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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
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Subject:	Urban Wastewater Treatment Directive: WPE on 26 September 2023 - Steering note and Presidency compromise text

With a view to the above WPE meeting, delegations will find attached the Presidency compromise text and the steering note.

WORKING PARTY ON THE ENVIRONMENT (WPE) 26th September 2023

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

Presidency steering note

On 26th September 2023, during the fifth Working Party on Environment (WPE) of the UWWTD recast under the Spanish Presidency, Delegations will discuss a new compromise text (REV_02) of this file.

Based on the comments received from the Member States (MS) on clusters 1, 3 and 5 after the WPE of the 4th of September, and on clusters 2 and 4 after the WPE of the 11th September, the Presidency (PRES) has drafted a new compromise text to be discussed in the next WPE on 26th September. It can be found as Annex to this Steering Note.

New additions to the last version of the text discussed in the WPE of 19th July are marked in **bold underlined**. Previous additions are set out in **bold**, while previous deletions are indicated as ~~strikethrough~~. Finally, new deletions are set out in ~~**strikethrough, bold and underlined**~~.

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

Next steps:

After the WPE meeting, the Presidency will invite delegations to submit written specific text proposals in track changes **as soon as possible and no later than 27th September noon**. Further information on next steps will be provided at the WPE meeting.

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

Some recitals have been adapted to the changes introduced in the related articles, and to further explain and clarify certain aspects. Details regarding the modifications in the recitals will be provided in the note.

Article 1 (Subject matter) remains unchanged.

In **Article 2** (Definitions), some changes have been introduced in relevant definitions, such as 'urban wastewater', 'sewer overflow', 'sludge', 'plastic biomedica' or 'Producer Responsibility Organisation' by suggestions of some delegations for clarification. Also, a new definition has been introduced for the individual systems (IAS), as an attempt to clarify the scope of Article 4.

In **Article 3** (Collecting systems and calculation of the load expressed in p.e.) some changes have been made. In paragraph 3(1b), as requested by Member States, the Presidency has decided to use the term 'domestic' instead of 'urban'. In relation to the deadlines, the possibility of applying a derogation is still included for those Member States that meet the requirements of article 23(5).

Article 4 (Individual systems) has been amended in paragraph 1 to clarify that IAS could be applied only for part of the load generated in the agglomeration. Recital 6 has been amended to provide further details on the use of IAS and split in two recitals (6 and 6bis) to facilitate its reading and understanding.

Article 5 (Integrated urban wastewater management plans) has been amended together with its title, related definitions, and Annex V. The main new amendments try to address the concerns expressed by some Member States on the different impacts of combined sewers overflows and urban runoff discharges from separate sewers. Annex V has been modified in the same way.

In **Article 6** (Secondary treatment), the deadline for agglomerations discharging into less sensitive areas has been extended, and further clarifications have been introduced in recital 8bis. Deadline for smaller agglomerations has also been extended to provide more time for those MS who may need it.

In article 6(3), a deadline for compliance is granted for agglomerations below 150 000 p.e. in Outermost Regions discharging into deep marine open waters and for mountain areas (over 1 500 m). A new Recital 8 ter was added to clarify these aspects and provide further details.

In **Article 7** (Tertiary treatment), the Presidency has kept the compromise solution presented in the last round of discussions. Some of the deadlines have been slightly extended. Furthermore, the possibility of applying a derogation has been kept for those cases in which the Member States comply with the conditions of art. 23(5).

In addition, in Table 2 of Annex I.D the minimum removal percentage for total nitrogen has been reduced to 80% as requested by some delegations. Also new amendments are proposed in the note 1 bis regarding natural nitrogen retention.

Article 8 (Quaternary treatment) the deadlines have been slightly extended to make them coherent with Article 7, as requested by delegations. Recital 11 has also been amended to make it consistent with article 8.

