 - (a) information on the compliance of the collection and treatment of urban wastewater with Articles 3, 4, 6, 7 and 8, including a comparison between the actual releases of pollutants in receiving waters with the limit values set out in Tables 1, 2 and 3 of Annex I;
 - (b) the volume or estimated volume of urban wastewater collected and treated per year or per billing period for the ~~average~~ household or the connected entity in cubic meter, together with ~~yearly~~ trends and the price of urban wastewater collection and treatment for the ~~that average~~ household (cost per litre ~~and or~~ cubic meter);
 - (c) a comparison of the yearly volume ~~of load~~ of urban wastewater collected and treated for the ~~average~~ household per year and an indication of the average volume of a household in the concerned agglomeration;
 - (d) a link to the online content referred to in paragraph 1.
3. The Commission may adopt delegated acts in accordance with the procedure set out in Article 27 to amend paragraph 2 **of this Article** and Annex VI by updating the information to be provided to the public online and to the ~~persons~~ **households** connected to collecting systems in order to adapt these requirements to technical progress and the availability of data in the field.
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those

Commented [EGD56]: PRES: different amendments have been made following MS suggestions to clarify the scope

Commented [EGD57]: PRES: new amendments have been made to clarify text and also to better align it with Article 17 of the Drinking Water Directive.

Commented [EGD58]: PRES: the references to 'average' in subparagraphs b) and c) made the comparisons confusing. Amendments try to clarify this.

Commented [EGD59]: PRES: as suggested by MS, usually only one of these values is enough. In any case, conversion from one to another is almost immediate.

Commented [EGD60]: PRES: minor amendments to clarify the text.

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

Commented [EGD61]: PRES: the Commission could adopt an implementing act for this matter, but it is not compulsory. Therefore, a fixed deadline seems not to be necessary. MS can give access to the public for all these data under their own established reporting systems, as there is no legal obligation to do so under a certain way.

Article 32

Repeal and transitional provisions

1. Directive 91/271/EC, as amended by the acts listed in Part A of Annex VII to this Directive, is repealed with effect from [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this directive] without prejudice to the obligations of the Member States relating to the time limits- for the transposition into national law of the Directives set out in Part B of Annex VII to this Directive.

2. Article 3(1) and Article 6(1) shall apply from 31 December ~~2027~~ **2030** and Article 3(2) and Article 6(2) shall apply from [OP please insert the date = last day of the fifteenth year after the entry into force of this Directive] in respect of Mayotte.

Commented [EGD62]: PRES: amendments have been done following MS requests and also to set similar deadlines for the different outermost regions.

3. For urban wastewater discharges that are treated by urban wastewater treatment plants treating a load of **150 000 p.e.** ~~100 000 p.e.~~ and above and that are not required to comply with the requirements set out in Article 7(1) by 31 December ~~2030~~**2033**, Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December ~~2035~~**2039**.

Commented [EGD63]: PRES: thresholds and deadlines need to be aligned with those in Article 7, as pointed out by MS. A new wording has been provided for agglomerations of 10 000 p.e. and above in order to reflect the breakdown of deadlines in Article 7(3).

For urban wastewater discharges from agglomerations of ~~between~~ 10 000 p.e. and ~~above 100 000 p.e. that are not required to comply with the requirements set out in Article 7(3) by 31 December 2035,~~ Article 5 of Council Directive 91/271/EC shall continue to apply: ~~until 31 December 2040.~~

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

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

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

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

Commented [EGD64]: PRES: this paragraph reinforces the transitional provision in Article 7(3)(ter)

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

Commented [EGD65]: PRES: a transitional provision is needed for reporting, since MS asked for an extended deadline in Article 22.

3 bis. ~~For urban wastewater treatment plants that are already in tendering procedure, or are already in construction, or were commissioned after 31 December 2020 and are compliant with the requirements set out in Article 5 of Council Directive 91/271/EC, this Article 5 shall continue to apply until 31 December 2040.~~

Commented [EGD66]: PRES: this transitional provision was moved to Article 7, as requested by MS.

4. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex [VIII].

~~5. Outermost regions may derogate for a period of maximum 15 years from [OP please insert the date = the date of entry into force of this Directive] the provisions of articles 6, 7 and 8, for discharges into coastal waters of urban wastewater from agglomerations of less than 150 000 p.e., and adopt an appropriate level of treatment, but not less stringent than primary treatment, if it is not technically feasible or it would involve excessive cost according to the cost-benefit ratio and scientific studies that sustain it.~~

~~For the purposes of the preceding paragraph, the Member States comprising the outermost region shall submit to the Commission the studies referred to in the preceding paragraph.~~

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

ANNEX +I
REQUIREMENTS FOR URBAN WASTEWATER

A. COLLECTING SYSTEMS

Collecting systems shall take into account wastewater treatment requirements.

The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding:

- volume and characteristics of urban wastewater,
- prevention of leaks **of wastewater**,
- **prevention of inflow and infiltration into the collecting systems**,
- limitation of pollution of receiving waters due to ~~storm-water sewer~~ overflows **considering the relevant requirements in Article 5 and annex V.**

B. DISCHARGE FROM URBAN WASTEWATER TREATMENT PLANTS TO RECEIVING WATERS

1. Wastewater treatment plants shall be designed or modified so that representative samples of the incoming wastewater and of treated effluent can be obtained before discharge to receiving waters.
2. Discharges from urban wastewater treatment plants **serving agglomerations referred to in subject to treatment in accordance with** Articles 6, 7 and 8 shall meet the requirements shown in Table 1 **of this Annex.**
3. Discharges from urban wastewater treatment plants referred to in ~~paragraph 1 and 3~~ Article 7(1) **or serving agglomerations referred to in Article 7(3) and in Article 8 in accordance with those Articles shall, in addition to the requirements referred to in point 2, meet the requirements shown in Table 2 of this Annex, except in cases where Article 7(5) is applied.**
4. Discharges from urban wastewater treatment referred to in Article 8(1) **or serving agglomerations and included in the list referred to in Article 8(2 4) shall, in addition to the requirements referred to in points 2 and 3, meet the requirements set out in Table 3 of this Annex.**
5. Authorisations **and/or regulations** for discharges from urban wastewater treatment plants using plastic biomedica shall include an obligation to ~~permanently~~ monitor and prevent ~~all unintentional~~ such biomedica **from being released into receiving waters the environment.**

Commented [EGD67]: PRES: as suggested by MS, this clarifications should be added to be more consistent with Article 7(5)

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

Commented [EGD68]: PRES: some MS asked for the inclusion of the reference to these Directives. The presidency understands that it is relevant

Commented [EGD69]: PRES: amendments have been made following MS proposals to focus only in adverse effects and not in all type of effects

D. METHODS FOR MONITORING AND EVALUATION OF RESULTS

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

Alternative methods to those referred to in points 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained.

Member States shall provide the Commission with all relevant information concerning the applied monitoring method.

2. Flow-proportional or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and, if necessary, in the inlet of the urban wastewater treatment plant. However, any time-based samples used to monitor micro-pollutants shall be 48-hour samples. Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be applied.

3. The minimum annual number of samples shall be determined according to the size of the treatment plant and be collected at regular intervals during the year:

— 1000 to 9 999 p.e.:	One sample per month (see Note 1)
— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month
— 50 000 to ~~149 999~~ <u>149 999 to 99 999</u> 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~~ <u>Two sample per day week</u> ~~For micropollutants, two~~ <u>one samples per week</u>

Commented [EGD70]: PRES: as pointed out by some MS, and since thresholds have changed, a slight increase of sampling for larger plants could be acceptable.

Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.

4. The treated **urban** wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way:
- (a) for the parameters specified in Table 1, a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4;
 - (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted;
 - (c) for those parameters specified in Table 2 the annual mean of the samples for each parameter shall be conform to the relevant parametric values set out in that table. One or both parameters may be applied depending on the local situation. The values for concentration or for the minimum percentage of reduction shall apply;
 - (d) for the parameters specified in Table 3, each sample taken the frequency of sampling referred to in paragraph 3 of Part D of Annex I means that one sample is taken in the inlet and one sample is taken in the outlet of the urban wastewater treatment plant in order to verify compliance with the minimum percentage of removal of table 3 of Annex I. The average percentage of removal of all substances used in the calculation shall be used in order to assess whether the required 80% minimum percentage of removal has been reached. shall be conform to the parametric values set out in that table.
5. The samples shall be taken so that they reflect the pollution during dry weather **flow conditions**. Extreme values for the water quality in question shall not be taken into consideration when they are the result of unusual situations due to heavy rain.
6. Analyses concerning discharges from lagooning shall be carried out on filtered samples; however, the concentration of total suspended solids in unfiltered water samples of such discharges shall not exceed 150 mg/l.

Commented [EGD71]: PRES: self-explanatory

Commented [EGD72]: PRES: amendments made to clarify the sampling methodology and how it should work in relation with flexibilities offered in Table 3.

Table 1: Requirements for discharges from urban wastewater treatment plants subject to Article 6 of the Directive. The values for concentration or for the percentage of reduction shall apply.			
Parameters	Concentration	Minimum percentage of reduction (see Note 4) ¹⁴	Reference method of measurement
Biochemical oxygen demand (BOD5 at 20 °C) without nitrification (see Note 1)	25 mg/l O ₂	70-90 ~~40 under Article 4 (2)~~ 40 under Article 6(3)	Homogenized, unfiltered, undecanted sample. Determination of dissolved oxygen before and after five-day incubation at 20 °C ± 1 °C, in complete darkness. Addition of a nitrification inhibitor
Chemical oxygen demand (COD) (See Note 2)	125 mg/l O ₂	75	Homogenized, unfiltered, undecanted sample Potassium dichromate
Total Organic Carbon (See Note 2)	37 mg/l	75	EN 1484
Total suspended solids	35 mg/l (see Note 3)	90 (see Note 3)	– Filtering of a representative sample through a 0,45 µm filter membrane. Drying at 105 °C and weighing – Centrifuging of a representative sample (for at least five mins with mean acceleration of 2800 to 3200 g), drying at 105 °C and weighing

Note 1: The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen demand (TOD) if a relationship can be established between BOD5 and the substitute parameter.