In **Article 9** (Extended Producer Responsibility) paragraph 1, one more year has been proposed to implement the Extended Producer Responsibility (EPR) scheme. As mentioned in Article 2, a modification in the definition (19) (Producer Responsibility Organisation) has been included to give Member States enough flexibility to choose the best format for these type of organisations. Recital 13 has been modified as well to point out that EPR scheme is applying to any product put in place in the MS markets, in any country or by any means.

In **Article 10** (Minimum requirements for Producer Responsibility Organisations), paragraph 1, a new clause has been included to guarantee the confidentiality of commercially sensitive information in conformity with the relevant Union and national law. An addition has been made to 10(6) by suggestion of some Member States, to ask the Commission to establish and regularly update a list of requests for derogations from producers under Article 9(2).

Recitals 13 and 15 have also been amended to clarify, among others, different issues related to the producers, EPR schemes and Producer Responsibility Organisations.

In **Article 11** (Energy neutrality) several amendments have been introduced to clarify the scope of the audits (11(1)); to give more flexibility on the energy production (11(2)); and to add an implementing act through which the Commission could clarify how to assess the objectives on energy neutrality (11(3)).

No further content changes have been made in **Article 12** (Transboundary cooperation), **Article 13** (Local climatic conditions), **Article 14** (Discharge of non-domestic wastewater) and **Article 16** (Biodegradable non-domestic wastewater).

In **Article 15** (Water reuse and discharges of urban wastewater) the non-deterioration clause (the so called Wesser fix) has been included (15(4)), as requested by some delegations.

In **Article 17** (Urban wastewater surveillance) some minor corrections have been made to align it with the World Health Organisation definitions, and to make the text legally sound. The deadline to implement the monitoring of microbiological parameters has also been extended, as requested by some MS.

In **Article 18** (Risk assessment and management) and in **Article 19** (Access to sanitation) minor changes have been made. **Article 20** (Sludge) have suffered minor changes to make it legally coherent.

In **Article 21** (Monitoring) different clarifying amendments have been done in paragraph 1. Also, it has been amended to align the article with the new drafting of Article 5 (regarding urban runoff). Amendments in Recitals 29 and 29 bis have been made to keep consistency with expressed changes in Article 21.

In **Article 22** (Information on monitoring of implementation) no further content changes have been introduced.

In **Article 23** (National implementation programme), the paragraph 5 has been modified in order to address the requests of many Member States about an extension of the deadlines for compliance with articles 3, 6, 7 and 8. In this line, paragraph 5(a) now offers two alternatives for granting the derogation foreseen in articles 3(2) and 6(2): one is based on the number of agglomerations, and the other on the amount of urban wastewater load collected in collecting systems and not subject to secondary treatment. A new provision has also been included to give an extra period of 6 years to fulfil the requirements of articles 3(2) and 6(2) to those Member States that joined the EU after 2006. In relation to this article, in Recital 31 a new sentence has been included to consider the need for future investments to comply with this directive.

In **Article 24** (Information to the public) a new clarification has been introduced so that all Member States can report the information, regardless of their water tariff structure. Subsequent changes have been made in Annex VI to make it consistent with Article 24.

Articles 25 (Access to justice), **26** (Compensation) and **29** (Penalties) have not been changed. In **Article 27** (Exercise of the delegation) the references to the delegated acts have been updated. **Article 28** (Committee) has been amended to make it legally sound.

In **Article 30** (Evaluation) the deadlines expressed in paragraph 1 have been extended, since the aspects that will have to be evaluated need to be fully implemented in the first place. Also, a new clause has been introduced to ensure that the evaluation is also done in terms of energy neutrality.

Article 31 (Review) remains unchanged.

In **Article 32** (Repeal and transitional provisions) some changes have been added to ensure coherence. **Article 33** (transposition) paragraph 1 has been amended to extend the transposition period as suggested by some delegations.