Note 2: Member States shall measure either the Chemical oxygen demand (COD) or the Total Organic Carbon.

Note 3: This requirement is optional.

Note 4: Reduction in relation to the load of the influent.

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

Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) ~~and or serving agglomerations referred to in 7(3). For discharges from urban wastewater treatment plants referred to in Article 7.1, both parameters shall apply. For agglomerations referred to in Article 7.3~~ ~~One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.~~

Parameters	Concentration	Minimum percentage of reduction ¹⁵ (See Note 1)	Reference method of measurement
Total phosphorus <u>(see Note 2)</u>	~~0,5 mg/L~~ 1 mg/L (10 000 – 150 000 p.e.) 0,5 mg/L (more than 150 000 p.e.)	90 ~~85~~ 87,5%	Molecular absorption spectrophotometry
Total nitrogen <u>(see Note 2)</u>	10 mg/L (10 000 – 150 000 p.e.) 8 mg/L (more than 150 000 p.e.) ~~8 mg/L~~ ~~6 mg/L~~ <u>(see Note 2)</u> (see Note 3)	~~85~~ 82,5% <u>(see Note 1 bis)</u>	Molecular absorption spectrophotometry

Note 1: Reduction in relation to the load of the influent or to the load generated in an agglomeration if the same level of environmental protection can be ensured. If a fraction of treated urban wastewater is used for agricultural irrigation, nutrients in that fraction may be included in the calculation of the influent load and be excluded from the discharged load.

Natural nitrogen retention shall not be taken into account in the calculation of the minimum percentage reduction. ~~This Note shall apply only as from [OP please insert the date = the last day of the XX year following the entry into force of the directive] where Member States were taking into account natural nitrogen retention in the calculation of the minimum percentage reduction of Nitrogen referred to under table 2 of Annex I of Council Directive 91/271/EEC.~~

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

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

Commented [EGD75]: PRES: this percentage should be consistent with percentages in Article 7(5). Also it has been slightly increased as suggested by some MS to reach a better level of environmental ambition.

Commented [EGD74]: PRES: Note 2 was moved to ensure that it applies not only to total nitrogen but also to total phosphorus.

Commented [EGD76]: PRES: addition suggested by some MS to consider the natural retention casuistic. This provides the opportunity to take into account natural nitrogen retention when the hydraulic retention time is significant before the discharge reaches an area sensitive to nitrogen. In any case, the removal of nitrogen should be verified by extensive monitoring.

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

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

Note 2: This requirement shall apply to existing urban wastewater treatment plants on [OP please insert the date = date of adoption of this Directive] obliged to meet the deadlines established under Article 7.1 and Article 7.3. Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants.

~~Note 3: This requirement refers to a water temperature of 12° C or more during the operation of the biological reactor of the wastewater treatment plant. Below that water temperature, the daily average must not exceed 15 mg/l N. As a substitute for the condition concerning the temperature, it is possible to apply a limited time of operation, which takes into account the~~

~~regional climatic conditions. This alternative applies if it can be shown that paragraph 1 of Annex I.D is fulfilled.~~

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

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

~~Note 3: This requirement shall apply to newly planned or significantly refurbished urban wastewater treatment plants as from [OP please insert the date = last day of the transposition period of the directive].~~

Commented [EGD77]: PRES: this note has been modified to ensure an appropriate environmental protection, as requested by some MS.

Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and or serving agglomerations referred to in Article 8(4 3)~~ .	
Indicators	Minimum percentage of removal ~~in relation~~ <u>to the load of the influent</u>
Substances that can pollute water even at low concentrations (see Note 1)	80 % (see Note 2)

Commented [EGD78]: PRES: clarifying addition

Note 1: The concentration of the organic substances referred to in points (a) and (b) shall be measured.

(a) Category 1 (substances that can be very easily treated):

- (i) Amisulprid (CAS No 71675-85-9),
- (ii) Carbamazepine (CAS No 298-46-4),
- (iii) Citalopram (CAS No 59729-33-8),
- (iv) Clarithromycin (CAS No 81103-11-9),
- (v) Diclofenac (CAS No 15307-86-5),
- (vi) Hydrochlorothiazide (CAS No 58-93-5),
- (vii) Metoprolol (CAS No 37350-58-6),
- (viii) Venlafaxine (CAS No 93413-69-5);

(b) Category 2 (substances that can be easily disposed of):

- (i) Benzotriazole (CAS No 95-14-7),
- (ii) Candesartan (CAS No 139481-59-7),
- (iii) Irbesartan (CAS No 138402-11-6),
- (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and ~~6~~ **5**-methyl-benzotriazole (CAS No 136-85-6).

Commented [EGD79]: PRES: correction

Note 2: The percentage of removal shall be calculated for at least six substances. The number of substances in category 1 shall be twice the number of substances in category 2. If less than six substances can be measured in sufficient concentration, the competent authority shall designate other substances to calculate the minimum percentage of removal when it is necessary. The average of the percentages of removal of all substances used in the calculation shall be used in order to assess whether the required 80 % minimum percentage of removal has been reached.

Table 4: Requirement for samples	
Series of samples taken in any year	Maximum permitted number of samples which fail to conform
4-7	1
8-16	2
17-28	3
29-40	4
41-53	5
54-67	6
68-81	7
82-95	8
96-110	9
111-125	10
126-140	11
141-155	12
156-171	13
172-187	14
188-203	15
204-219	16
220-235	17
236-251	18
252-268	19
269-284	20
285-300	21
301-317	22
318-334	23
335-350	24
351-365	25

ANNEX II 2
AREAS SENSITIVE TO EUTROPHICATION

1. Areas located in the catchments of the Baltic Sea, the Black Sea, parts of the North Sea and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC and Directive 2000/60/EC, and parts of the Adriatic Sea identified as sensitive to eutrophication under Directive 2008/56/EC;
2. Natural freshwater lakes, other freshwater bodies, estuaries and coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken.

The following elements shall be taken into account when considering which nutrient should be reduced by further treatment:
 - (a) lakes and streams reaching lakes/reservoirs/closed bays which are found to have a poor water exchange, whereby accumulation may take place. In these areas, the removal of phosphorus should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication. Where discharges from large agglomerations are made, the removal of nitrogen may also be considered;
 - (b) estuaries, bays and other coastal waters which are found to have a poor water exchange, or which receive large quantities of nutrients. Discharges from small agglomerations are usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication;
3. Surface freshwaters intended for the abstraction of drinking water which could contain more than the concentration of nitrate laid down under the relevant provisions of Directive (EU) 2020/2184 if protective action is not taken;
4. Areas where further treatment than that prescribed in Article 7 of this Directive is necessary to comply with other Union acts in the environmental field, including in particular water bodies covered by Directive 2000/60/EC which are at risk of not maintaining or achieving good ecological status or potential .
5. Any other areas found by the Member States to be sensitive to eutrophication.

Commented [EGD80]: PRES: this paragraph has been rephrased. Previous wording seemed to be confusing.

ANNEX 3III

LIST OF PRODUCTS COVERED BY EXTENDED PRODUCER RESPONSIBILITY

1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council¹⁶.
2. Cosmetic products falling within the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products¹⁷.

¹⁶ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (*OJ L 311, 28.11.2001, p. 67–128*).

¹⁷ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (*OJ L 342, 22.12.2009, p. 59–209*).

ANNEX ~~6~~ VI
INFORMATION TO THE PUBLIC

- (1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.
- (2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is:
 - (a) collected and treated in urban wastewater treatment plants;
 - (b) treated by registered individual systems;
 - (c) not collected or treated.
- (3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.
- (4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements:
 - (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant;
 - (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I;
 - (c) **for agglomerations of 10 000 p.e. and above**, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for **polluted** urban runoff and ~~storm-water sewer~~ overflows for the parameters referred to in Tables 1 and 2 of Annex I.
- (5) total annual investment costs and total annual operational costs, with a distinction between collection and treatment costs, total annual costs related to staff, energy, consumables, administration and other costs as well as average annual investment and operational costs per household and per cubic meter of urban wastewater collected and treated;
- (6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;

Commented [EGD81]: PRES: amendments were introduced to set threshold for some obligations and in that way, to reduce administrative burden.

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

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

(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;

(8) For each urban wastewater treatment plant **of 10 000 p.e. and above in the agglomeration:**

(a) the total load (in p.e.) treated and the energy required to treat the urban wastewater (in kWh total and per cubic meter);

(b) the total renewable energy produced (GWh/year) each year, including a breakdown per source of energy;

~~(c) the tonnes of CO₂-equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~

Commented [EGD82]: PRES: it is already included in (9), as some MS have pointed out

(9) the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures **of 10 000 p.e. and above** in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO₂ equivalent) produced during the construction of those infrastructures;

(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.

ANNEX 7 VII

Part A

Repealed Directive
with list of the successive amendments thereto
(referred to in Article [19])

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

Part B

Time-limits for transposition into national law

Directive	Time-limit for transposition
91/271/EC	30 June 1993
98/15/EC	30 September 1998
2013/64/EU	31 December 2018 as regards Article 1(1), (2) and (3) 30 June 2014 as regards Article 1(5), point (a) 31 December 2014 as regards Article 1(5), point (b)

ANNEX 8 VIII
Correlation Table

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

Article 5(5)

Article 5(7)

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Article 9

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Article 10

Article 11(1)

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Article 11(3)

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Article 12(2)

Article 12(3)

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Article 15(1)

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Article 17(1)

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Article 18

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Article 7(6)

Article 7(7)

Article 8

Article 9

Article 10

Article 11

Article 12(1)

Article 12(2)

Article 13

Article 14(1)

Article 14(2)

Article 14(3)

Article 14(4)

Article 15(1)

Article 15(2)

Article 15(3)

Article 16

Article 17

Article 18

Article 19

Article 20

Article 21(1)

Article 21(2)

Article 21(3)

Article 22

Article 23(1)

Article 23(2)

Article 23(3)

Article 23(4)

Article 24

Article 25

Article 26

Article 27

Article 28

Article 29

Article 30



-	Article 31
-	Article 32
Article 19	Article 33
-	Article 34
Article 20	Article 35
Annex I	Annex I(A)
Annex I(B)	Annex I(B)
Annex I(C)	Annex I(C)
Annex I(D)	Annex I(D)
Annex II	Annex II
-	Annex III
Annex III	Annex IV
-	Annex V
-	Annex VI
-	Annex VII
-	Annex VIII



FINLAND

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	FI, proposal	FI, comments
<i>Recitals amended:</i>		
(11) Recent scientific knowledge underpinning several Commission strategies ¹ 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		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	FI, proposal	FI, comments
result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.		
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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 <u>Member States</u> 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		

Recitals Amended		
New text proposal_Clusters 2, 4	FI, proposal	FI, comments
third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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 Council³.		
(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,		

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).

Recitals Amended		
New text proposal_Clusters 2, 4	FI, proposal	FI, comments
paying special attention to the needs of women and girls and those in vulnerable situations' by 2030.⁴ Furthermore, Principle 20 of the 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		

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

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	FI, proposal	FI, comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~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 % <u>of the agglomerations are compliant with articles 3 to 8</u> ~~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,		

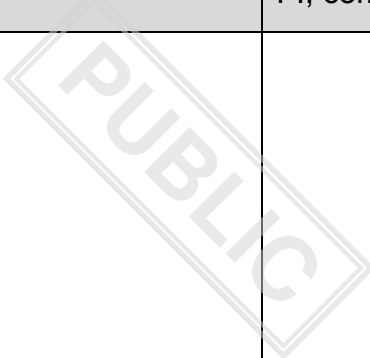
⁸ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) OJ L 33, 4.2.2006, p. 1–17

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	FI, proposal	FI, comments
analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	FI, proposal	FI, 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	FI, proposal	FI, 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;		
(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~~ collects and conducts urban wastewater including urban runoff ~~including urban runoff~~;		

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

New text proposal_Clusters 2, 4	FI, proposal	FI, 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~~ present in the aquatic environment, urban wastewater and/or sludge in low concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹⁰ ; even in low concentrations;		
(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;		

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).

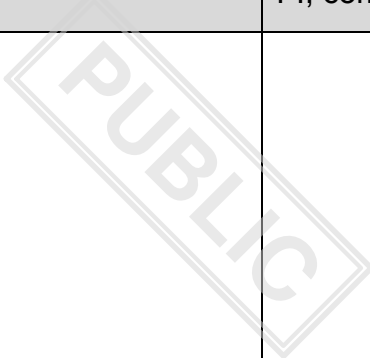
New text proposal_Clusters 2, 4	FI, proposal	FI, comments
(19) 'Producer Responsibility Organisation' means an nationally recognised organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9 and 10 ;		
(20) 'sanitation' means facilities and services <u>such as flush and dry toilets</u> , for the safe management and disposal of human urine, faeces, and menstrual blood, <u>among others</u>		
(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 <u>of a Member State</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	FI, proposal	FI, 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 ~~100 000~~ 150.000 p.e. and above and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] meet the relevant requirements for are subject to tertiary treatment in accordance with Part B and Table 2 of Annex I before discharge into receiving waters paragraph 4. By 31 December ~~2035~~ 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of ~~100 000~~ 150.000 p.e. and above are subject to meet the relevant requirements for tertiary treatment in Part B and Table 2 of Annex I before discharge into receiving waters ~~accordance with paragraph 4.~~	1. By 31 December ~~2030~~ 2033, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of ~~100 000~~ 150.000 ~~100 000~~ p.e.	Finland prefers the original limit of 100 000 p.e. The proposed amendment must be taken into account in all the relevant articles of the Directive defining the lower limit for large treatment plants.
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.	2. By 31 December ~~2027~~ 2025, Member States shall establish a list of areas on their territory that are sensitive to eutrophication including with information on whether they are phosphorus- and/or nitrogen-sensitive areas	In the receiving waters, which are sensitive to eutrophication, depending on the local situation the growth limiting nutrient can be phosphorus or nitrogen or both of them. In order to prevent eutrophication one should target

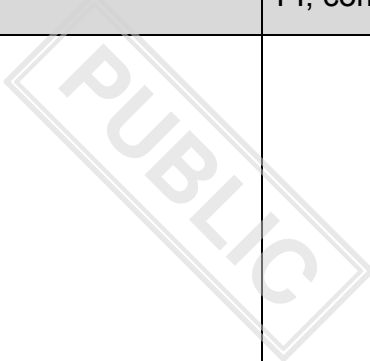
New text proposal_Clusters 2, 4	FI, proposal	FI, comments
The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with paragraph 4 Part B and Table 2 of Annex I in its entire territory.	and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033.	the nutrient removal according to the growth limiting nutrient. This information is crucial when determining the local situation that is needed for the decision on P- and/or N-removal according to the Table 2 in Annex I, and for defining the natural nitrogen retention, too.
~~3. Without prejudice to paragraph 1, Member States shall ensure that discharges from agglomerations of 10 000 p.e and above meet the relevant requirements for tertiary treatment set out in Part B and Table 2 of Annex I before discharge into areas included in a list referred to in paragraph 2 by:~~ (a) 31 December 2033 for 20% of these agglomerations; (b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all ~~these~~ agglomerations.		
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date – the date of entry into force of this Directive], 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 to 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	FI, proposal	FI, 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 400 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).	Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 400 000 150 000 100 000 p.e. and above must still meet the deadlines set in Article 7(1).	
<u>3 bis. Tertiary treatment Discharges of urban wastewater</u> referred to in paragraphs 1 and 3 shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I. <u>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.</u>		
~~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	FI, proposal	FI, 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	FI, proposal	FI, comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 150.000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater are subject quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) ~~31 December 2030 2033 for discharges from 20 % of these urban wastewater treatment plants;~~ (b) ~~By 31 December 2035 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants:~~ (c) ~~31 December 2040 2045 for all discharges from these urban wastewater treatment plants.~~	~~1. By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 150.000 p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater are subject quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ ~~(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.~~	In the impact assessment the large treatment plants are treated as a one group which lets us wonder if there may be treatment plants in this group where the impact of micropollutant removal is not so clear. For sure there are plants where quaternary treatment is justified but not necessarily in all of them. Therefore, the proposed risk-based assessment of the need to remove micropollutants should be extended to cover all treatment plants, regardless of their size, in order for the measures to be cost-effective and proportionate. Para 1 is to be deleted and the revised para 4 will cover all treatment plants. The question of size threshold, if it is 100 000 p.e. or 150 000 p.e. becomes irrelevant.

New text proposal_Clusters 2, 4	FI, proposal	FI, comments
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter every five years thereafter</u> 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).

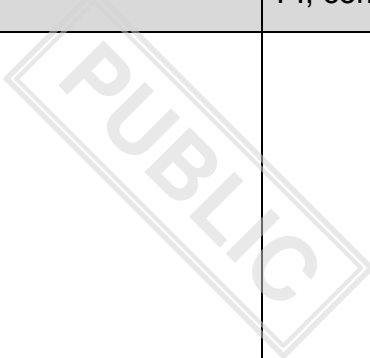
New text proposal_Clusters 2, 4	FI, proposal	FI, comments
The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.		
3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), <u>no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].</u>		
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 <u>these</u> 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.~~	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 2033 for ~~30~~ 20 % of these agglomerations; (b) 31 December 2040 2039 for 60 % of these agglomerations; (c) 31 December 2045 for all <u>these</u> 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	FI, proposal	FI, 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	FI, proposal	FI, 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.	1. Member States shall take measures to ensure that by [OP please insert the date = the last day of the second ~~second~~ third 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.	To ensure, that implementing act referred to in para 3 will come at least one year before this provision shall apply.

New text proposal_Clusters 2,4	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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.		

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

New text proposal_Clusters 2,4	FI, proposal	FI, comments
	4. Member States shall take all necessary measures to anticipate and adapt their urban wastewater collection and treatment infrastructures to possible increased loads of domestic wastewater, including the construction of new infrastructures where necessary. By doing so, Member States shall be considered to comply with the objectives set out in Article 4 of Directive 2000/60/EC if all the following conditions are met: (a) authorising the construction or expansion of an urban wastewater treatment plant is necessary to treat increased or otherwise untreated loads of domestic wastewater in accordance with this Directive; (b) alternative ways to address increased domestic wastewater loads, including the consideration of alternative points of discharge from urban wastewater treatment plants, would not produce more environmental benefits, are not technically feasible or involve excessive cost; (c) all technically feasible mitigating measures are set out in the authorisations granted in accordance with this Directive and effectively implemented to minimize the negative impacts on the affected water bodies including where so is required, more stringent treatment requirements than those applied prior to the increase of domestic wastewater load, aiming to meet the requirements of the directives referred to in Part B point 6 of Annex I; (d) all technically feasible mitigation measures are implemented to minimize the negative impact of other activities causing similar pressures in the same water body or other water bodies in the same river basin as defined in Article 2(13) of Directive 2000/60/EC. Compliance with these conditions shall be demonstrated in the relevant River Basin Management Plans developed under Directive 2000/60/EC.	The change is the same as described in the non-paper dated on 2023/07/19 and submitted to the Presidency on behalf of FI and SE. Background and justification: The possibilities for cities to fulfil the WFD non-deterioration requirement can be foreseen to become more difficult when urban wastewater treatment plants have been expanded to a level where further technological development can no longer compensate for increases in domestic wastewater load from the connected agglomeration. According to the WFD, expansion of a wastewater treatment plant cannot be permitted if the increased discharges risk deteriorating the status of the receiving water body. A possible consequence could be that these cities must stop or limit their growth to avoid the treatment plant to be overloaded. Referring to the SCG Minutes of the 25th May 2021: "SE requested an update on the possible EC guidance on new/existing UWWTD plants and exemptions under Article 4(7). COM responded that no guidance is planned, as opportunities exist in the European Green Deal context to address the issue. Notably, the ongoing legal reviews of the UWWTD and IED provide the right fora for considering it." Hence, SE and FI suggest a new paragraph applicable for discharges from a newly constructed or upgraded urban wastewater treatment plant if the expansion was prompted by the need to treat an increased or otherwise untreated load of domestic wastewater in accordance with the UWWTD.