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,

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

Whereas:

- (1) Council Directive 91/271/EEC³ has been substantially amended several times⁴. Since further amendments are to be made, that Directive should be recast in the interests of clarity.
- (2) Directive 91/271/EEC sets the legal framework for the collection, treatment and discharge of urban wastewater and the discharge of biodegradable wastewaters from certain industrial sectors. **Urban wastewaters can be formed by different mixtures of domestic wastewaters, urban runoff and non-domestic wastewater from other origins. Wastewater from institutions such as offices, schools, kitchens with food preparation, etc. which are predominantly originated from the human metabolism, qualifies as domestic wastewaters as well.** Its objective is to protect the environment from being adversely affected by insufficiently treated urban wastewater discharges. This Directive should continue to pursue the same objective, whilst also contributing to the protection of public health, when for instance urban wastewater is discharged in bathing waters or in water bodies used for the abstraction of drinking water, or when urban wastewater is used as an indicator for parameters relevant for public health. It should also improve access to sanitation and to key information related to the governance of the urban wastewater collection and treatment activities. Finally, this Directive should contribute to the progressive **elimination reduction** of greenhouse gas (GHG) emissions from urban wastewater collection and treatment activities, ~~notably by further reducing nitrogen emissions but also~~ by promoting energy efficiency and production of renewable energies, and thus should contribute to the 2050 objective of Climate Neutrality established under Regulation (EU) 2021/1119 of the European Parliament and of the Council⁵.
- (3) In 2019, the Commission performed an evaluation of Council Directive 91/271/EEC under the Regulatory Fitness and Performance Programme⁶ (the 'evaluation'). It became apparent from that exercise that certain provisions of the Directive needed to be updated. Three important sources of remaining load of pollution from urban wastewater that could be avoided were identified, namely storm water overflows and urban runoff, potentially mal-functioning individual systems (i.e. systems treating domestic wastewater that is not entering collecting systems) and small agglomerations that are currently not completely covered by Directive 91/271/EEC. Those three sources of pollution constitute a significant pressure on surface water bodies in the Union. Moreover, the report of the evaluation also highlighted the need to improve the transparency and governance of the urban wastewater activities, to seize the opportunity offered by the urban wastewater treatment sector to use its potential for renewable energy development and make tangible steps towards energy neutrality as a contribution to climate neutrality and to harmonise urban wastewater surveillance of health parameters, such as the COVID-19 virus and its variants, as a support for public health action.
- (4) Small agglomerations constitute a significant pressure on 11 % of the surface water bodies in the Union⁷. To better tackle the pollution from such agglomerations, and to prevent discharges of untreated urban wastewater into the environment, the scope of this Directive should include all agglomerations of 1 000 population equivalent (p.e.) and above.

³ Council Directive 91/271/EEC of 21 May 1991 concerning urban wastewater treatment (OJ L 135, 30.5.1991, p. 40).

⁴ See Annex VII, Part A.

⁵ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

⁶ Commission Staff Working Document, Executive Summary of the Evaluation of the Council Directive 91/271/EEC of 21 May 1991, concerning urban waste-water treatment (SWD(2019) 701 final).

⁷ EEA report, European waters: Assessment of status and pressures 2018, No 7/2018.

Commented [EGD1]: PRES: grammar correction

(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of 1 000 p.e. and above should be collected in centralised collecting systems, unless they Member States justify a derogation for the use of individual systems under paragraph 1 of Article 4 this Directive. When delineating their agglomerations, Member States should take into account the indicative reference threshold of 10 to 25 p.e. per hectare above which the population, possibly combined with economic activities, located in a specific area are considered sufficiently concentrated. Where ~~centralised-collecting such~~ systems are already in place, Member States should ensure that all sources of urban domestic wastewater are connected to them.

Commented [EGD2]: PRES: several amendments have been made:

- 1) in the first sentence to be legally sound.
- 2) in the last sentences, 'urban' was changed for 'domestic', to be consistent with changes in Article 3. Only 'domestic' wastewater should be obliged to be connected, as pointed out by MS.