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	FI, proposal	FI, 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) <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u>		

New text proposal_Clusters 2,4	FI, proposal	FI, comments
(e) <u>the ~~ecological and chemical~~ status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</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 <u>1 I, part</u> Part B.		

New text proposal_Clusters 2,4	FI, proposal	FI, 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.		

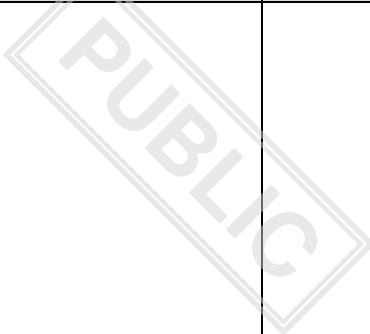
ARTICLE 19 – ACCESS TO SANITATION

New text proposal_Clusters 2,4	FI, proposal	FI, 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 for sanitation.</u> Member States shall take all necessary		

New text proposal_Clusters 2,4	FI, proposal	FI, comments
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 and ensure the information of the public.		

ARTICLE 22 – INFORMATION ON MONITORING OF IMPLEMENTATION

New text proposal_Clusters 2,4	FI, proposal	FI, 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	FI, proposal	FI, 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;		

New text proposal_Clusters 2,4	FI, proposal	FI, 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	FI, proposal	FI, 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 <u>second first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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</u> each agglomeration <u>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~~ <u>households in agglomerations of above 1000 p.e.</u> connected to collecting systems receive regularly and at least once a year, in the most appropriate <u>and easily accessible</u> form, ~~including~~ <u>for example</u> on their invoice or by <u>digital means such as</u> 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 <u>average</u> household or the connected entity in cubic meter, together with <u>yearly</u> trends and the price of urban wastewater collection and treatment for ~~the~~ <u>that average</u> household (cost per litre <u>and or</u> cubic meter); (c) a comparison of the yearly volume ~~of load~~ of urban wastewater collected and treated for the <u>average</u> household per year and an indication of the average volume of a household in the concerned agglomeration; (d) a link to the online content referred to in paragraph 1.		

New text proposal_Clusters 2,4	FI, proposal	FI, 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.	<del>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.</del>	Finland is reserved for empowering the Commission to adopt delegated acts referred to in this paragraph. Especially as we see that in para 2 and in Annex VI there is very little to amend in order to adapt them to technical progress and the availability of data in the field. Therefore, this paragraph is to be deleted.
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 guidelines , 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].~~	As the data listed in Annex VI and in para 2 is so exhaustive the guidelines would define the information to be provided from different size urban wastewater collection and treatment systems.

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	FI, proposal	FI, 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	FI, proposal	FI, 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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive];		
(b) until 31 December 2039 for agglomerations that are not required to comply		

New text proposal_Clusters 2,4	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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 149 999 ~~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>Two samples per week. For micropollutants, two samples per month</td></tr><tr><td>— ~~100 000 p.e. or over:~~</td><td>~~One Two sample per day week~~ ~~For micropollutants, two one samples per week~~</td></tr></table> Note 1: For agglomerations concerned by seasonal activity, intervals of maximum two months without sampling are accepted provided that additional samples are taken during the months of seasonal activity. A total of 12 samples shall be taken throughout the year.	— 1000 to 9 999 p.e.:	One sample per month (see Note 1)	— 10 000 to 49 999 p. e.:	Two samples per month For micropollutants, one sample per month	— 50 000 to 149 999 ~~to 99 999~~ p.e. or above	One sample per week. For micropollutants, two samples per ~~week~~ month	— 150 000 p.e. or above	Two samples per week. For micropollutants, two samples per month	— ~~100 000 p.e. or over:~~	~~One Two sample per day week~~ ~~For micropollutants, two one samples per week~~	<table><tr><td>— 1000 to 9 999 p.e.:</td><td>One sample p</td></tr><tr><td>— 10 000 to 49 999 p. e.:</td><td>Two samples For micropollu</td></tr><tr><td>— 50 000 to 149 999 ~~to 99 999~~ to 99 999 p.e. or above</td><td>One sample p For micropoll month</td></tr><tr><td>— 150 000 100 000 p.e. or above</td><td>Two samples For micropo month</td></tr><tr><td>— ~~100 000 p.e. or over:~~</td><td>~~One Two sam~~ ~~For micropoll~~ ~~week~~</td></tr></table>	— 1000 to 9 999 p.e.:	One sample p	— 10 000 to 49 999 p. e.:	Two samples For micropollu	— 50 000 to 149 999 ~~to 99 999~~ to 99 999 p.e. or above	One sample p For micropoll month	— 150 000 100 000 p.e. or above	Two samples For micropo month	— ~~100 000 p.e. or over:~~	~~One Two sam~~ ~~For micropoll~~ ~~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 149 999 ~~to 99 999~~ p.e. or above	One sample per week. For micropollutants, two samples per ~~week~~ month																					
— 150 000 p.e. or above	Two samples per week. For micropollutants, two samples per month																					
— ~~100 000 p.e. or over:~~	~~One Two sample per day week~~ ~~For micropollutants, two one samples per week~~																					
— 1000 to 9 999 p.e.:	One sample p																					
— 10 000 to 49 999 p. e.:	Two samples For micropollu																					
— 50 000 to 149 999 ~~to 99 999~~ to 99 999 p.e. or above	One sample p For micropoll month																					
— 150 000 100 000 p.e. or above	Two samples For micropo month																					
— ~~100 000 p.e. or over:~~	~~One Two sam~~ ~~For micropoll~~ ~~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				FI, proposal	FI, 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>				PUBLIC	
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.				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.	“One or both parameters” is in line with para 2(a) in Annex II
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				FI, proposal		FI, 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	1 mg/L (10 000 – ~~150 000~~ 100 000 p.e.) 0,5 mg/L (more than ~~150 000~~ 100 000 p.e.)		
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	10 mg/L (10 000 – ~~150 000~~ 100 000 p.e.) 8 mg/L (more than ~~150 000~~ 100 000 p.e.)		
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>				<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>		No such changes are foreseen in Finland's inland lakes and rivers that would prevent the natural nitrogen retention from being taken into account in the future, too. This is a crucial issue for FI. But on the other hand, thinking of margins and flexibility, the addition of the new para 4 to article 15 to the next presidency

New text proposal_Clusters 2,4	FI, proposal	FI, 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>	compromise text, as proposed by FI and SE, would allow FI to live with the proposed 15-year deadline for taking the natural nitrogen retention into account.	

New text proposal_Clusters 2,4		FI, proposal	FI, 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><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>		Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) and or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 5-methyl- benzotriazole (CAS No 136-85-6).									

New text proposal_Clusters 2,4		FI, proposal	FI, comments																														
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><tr><td>156-171</td><td>13</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	156-171	13		
Table 4: Requirement for samples																																	
Series of samples taken in any year	Maximum permitted number of samples which fail to conform																																
4-7	1																																
8-16	2																																
17-28	3																																
29-40	4																																
41-53	5																																
54-67	6																																
68-81	7																																
82-95	8																																
96-110	9																																
111-125	10																																
126-140	11																																
141-155	12																																
156-171	13																																

New text proposal_Clusters 2,4		FI, proposal	FI, comments
172-187	14	PUBLIC	
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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, 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	FI, proposal	FI, comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water sewer~~		

New text proposal_Clusters 2,4	FI, proposal	FI, 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		

New text proposal_Clusters 2,4	FI, proposal	FI, comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of 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.		

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

New text proposal_Clusters 2,4		FI, proposal	FI, 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		FI, proposal	FI, 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		FI, proposal	FI, 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		FI, proposal	FI, 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		FI, proposal	FI, 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		

SWEDEN

RECITALS AMENDED

Recitals Amended		
New text proposal_Clusters 2, 4	Sweden proposal	Sweden 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	(11) Recent scientific knowledge underpinning several Commission strategies highlight the need to take action to address the issue of micropollutants, 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 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 micropollutants is removed from urban wastewater. Quaternary treatment should first focus on organic micropollutants, which represent a significant part of the pollution and for which removal technologies are already designed. The treatment should be imposed based on the precautionary approach combined with a risk-based approach. Therefore, all urban wastewater treatment plants of 100 000 p.e. and above should provide quaternary treatment, as those facilities represent a significant share of micropollutant discharges in the environment and the removal of micropollutants by	SE suggest some alterations to the text so that it better reflects the wording of Article 8. SE has a strong preference for using the 100.000pe limit for large plants consistently in the whole file. Given the timeframes now suggested, SE would prefer the 100 000 p.e. limit.

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).

Recitals Amended		
New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to avoid the requirement of quaternary treatment for agglomerations of between 10 000 p.e. and 100 000 p.e., Member States should be required to demonstrate the absence of risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.	urban wastewater treatment plants at such scale is cost-effective. For agglomerations of ~~between~~ 10 000 p.e. ~~and above 100 000 p.e.~~ Member States should be required to apply quaternary treatment to areas identified as sensitive to pollution with micropollutants based on clear criteria, which should be specified. Such areas should include locations where treated urban wastewater discharge to water bodies result in low dilution ratios, or where the receiving water bodies are used for the production of drinking water or as bathing waters. In order to ~~assess—avoid—the need for~~ ~~requirement of~~ quaternary treatment for agglomerations of ~~between~~ 10 000 p.e. and ~~above~~ ~~100 000 p.e.~~ Member States should be required to ~~analyse the demonstrate the absence of~~ risks to the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until 2040 with clear interim objectives.	
(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the 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		SE welcome the attempt to clarify how this will work. It may also need to be clarified how far back pre-financing of installations should apply.

Recitals Amended		
New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
obligations under the extended producer responsibility on their behalf.		
(17) Since the transboundary nature of water pollution requires cooperation between neighbouring Member States or third countries in addressing such pollution and identifying measures to tackle its source, Member States should be required to inform each other or the third country if significant water pollution originating from urban wastewater discharges in one Member State or third country impacts or is likely to impact the water quality of another Member State or third country. Such information should be immediate in case of incidental pollution significantly affecting downstream water bodies. Where Member States have previous agreements between them or with third countries on environmental water issues, cooperation through these agreements may be taken into account. The Commission should be informed and, if necessary, participate in meetings at the request of Member States. It is also important to tackle the transboundary pollution from third countries sharing the same water bodies with some of the Member States. For the purpose of dealing pollution coming or arriving in third countries, the cooperation and coordination with third countries may be carried out in the framework of the <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		

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.

Recitals Amended		
New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
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 European Pillar of Social Rights ⁵ 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 Health ⁶ and the provisions of the Protocol on Water and Health ⁷ 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	...appropriate sanitation facilities in public administrations and public buildings free of charge and/or making them affordable to all, including all kind of facilities and services , such as flush and dry toilets. Sanitation facilities should allow the safe management and disposal of human urine, faeces and menstrual blood....	SE support the suggested additions with the small amendment that the words "and services" are deleted as suggested by others.

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](#))

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	Sweden proposal	Sweden comments
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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~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 overflowssewer overflow/ 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.	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 the Directive. The reporting model would be developed by EEA in collaboration with MS.</u> ~~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 overflowssewer overflow/~~ urban runoff, access to sanitation and treatment by individual systems. Moreover, full coherence with	SE support the addition. The wording “storm water overflows” should be changed to “sewer overflow” to better reflect the wording of Article 5.

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

Recitals Amended		
New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
	Regulation (EC) 166/2006 of the European Parliament and of the Council ⁹ 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-Making ¹⁰ , the Commission should carry out an evaluation of this Directive within a certain period of time from the date set for its transposition. That evaluation should be based on experience gained and data collected during the implementation of this Directive, on any available WHO recommendations, and on relevant scientific, analytical, and epidemiological data. In the evaluation, particular attention should be given to the possible necessity to adapt of the list of products to be covered by extended producer responsibility according to the evolution of the range of products placed on the market, the improvement of knowledge on the presence of micro-pollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants. On the basis of the results of this evaluation, the list of products in Annex III may need to be amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.		

⁹ 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

¹⁰ 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).

ARTICLE 2 - DEFINITIONS

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
For the purpose of this Directive, the following definitions apply:		SE has previously commented on the definitions covering cluster 1-3-5. Here comments are restricted to those related to cluster 2 and 4.
(1) 'urban wastewater' means domestic wastewater ~~or, the mixture of domestic wastewater mixed with and either non-domestic wastewater and/or the mixture of domestic wastewater and~~ with and urban runoff, or both of them ;		
(2) 'domestic wastewater' means wastewater from residential settlements, ~~and~~ services and institutions which originates predominantly from the human metabolism and/or from household activities;		
(3) 'non-domestic wastewater' means ~~any~~ wastewater, other than domestic wastewater and urban runoff , which is discharged ~~into collecting systems~~ from premises used for either 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.		

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
(4) 'agglomeration' means an area where the population combined or not with and/or economic activities ~~pollution load of urban wastewater is sufficiently concentrated (taking as a reference 10 p.e. per hectare or above)~~ for urban wastewater to be collected and conducted to one or more ~~an~~ urban wastewater treatment plants or to a one or more ~~final discharge points into receiving waters;~~		
(5) 'urban runoff' means precipitation ~~rainwater~~ from agglomerations collected by combined or separate sewers;		
(6) ' ~~sewer storm water~~ overflow' means discharge of untreated urban wastewater into receiving waters from separate or combined sewers ~~caused by rainfall;~~		
(7) 'collecting system' means a system of conduits which collects and conducts urban wastewater;		
(8) 'combined sewer' means a single conduit ~~that that designed to~~ collects and conducts urban wastewater including urban runoff ~~including urban runoff;~~		
(9) 'separate sewer' means a system of conduits that separately collects and conducts either urban runoff or ~~either of the following:~~ ~~(a) domestic~~ urban wastewater not including urban runoff; ~~(b) non-domestic wastewater~~ non-domestic wastewater; ~~(c) a mixture of domestic and non-domestic wastewater;~~ ~~(d) rainwater from agglomerations;~~		
(10) ' 1 population equivalent' or ' (1 p.e.) ' means ~~the unit expressing the average potential water pollution load caused by one person per day, where 1 p.e. is the organic biodegradable load~~ per day having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen ~~per day~~ per day;		

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
(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;		
(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;		

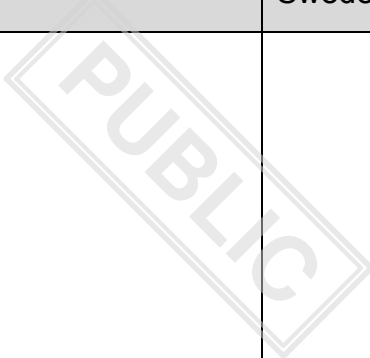
New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
(16) 'micropollutant' means a substance, including its breakdown products, ~~that is usually present in the environment and urban wastewaters present in the aquatic environment, urban wastewater and/or sludge in low concentrations~~ below milligrams per litre and which can be considered hazardous to human health or the environment based on any of the relevant criteria set out in Part 3 and Part 4 of Annex I to Regulation EC 1272/2008 ¹¹ ; even in low concentrations ;		SE support
(17) 'dilution ratio' means the ratio ~~of between~~ the last five years average volume of annual flow of the receiving waters at the point of discharge ~~and to the last five years average of the annual discharge volume of urban wastewater into surface waters; discharged from a treatment plant;~~		
(18) 'producer' means any manufacturer, importer or distributor that on a professional basis places products on the market of a Member State, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU means;		
(19) 'Producer Responsibility Organisation' means an 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;		

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

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
(22) 'public concerned' means the public affected or likely to be affected by, or having an interest in, the decision-making procedures for the implementation of the obligations laid down in this Directive, including non-governmental organisations promoting the protection of human health or the environment;		
(23) 'plastic biomedica' means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;		
(24) 'placing on the market' means the first making available of a product on the Member States market ~~of a Member State~~ ;		
(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	Sweden proposal	Sweden comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(12) 'tertiary treatment'; (15) 'eutrophication'; (23) 'plastic biomedica';		SE support the suggested definitions
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(9); (10)		

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
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.~~		
2 By 31 December ~~2025~~ 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every ~~five~~ six years starting on 31 December ~~2030~~ 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II. The requirement set out in the first subparagraph shall not apply where a Member State implements tertiary treatment in accordance with ~~paragraph 4~~ Part B and Table 2 of Annex I in its entire territory.		
3. ~~Without prejudice to paragraph 1,~~ Member States shall ensure that <u>discharges from agglomerations of 10 000 p.e and above</u> 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;	3. Member States shall ensure that discharges from agglomerations of 10 000 p.e and above ~~not applying tertiary treatment on~~ [OP please insert the date = the date of entry into force of this Directive] 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;	SE can support the suggested new deadlines but think that the further derogation referring to article 23(5) as suggested in the next subparagraph then need to be deleted. If the derogation referring to article 23(5) is kept, SE suggest the deadlines 2033, 2036, 2040 (or to come back to rev.1: 2035 and 2040). SE finds that if the word “these” in (c) is deleted, the delimitation to agglomerations >10 000 pe is lost. Further,

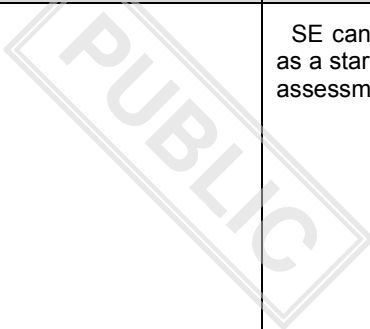
New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
(b) 31 December 2039 for 60% of these agglomerations; (c) 31 December 2045 for all <u>these</u> agglomerations.	(b) 31 December 2039 for 60% of these agglomerations. (c) 31 December 2045 for all agglomerations of 10 000 p.e and above discharging into areas included in the list referred to in paragraph 2.	the derogation for treatment plants already applying tertiary treatment (as in Art. 7(1)) seem to have been removed.
~~3. By 31 December 2035, Member States shall ensure that by 31 December 2035, for 50 % of the agglomerations of between 10 000 p.e. and 100 000 p.e. above, that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], urban wastewater entering collecting systems is subject to tertiary treatment set out accordance with Part B and Table 2 of Annex I paragraph 4 before discharge into those areas.~~ ~~By 31 December 2040, Member States shall ensure that all agglomerations of 10 000 p.e. and above urban wastewater entering collecting systems is subject meet the relevant requirements to for tertiary treatment in Part B and Table 2 of Annex I accordance with paragraph 4 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.~~ ~~Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 400 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).~~	~~Member states may derogate from the deadlines in Article 7(3) for a period of maximum six years, if the conditions in Article 23(5) are met. Urban wastewater treatment plants treating a load of 100 000 150 000 p.e. and above must still meet the deadlines set in Article 7(1).~~	SE cannot support both a derogation and the suggested prolonging of the deadlines and therefore think the derogation should be deleted.
~~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~~	~~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~~	3 bis. SE suggest deleting this whole paragraph 3 bis. but in particular the words “in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I”

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
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.	~~monitoring and evaluation of results laid down in Part D of Annex I.~~	This exact wording is already present in article 21.1a in relation to monitoring compliance. Including this text in Articles 6-8, would mean that at least one year of sampling would be required before an upgrade or extension (according to Articles 6 to 8) can be considered complete. It could also mean that a failure of sampling in a given year would mean that Articles 6 to 8 are not complied with even if the necessary construction has been completed and adequate treatment is being carried out. The suggested initial wording “shall meet the relevant requirements in...” is already present in Article 7.1 and 7.3. Hence, if kept here, it should be deleted in 7.1 and 7.3. 3 ter. SE support
~~4. Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 2 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 2 of Part B of Annex I is set out in table 4 of Part D of Annex I.~~ The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to ~~amend~~ adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I ~~in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress.~~		
5. By way of derogation from paragraphs 3 and 4, Member States may decide that an individual urban wastewater treatment plant situated in an area included in a list referred to in paragraph 2 shall not be subject to the requirements set out in paragraphs 3 and 4 where it can be shown that the minimum percentage of reduction of the	(b) 82,5 85 % for total phosphorus and 80 % for total nitrogen by 31 December 2039; (c) 87,5 90 % for total phosphorus and 82,5 for total nitrogen by 31 December 2045.	SE support including point (a). SE can support the suggested extended deadlines for (b) and (c). However, we think that it is important to maintain a high ambition on the reduction of phosphorus and that 90 % reduction of phosphorus is feasible to reach as a final target (b).