(6) ~~Exceptionally, where~~ Where it can be demonstrated that the establishment of or the connection to a centralised urban wastewater collecting system would produce no environmental or health benefit, would not be technically feasible, or would involve excessive costs, Member States should be allowed to use individual systems to collect, store and, when applicable, treat urban wastewater, as long as they ensure the same level of protection of the environment, including groundwaters and their hydro-geological conditions. Individual systems can include different types of collection, storage and treatment systems such as nature-based solutions, small-sized treatment systems, temporary storage tanks combined with regular evacuation to treatment plants, treatment as secondary and tertiary treatment.

Commented [EGD3]: PRES: amendments in Recitals 6 and 6 bis aim to clarify some aspects that raised doubts among MS but also to provide deeper and required details in others.

Due to the large number of amendments that has been made to recital 6, it has been split into two (recital 6 and 6 bis) to make it more understandable.

(6 bis) For this purpose, Member States should establish national, regional or local registers to identify individual systems and temporary storages used on their territory and take all necessary measures to ensure that the design of such systems is adequate, that the systems are properly maintained and that they are subject to a regular compliance control on the basis of a risk-based approach. In particular, Member States should ensure that individual systems used for the collection and storage of urban wastewater are impervious and leak-proof, and that monitoring and inspection of the systems are carried out at regular and fixed intervals. Where individual systems are used to collect and/or treat more than 2% of the urban wastewater load at national level from agglomerations of 2 000 p.e. and above, Member States should provide the Commission with justifications for the reasons for the use of individual systems instead of collecting systems, the level of compliance of those systems with established standards under this Directive and measures taken to reduce the use of such systems. The Commission should be empowered to adopt implementing acts to establish the format of the reporting and the level of details of the information to be provided by national authorities.

(7) During rainfall, ~~storm-water sewer~~ overflows and polluted urban runoff represent a sizeable remaining source of pollution discharged into the environment. Those emissions are expected to increase due to the combined effects of urbanisation and progressive change of the rain regime linked with climate change. Solutions to reduce that source of pollution should be defined at local level taking into account the specific local conditions. They should be based on an integrated quantitative and qualitative water management in urban areas. Therefore, Member States should ensure that integrated urban wastewater management plans are established at local level for all agglomerations of 100 000 p.e. and above as those agglomerations are responsible for a significant share of the pollution emitted. Furthermore, integrated urban wastewater management plans should also be put in place for agglomeration of between 10 000 p.e. and 100 000 p.e. where ~~storm-water sewer~~ overflows or polluted urban runoff poses a risk for the environment or public health. These plans should include measures to address the potentially significant pollution coming from separately collected urban runoff, for instance the pollution coming from first rains after long dry periods in densely populated areas. These measures could include preventive temporary measures or temporary storage, and appropriate treatment of these heavily loaded first rains. In order to ensure an adequate coverage of the integrated management plans and

Commented [EGD4]: PRES: amendments in Recital 7 are in line with the changes made throughout the text in relation to urban runoff.

a comprehensive solution to storm water problems, ~~they~~ those plans should be established for ~~each urban wastewater~~ drainage areas of the concerned agglomerations.

(8) In order to ensure that the integrated urban wastewater management plans are cost-effective, it is important that they are based on best practices in advanced urban areas. Therefore, the measures to be considered should be based on a thorough analysis of the local conditions and should favour a preventive approach aiming at limiting the collection of unpolluted rain waters and optimising the use of existing infrastructures. With a preference for 'green' developments, new grey infrastructures should only be envisaged where absolutely necessary.

(8 bis) In order to protect the environment, in particular the coastal and marine environment, and public health from being adversely affected by the discharge of insufficiently treated urban wastewater, secondary treatment should be applied to all discharges of urban wastewater from agglomerations of 1 000 p.e. and above. **Nevertheless enough time should be given to Member States to adapt their treatment infrastructures for agglomerations discharging their wastewaters into 'less sensitive areas' in coastal areas where 'appropriate treatment' is applied as defined in Council Directive 91/271/EEC. This adaptation time should be expanded in the case of Madeira due to the difficulty to install secondary treatment due to the specific geographical condition of the island.**