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
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.	6. Discharges from urban wastewater wastewater treatment plants of 10 000 p.e. and above into a catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 and which contribute to the eutrophication of that sensitive area shall also be subject to paragraphs 3 and 5. OR 6. Discharges from urban wastewater wastewater treatment plants of 10 000 p.e. and above into a relevant catchment area of an area sensitive to eutrophication included in a list referred to in paragraph 2 shall also be subject to paragraphs 3 and 5.	The paragraph needs further discussion. SE cannot support the deletion of the wording of the current Directive "and which contribute to the pollution of these areas". Further, it is not clear how catchment areas included in Annex II point 1 (and therefore already included in the list in paragraph 2) are to be interpreted with regard to article 7.6. A suggestion could be to delete the reference to the list, so that all catchments of areas sensitive to eutrophication need to be considered with relation to article 7.6 regardless of whether they are already in the list or not.
7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 ~~and 4~~ within seven years of the inclusion in that list.	7. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph fulfil the requirements laid down in paragraphs 3 ~~and 4~~ within seven years of the inclusion in that list or in case of conflict between Article 7(7) and Article (3) within the longer timeframe set in Article 7(3).	With the new deadline of 2045 in Article 7(3), this paragraph (that could induce the requirement to upgrade a treatment plant already in 2040) also need to clarify which deadline takes precedence.

ARTICLE 8 – QUATERNARY TREATMENT

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
(13) 'quaternary treatment'; (16) 'micro-pollutant'; (17) 'dilution ratio';		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(11)		
1. ~~By 31 December 2030~~, Member States shall ensure that ~~50 % of discharges from urban wastewater treatment plants treating a load of 100 000~~ 150.000 p.e. and above ~~meet the relevant requirements for quaternary treatment of urban wastewater are subject to quaternary treatment in accordance with paragraph 5 set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by:~~ (a) 31 December ~~2030~~ 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) ~~By 31 December 2035~~ 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment plants in accordance with paragraph 5, for discharges from 60% of these urban wastewater treatment plants: (c) 31 December ~~2040~~ 2045 for all discharges from these urban wastewater treatment plants.	1. Member States shall ensure that discharges from urban wastewater treatment plants treating a load of 100 000 ~~150.000~~ p.e. and above meet the relevant requirements for quaternary treatment of urban wastewater set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I before discharge into receiving waters by: (a) 31 December 2033 for discharges from 20 % of these urban wastewater treatment plants; (b) 31 December 2035 2039 for discharges from 60% of these urban wastewater treatment plants: (c) 31 December 2040 2045 for all discharges from these urban wastewater treatment plants.	SE support the suggested hybrid solution. SE support the suggested timeline in (a) but prefers the previously proposed timeline for b and c. SE suggest deleting <u>"in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I"</u> This exact wording is already present in article 21.1. Including this text in Articles 6-8, would mean that at least one year of sampling would be required before an upgrade or extension (according to articles 6-8) can be considered complete. It could also mean that a failure of sampling in a given year would mean that Articles 6 to 8 are not complied with.

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
2. On 31 December ~~2030~~ 2027 ~~2030~~ Member States shall have established ~~a list~~ a list of areas on their national territory where the concentration or the accumulation of micro-pollutants from urban wastewater treatment plants represents a risk for human health or the environment. Member States shall review that list <u>in 2033, and thereafter every five years thereafter</u> 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 Council¹², take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, 2006/118/EC and 2008/105/EC.		SE can support the suggested changes but prefer 2027 as a starting point due to the possibility of aligning the risk assessment with the WFD-timetable.

¹²

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	Sweden proposal	Sweden 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 [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].~~		SE can support
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 400 000 p.e. above meet the requirements for, urban wastewater entering collecting systems is subject to quaternary treatment set out in Part B and Table 3 of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I~~ ~~accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 by:~~ (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 <u>these</u> 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 400 000 p.e.~~	4. Member States shall ensure that agglomerations of 10 000 p.e and above meet the requirements for 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~~ before discharge into areas included in a list referred to in paragraph 2 by: (a) 31 December 2035 for 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).	SE support the suggested timeframes. SE suggest deleting <u>“in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I”</u> This exact wording is already present in article 21.1. Including this text in Articles 6-8, would mean that at least one year of sampling would be required before an upgrade or extension (according to articles 6-8) can be considered complete. It could also mean that a failure of sampling in a given year would mean that Articles 6 to 8 are not complied with. SE notes that it is still – even with the adjusted deadlines - necessary to indicate which paragraph takes precedence over the other if the time limits overlap. Hence, the first sentence last subparagraph needs to be kept (but slightly revised). SE finds that if the word “these” in (c) is deleted, the delimitation to agglomerations >10 000 pe is lost.

New text proposal_Clusters 2, 4	Sweden proposal	Sweden 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.bis. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to adapt the methods for monitoring and evaluation of results in Parts B and D of Annex I in order to adapt the requirements and methods referred to in the ~~second subparagraph~~ to technological and scientific progress.	SE support the suggested changes, but not to have this as a subparagraph of paragraph 5. Should be 6.
~~6-7 6. By 31 December 2030 [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	Sweden proposal	Sweden 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.	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. (new) The Commission is empowered to adopt [implementing] acts to establish detailed criteria on the	Constructions of quaternary treatment are likely to be site-specific exercises. It is of utmost importance that the costs for project planning, call for tender and the continuous compensation to the construction company are reimbursed sufficiently and timely. Furthermore, the depreciation costs should be integrated into the reimbursement of operating costs. For all actors to get a clear game plan, and to prevent destructive disagreements between producers and operators on calculation or reimbursement of costs, there is in our view a clear need to immediately establish EU-wide criteria on the implementation of "full costs" as well as the temporal distribution of the investment costs.

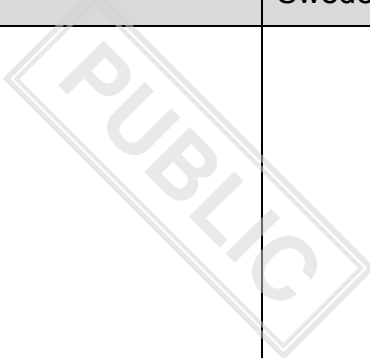
New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
	uniform application of full costs laid down in the second paragraph, taking into account the need for operators' project planning, procurement, continuous compensation as well as depreciation costs. Those [implementing] acts shall be adopted in accordance with [the examination procedure referred to in Article 28(2)] no later than [OP please insert the date = the last day of the first year from the date of entry into force of this Directive].	
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) 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].		SE cannot see the relevance of the added "and its hazardourness" in relation to paragraph 2b and 4(a)(iii). If it is kept, we suggest writing "and their hazardousness", instead.
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:	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:	There is to the best of our knowledge no agreed single model for how different environmental hazards should be weighed against each other when calculating each producer's contribution to the reimbursement. In addition, it should be borne in mind that harmonized classifications only exist for the most dangerous substances registered

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
(a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).	(a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following: (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity; (ii) information on the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life; (iii) when relevant, a list of products exonerated in accordance with paragraph 2; (b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility; (c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the wastewaters of the products that are placed on the market; (new) The Commission is empowered to adopt [implementing] acts to establish detailed criteria on the uniform application of the condition laid down in paragraph 4, point (c). Those [implementing] acts shall be adopted in accordance with [the examination procedure referred to in Article 28(2)] no later than [OP please insert the date = the last day of the first year from the date of entry into force of this Directive]. (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).	under REACH and for medicinal products authorized under more modern EU legislation. For the remaining substances, there could be differing views between manufacturers on their hazards as well as a lack of data. It would be highly ineffective if each Member State had to develop its own model. There would also be a risk for huge differences between member states, in contradiction to the aims of strengthening the single market. We therefore see a clear advantage in establishing the criteria at EU level.
5. Member States shall ensure that:		

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

ARTICLE 10 – MINIMUM REQUIREMENTS FOR PRODUCER RESPONSIBILITY ORGANISATIONS

New text proposal_Clusters 2, 4	Sweden proposal	Sweden 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):		

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
(a) has a clearly defined geographical coverage coherent with the requirements set out in Article 8; (b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers, including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertakes every year, including clear information on how its financial means are used. Member states shall ensure that such measures include a national recognition procedure of the producer responsibility organisations certifying their compliance with the requirements set out in this paragraph prior to their effective establishment and operation.		
2. Member States shall establish an adequate monitoring and enforcement framework to ensure that producer responsibility organisations fulfill their obligations, that the financial means of producer responsibility organisations are properly used and that all actors having extended producer responsibility report reliable data to the competent authorities and, when requested, to the producer responsibility organisations.		
3. Where, in the territory of a Member State, there are multiple producer responsibility organisations, the Member State concerned shall appoint at least one body		

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
independent of private interests or entrust a public authority to oversee the implementation.		
4. Member State shall ensure that the producers established on the territory of another Member State and placing products on its market: (a) appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations on its territory; or (b) take equivalent measures to point (a).		
5. Member States shall ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility, including producers and distributors, producer responsibility organisations, private or public operators of urban wastewater treatment plants local authorities and civil society organisations.		
6. [NEW] By the date of entry into force of this Directive, the Commission shall provide for the organisation of exchange of information, experience and best practices between Member States on the implementation of Articles 9 and 10 and notably on: (a) the measures to control the establishment, the recognition and functioning of Producer Responsibility Organisations; (b) the measures to control the compliance of producers with their obligations defined in this directive; (c) the effective implementation of		

New text proposal_Clusters 2, 4	Sweden proposal	Sweden comments
(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.		

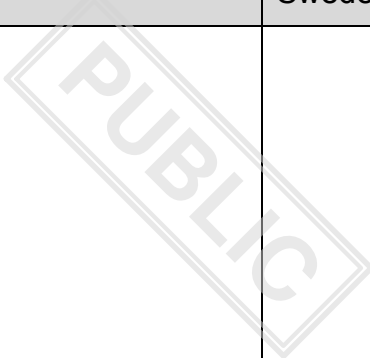
ARTICLE 12 – TRANSBOUNDARY COOPERATION

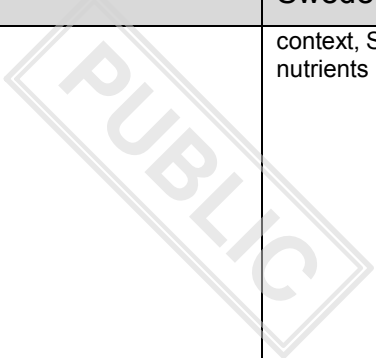
New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
<i>Relevant definitions (please comment on definitions linked to this article)</i>		
<i>Relevant recitals (please comment on recitals linked to this article)</i>		
(17)		

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

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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.		
2. Member States shall ensure that <u>at least all</u> discharges from urban wastewater treatment plants <u>of 1000 p.e and above of 200 p.e and above</u>, 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~~	15.2.bis The Commission is empowered to adopt <u>delegated implementing acts in accordance with the procedure referred to in Article 27</u> to supplement this Directive by ~~setting out~~ <u>promoting</u> the minimum reuse and recycling rates for phosphorus and nitrogen from <u>wastewater and</u> sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in <u>wastewater and</u> sludge. <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</u>	SE suggest moving paragraph 20.2 to a new paragraph 15.2.bis to determine the minimum recovery rate for phosphorus and nitrogen related to the amount of nutrients in urban wastewater rather than the amount in sludge. This is to obtain a more technology-neutral and long-term regulation and being able to consider measures taken upstream of the treatment plant aimed to increase utilisation of wastewater as a resource or to ease the incoming load to a wastewater treatment plant. In this

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
~~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.~~		context, SE would like to stress the importance of returning nutrients in a form that is accessible to plants.
	[NEW] 4. Member States shall take all necessary measures to anticipate and adapt their urban wastewater collection and treatment infrastructures to possible increased loads of domestic wastewater, including the construction of new infrastructures where necessary. By doing so, Member States shall be considered to comply with the objectives set out in Article 4 of Directive 2000/60/EC if all the following conditions are met: (a) authorising the construction or expansion of an urban wastewater treatment plant is necessary to treat increased or otherwise untreated loads of domestic wastewater in accordance with this Directive; (b) alternative ways to address increased domestic wastewater loads, including the consideration of alternative points of discharge from urban wastewater treatment plants, would not produce more environmental benefits, are not technically feasible or involve excessive cost; (c) all technically feasible mitigating measures are set out in the authorisations granted in accordance with this Directive and effectively implemented to minimize the negative impacts on the affected water bodies including where so is required, more stringent treatment requirements than those applied prior to the	SE refers to our non-paper published together with FI (wk10795/2023) for further explanations.

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
	increase of domestic wastewater load, aiming to meet the requirements of the directives referred to in Part B point 6 of Annex I; (d) all technically feasible mitigation measures are implemented to minimize the negative impact of other activities causing similar pressures in the same water body or other water bodies in the same river basin as defined in Article 2(13) of Directive 2000/60/EC. Compliance with these conditions shall be demonstrated in the relevant River Basin Management Plans developed under Directive 2000/60/EC.	
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>		SE support

ARTICLE 18 – RISK ASSESSMENT AND MANAGEMENT

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
Relevant definitions (please comment on definitions linked to this article)		
Relevant recitals (please comment on recitals linked to this article)		
(24)		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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)~~ <u>the quality status of the receiving groundwater body as defined in Article 2 point (1) of Directive 2006/118/EEC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving groundwater body.</u> ~~(e)~~ <u>the ecological and chemical status of the receiving surface water body as defined in Article 2 of Directive 2000/60/EC as well as all other environmental objective as stated in Article 4 of the same Directive for the receiving surface water body.</u>		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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 ~~4 I, part~~ Part B.		SE supports to include point (aa).
3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every ~~5~~ six years <u>aligned with the timing of the review of the River Basin Management Plans developed under the Directive 2000/60/EC and starting on 31 December 2033.</u> A summary of the identified risks accompanied with a description of the measures adopted in accordance with		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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	Sweden proposal	Sweden 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 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,		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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	Sweden proposal	Sweden 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)		The term “storm water overflow” need to be changed to “sewer overflow”.
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	(d) by 31 December ~~2025~~ 2030 2027, set up a data set containing information on the number of samples collected and the number of samples taken in accordance with table 1 and 3 of Part D of Annex I, that have failed;	To reduce the administrative burden due to reporting obligations, SE suggest keeping an ambitious but still feasible timetable for the transfer from the present reporting format under 91/271/EEC to Article 22 of the recast. However, there need to be time enough to adapt the technical systems and build the requested data sets. Methods to correct and verify the requested data before giving access to them need also to be developed. At

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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; (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)~~	(...) by 31 December ~~2025~~ 2030 2027, set up a data set containing information on greenhouse gas emissions from each urban wastewater treatment plant of 10 000 p.e. and above with a breakdown between different gasses gases; (e) by 31 December ~~2030~~2026, 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 2031, for the relevant agglomerations, set up a data set containing information on measures taken in accordance with point 3 of Annex V and update that data set annually thereafter; (h) by 31 December ~~2030~~2027, set up a data set containing the list of areas identified as sensitive to eutrophication and update that data set in accordance with Article 7(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.~~	present reporting according to 91/271/EEC is done for even-numbered years. Accordingly, SE suggest starting at the end of 2027 referring to the situation of 31th December 2026 instead of 2025. With regard to: (d) Our main suggestion is deleting subpara d. Given the information requested in 22 a, the requested information in (d) seem redundant. Alternatively, we suggest clarifying that the dataset only refer to table 1 and 3 since the pass/fail-tests for parameters in table 2 concern yearly averages. Thus, the number of failed – or passed – samples for table 2 parameters can only be 0 or 1. And that will be apparent from the 22(a) dataset. (e) Under the precondition that greenhouse gases may be estimated using standardised values or remote sensing methods, this should be possible to compile rather easily. SE thus suggest going for data from the end of 2026. (f) measures according to annex V point 3 should be included in the IUWURMP. The first ones are to be established on the 31 December 2035 according to the Pres. suggestion (Art. 5(1)). SE do not support the suggested extended deadlines in article 5.1 and 5.3. We think the first plans should be ready by 2030. Hence, SE suggest the first reporting on measures should be made 2031 for the largest agglomerations (>100 000 p.e.) and 2040 for those above 10 000 p.e. (h) SE support to refer to Article 7(2) but suggest changing the reporting date to 31 december 2027 in accordance with the requirement of that article. (j) SE question the relevance to gather this type of data on a European level and suggest that this requirement is coordinated with the data needed to follow up the related SDG.

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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 <u>permanent</u> access to the data sets referred to in paragraph 1.		
3. The information reported by Member States in accordance with Article 5 of Regulation (EC) No 166/2006 shall be taken into account for the reporting required under this Article <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.		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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 <u>second</u> <u>first</u> year from the entry into force of this Directive].		

ARTICLE 23 – NATIONAL IMPLEMENTATION PROGRAMME

New text proposal_Clusters 2,4	Sweden proposal	Sweden 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 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		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
estimation and a prioritisation of those investments related to the size of the agglomeration and the level of environmental impact of untreated urban wastewater and related risks for environment or human health; (c) an estimate of investments needed to renew, upgrade or replacement of existing urban wastewater infrastructures, including collecting systems, based on their age and depreciation rates; (d) the identification, or at least an indication, of potential sources of public financing, when needed to complement user charges.		
2. By ...[OP: please insert the date = the last day of the ~~thirty fifth~~ fortieth month after the date of entry into force of this Directive], Member States shall submit to the Commission their national implementation programmes, except where they demonstrate, based on the monitoring results referred to in Article 21, that they are in compliance with Articles 3 to 8.		
3. Member States shall update their national implementation programmes at least every ~~5~~ 6 years. They shall submit them to the Commission by 31 December, except where they can demonstrate that they are in compliance with Articles 3 to 8.		
4. The Commission is empowered to adopt implementing acts establishing the methods and formats for submission of the national implementation programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) no later than [OP please insert the date = the last day of the		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
<u>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 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		SE can support either the prolonged deadlines in article 6 and 7 suggested by the ES Pres. or this derogation. Not both of them. Preferably, this rather complicated article 23(5) is deleted.

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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	Sweden proposal	Sweden 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)		
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</u> each agglomeration <u>of above 1000 p.e. or each relevant administrative area.</u> The information shall include at least the data listed in Annex VI.	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 each agglomeration</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.	

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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.	~~(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;~~	SE support the changes in the first section. SE prefers deleting b and c as we think this too detailed.
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		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
systems in order to adapt these requirements to technical progress and the availability of data in the field.		
4. The Commission may adopt implementing acts specifying the format and the methods of presenting the information to be provided in accordance with paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).). ~~The Commission will provide the format and methods by [12 months from the entry into force of this Directive].~~		

ARTICLE 32 – REPEAL AND TRANSITIONAL PROVISIONS

New text proposal_Clusters 2,4	Sweden proposal	Sweden 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)		
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		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive]; (b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033; (c) until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the	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 2033 and are already applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], Article 5 of Council Directive 91/271/EC shall continue to apply until 31 December 2039. For urban wastewater discharges from agglomerations of 10 000 p.e. and above that are already applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive], Article 5 of Council Directive 91/271/EC shall continue to apply: (a) until 31 December 2033 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by [OP please insert the date = the date of entry into force of this Directive] (b) until 31 December 2039 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2033; (c) until 31 December 2045 for agglomerations that are not required to comply with the requirements set out in Article 7(3) by 31 December 2039; or a later date compliant with the derogation provided for in Article 7(3) third subparagraph.	Suggestion added with regard to the 50 % treatment plants not yet equipped with tertiary treatment that needn't meet the requirements until 2039. They need to be exempted from the requirements of 91/271/EEG. Consequential change of Article 7(3).

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
<u>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>		SE support
<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>		SE support the inclusion, but suggest to consider the earlier date of 31 December 2027 (see article 22.1)
<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>		SE support the move to article 7.
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].		

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
~~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	Sweden proposal	Sweden 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	Sweden proposal	Sweden 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	Sweden proposal	Sweden 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	Sweden proposal	Sweden 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	Sweden proposal	Sweden 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 149 999 ~~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 149 999 ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month	— 150 000 p.e. or above	<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 149 999 ~~to 99 999 p.e. or above~~	One sample per week. For micropollutants, two samples per ~~week~~ month											
— 150 000 p.e. or above	<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 urban wastewater shall be assumed to conform to the relevant parameters if, for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way: (a) for the parameters specified in Table 1 , a maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions, is specified in Table 4; (b) for the parameters of Table 1 expressed in concentrations, the failing samples taken under normal operating conditions must not deviate from the parametric values by more than 100 %, except for the parameter total suspended solids, for which deviations from the parametric values of up to 150 % may be accepted;												

New text proposal_Clusters 2,4				Sweden proposal	Sweden 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 depending on the size of the treatment plant; (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.				Table 2: Requirements for tertiary treatment of discharges from urban wastewater treatment plants referred to in Article 7(1) 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.	SE is strongly against lowering the ambition for phosphorus reduction , and suggest stricter requirements with regard to the larger treatment plants (i.e. 0,3 mg/l) and to keep the 90 % reduction requirement. SE support to include sizeclasses for the required treatment.
Parameters	Concentration	Minimum percentage of reduction ⁴³ (See Note 1)	Reference method of measurement		

⁴³ ~~Reduction in relation to the load of the influent.~~

New text proposal_Clusters 2,4				Sweden proposal			Sweden 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	Parameter s	Concentration	Minimum percentage of reduction (See Note 1)	However, it need to be clarified whether the requirements in table 2 refer to the size of the agglomeration or the size of the connected treatment plant. SE suggest that the size of the treatment plant shall govern which limit value to apply since larger plants have more stable conditions and can therefore be able to meet lower limit values.
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	Total phosphorus	0,5 mg/L4 mg/L (10 000 – 100 000 p.e.) 0,30-50/L (more than 100 000 p.e.)	90-85%	
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>				Note 1 bis: In exceptional situations due to specific local circumstances where it is demonstrated that ~~part of Nnitrogen originating from~~ urban wastewater can be eliminated in the receiving waters before the discharge reach a nitrogen sensitive area, 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 Nnitrogen referred to in table 2 of Part B of Annex I if all the following conditions are fulfilled: (1) the average hydraulic retention time of the discharged effluent is at least 1,5 years before it reaches the area sensitive to nitrogen designated under Article 7(2);			Note 1 bis – SE cannot support the 15-year time limitation for natural nitrogen removal. There is nothing to suggest that the natural nitrogen retention processes will seize after 15 years. (2) SE suggest calling the verified model “a continuous monitoring and assessment programme” since the assessment of the collected and assembled data is vital. (5) The “reference conditions” are not the same as the conditions defining good ecological

New text proposal_Clusters 2,4	Sweden proposal	Sweden 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>	(2) representative a continuous monitoring and assessment programme of the total nitrogen parameter is ensured: (a) in the outlets of all urban wastewater treatment plants and where relevant in the urban runoff from agglomerations of 1.000 p.e. and above located in the catchment area of the area designated sensitive to nitrogen under Article 7(2); and (b) in the relevant inlets of the concerned area designated under Article 7(2); and (c) at the representative sampling locations in the receiving waters and relevant water bodies in the catchment area of the concerned area designated under Article 7(2); (3) the minimum percentage reduction for nitrogen of table 2 is met; this percentage shall be calculated on the basis of using the data collected from the representative——continuous monitoring and assessment programme referred to in point (2) (4) it can be demonstrated that nitrogen releases from urban wastewater treatment plants in the catchment area are not harmful for the environment, including for biodiversity, and human health and do not modify the ecosystem; (5) the concentrations of nutrients in the areas referred to in point (c) of condition (2) are compliant with the reference condition set under Annex V.1.2.1 of Directive 2000/60/EC to define the good ecological status of those areas; (6) the use of natural nitrogen retention is reported to the Commission in	status. We suggest deleting “reference” to avoid ambiguity.

New text proposal_Clusters 2,4	Sweden proposal	Sweden 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].~~	accordance with Article 22(1)(a) together with all the elements necessary to justify verify that conditions on (1), (2), (3), (4) and (5) above are fulfilled.							
<table><tr><td colspan="2">Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).</td></tr><tr><td>Indicators</td><td>Minimum percentage of removal <u>in relation to the load of the influent</u></td></tr><tr><td>Substances that can pollute water even at low concentrations (see Note 1)</td><td>80 % (see Note 2)</td></tr></table>	Table 3: Requirements for quaternary treatment of discharges from urban wastewater treatment plants referred to in Article 8(1) ~~and~~ or serving agglomerations referred to in Article 8(43).		Indicators	Minimum percentage of removal <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)		
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),								

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments																												
(iii) Irbesartan (CAS No 138402-11-6), (iv) mixture of 4-Methylbenzotriazole (CAS No 29878-31-7) and <u>6</u> 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		Sweden proposal	Sweden 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	Sweden proposal	Sweden 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;~~	A water body must be identified as a sensitive area if it falls into one of the following groups: 1 (a) Water bodies Areas located in the catchments and marine waters of the Baltic Sea, and the Black Sea. 1 (b) Water bodies in the catchments and marine waters of 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;	Regretfully, the suggested wording of point 1 is still open for interpretation. One interpretation is that point 1 now is limited to only the catchments - and not the marine areas - of the listed seas. Another possible interpretation is that only parts of the Baltic (and the other seas) identified as sensitive to eutrophication under Directive 2008/56/EC and Directive 2000/60/EC should be included. For the Baltic Sea not only the coastal areas but also the open sea show signs of eutrophication. To solve this, SE suggests including a new point 1b in Annex II. Further, SE suggests reintroducing the opening sentence from the current directive 91/271/EEC to facilitate the reading of the content of the Annex.
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	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. --- [NEW] 6. 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;	For reasons of clarity (and to make it easier referring to this paragraph), SE would like to move the second subparagraph of paragraph 2 to a separate paragraph (6). This would also simplify the interpretation of the meaning of “depending on the local situation” in table 2 of Annex I.

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
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;	(b) estuaries, bays and other coastal waters which are found to have a poor water exchange, or which receive large quantities of nutrients. Discharges from small agglomerations are usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication;	
3. Surface freshwaters intended for the abstraction of drinking water which could contain more than the concentration of nitrate laid down under the relevant provisions of Directive (EU) 2020/2184 if protective action is not taken;		
4. Areas where further treatment than that prescribed in Article 7 of this Directive is necessary to comply with other Union acts in the environmental field, including in particular water bodies covered by Directive 2000/60/EC which are at risk of not maintaining or achieving good ecological status or potential .	4. Areas where further treatment than that prescribed in Article 67 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.	There seem to be a typo in this paragraph since the reference should be for "more than secondary treatment", i.e. Article 6. If the area is identified as sensitive, then the requirement would be tertiary treatment (as in Article 7). Since this is a requirement to include an area in the list where tertiary treatment according to Article 7(2) is required it does not make sense to refer to Article 7 here. In the corresponding point of Annex II in Directive 91/271/EEC, the referral is to Article 4 (corresponding to Article 6).
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	Sweden proposal	Sweden comments
1. Medicinal products for human use falling within the scope of Directive 2001/83/EC of the European Parliament and of the Council ¹⁴ .		
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 ¹⁵ .		

¹⁴ 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).

¹⁵ 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	Sweden proposal	Sweden comments
(1) The competent authority and the operator(s) responsible for urban wastewater collection and treatment services, including information on the ownership structure of the operators and their contact information.		
(2) The total urban wastewater load expressed in population equivalents (p.e.) generated in the agglomeration, with details on the share of that load (in %) that is: (a) collected and treated in urban wastewater treatment plants; (b) treated by registered individual systems; (c) not collected or treated.		
(3) Where relevant, a justification for why a certain load of urban wastewater is not collected or treated.		
(4) Information on the quality of the urban wastewater discharged from the agglomeration to each receiving water body, including the following elements: (a) annual average concentrations and the load of pollutants covered by Article 21 released by each urban wastewater treatment plant; (b) an estimate of the load of the discharges from individual systems for the parameters referred to in Tables 1 and 2 of Annex I; (c) for agglomerations of 10 000 p.e. and above, an estimate of the load of the discharges from combined sewer and separate sewer collecting systems for polluted urban runoff and ~~storm-water sewer~~		

New text proposal_Clusters 2,4	Sweden proposal	Sweden 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;		
(6) information on how the costs referred to in point 5 are covered and, where costs are recovered through a tariff system, information on the structure of the tariff per cubic meter of urban wastewater collected and treated information on the structure of the tariff either per cubic meter of urban wastewater collected and treated or per cubic meter of water supplied, including fixed and variable costs and a breakdown between costs for collection, treatment, administration and other costs;		
(7) Investment plans for urban wastewater collection and treatment infrastructures at agglomeration level, with foreseen impacts on urban wastewater services tariffs, and intended financial and societal benefits;		
(8) For each urban wastewater treatment plant <u>of 10 000 p.e. and above in the agglomeration:</u> (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;		SE support

New text proposal_Clusters 2,4	Sweden proposal	Sweden comments
~~(c) the tonnes of CO2 equivalent produced or avoided per year due to the operation of the urban wastewater treatment plant.~~		
(9) the total greenhouse gas emissions (in tonnes of CO2 equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures of 10 000 p.e. and above in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO2 equivalent) produced during the construction of those infrastructures;	(9) the total greenhouse gas emissions (in tonnes of CO2 equivalent) produced or avoided per year by the operation of urban wastewater collection and treatment infrastructures at the appropriate local scale in each agglomeration and, if available, the total greenhouse gas emissions (in tonnes of CO2 equivalent) produced during the construction of those infrastructures;	SE suggest keeping it open for Member States to choose the appropriate administrative scale for this type of information.
(10) a summary of the nature and statistics regarding complaints and of the answers provided by the urban wastewater treatment plant operators on matters falling within the scope of this Directive.		

ANNEX 7 VII

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

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

New text proposal_Clusters 2,4		Sweden proposal	Sweden 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		Sweden proposal	Sweden 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		Sweden proposal	Sweden 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		Sweden proposal	Sweden 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		Sweden proposal	Sweden 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		