(8 ter) Discharges to high mountain areas (above 1500 m altitude) where it is difficult to apply an effective biological treatment because of low temperatures should be allowed to use less stringent treatment than secondary treatment, provided that detailed studies demonstrate that such discharges do not have adverse effects on the environment and human health. Similarly, discharges into deep marine waters from smaller agglomerations of less than 150 000 p.e. located in less populated outermost regions with less than 275 000 inhabitants characterised by difficult topography such as steep slopes and discharging their urban wastewaters into deep marine waters in the open ocean, favouring a high level of dilution of these urban wastewater discharges into the receiving waters, should also benefit from this derogation. Nevertheless, in order to ensure an equal treatment of all Member States and in order to ensure a high level of protection of the environment and human health on the whole territory of the European Union, this derogation should be limited to 15 years – which is the time required to progressively upgrade the remaining facilities to secondary treatment in these areas where secondary treatment might be more difficult to apply. These derogations should be granted provided that detailed studies demonstrate that such discharges do not have adverse effects on the environment and human health and do not impact the compliance of the receiving waters with other relevant European legislation such as the Bathing Water Directive, the Water Framework Directive or the Marine Strategy Framework Directive.

(9) The evaluation showed that significant reductions of nitrogen and phosphorus emissions were achieved through the implementation of Directive 91/271/EEC. Nevertheless, urban wastewater treatment plants remain, according to the evaluation, an important pathway of those pollutants into the environment, directly leading to eutrophication of water bodies and seas in the Union. Part of this pollution can be avoided as technological progress and best practices in place show that emission limit values established under Directive 91/271/EEC for nitrogen and phosphorus are outdated and should be strengthened. Tertiary treatment should be systematically imposed to all urban wastewater treatment plants of ~~100 000~~ **150 000** p.e. and above, as such plants represent an important remaining source of nitrogen and phosphorus discharge.

(10) Tertiary treatment should also be mandatory in agglomerations of 10 000 p.e. and above that are discharging in areas subject to, or at risk of, eutrophication. In order to ensure that efforts to limit eutrophication are coordinated at the level of the relevant basins for the whole catchment zone, areas where eutrophication is considered an issue according to currently

Commented [EGD5]: PRES: a new Recital was needed in order to clarify some aspects and provide further details related to the amendments introduced in Article 6(3) and in Recital 8 bis.

Commented [EGD6]: PRES: amendment to make the Recital consistent with Article 7.

available data should be listed in this Directive. Additionally, to ensure coherence between relevant Union legislation, Member States should identify other areas subject to, or at risk of, eutrophication on their territory, notably on the basis of data collected under Directive 2000/60/EC of the European Parliament and of the Council⁸, Directive 2008/56/EC of the European Parliament and of the Council⁹ and Council Directive 91/676/EEC¹⁰. The reinforcement of the limit values, a more coherent and inclusive identification of the areas sensitive to eutrophication and the obligation to ensure tertiary treatment for all large facilities will, in combination, contribute to limit eutrophication. Since this will require additional investments on the national level, Member States should be given sufficient time to establish the required infrastructure.

- (11) Recent scientific knowledge underpinning several Commission strategies¹¹ 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 ~~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 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~~ **150 000** 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 these treatment plants above 150 000 p.e., Member States should ensure a prioritisation of the required investments so that the facilities where the risks for human health and the environment are the highest are equipped without delays.** 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 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~~ **assess the** risks **that the discharge of micropollutants in urban wastewater poses on to** the environment or to public health on the basis of a standardised risk assessment. In order to give Member States enough

Commented [EGD7]: PRES: amendements to make the text consistent with Article 8. Also a new sentence was added to clarify that investment securities need to be established as soon as possible and that those investments must be prioritised where higher risk has been assessed.

⁸ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁹ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

¹⁰ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

¹¹ 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).

time to plan and deliver the necessary infrastructures, the requirement of quaternary treatment should progressively apply until ~~2040~~ **2045** with clear interim objectives.

- (12) In order to ensure the continued compliance of discharges from wastewater treatment plants with the requirements for secondary, tertiary and quaternary treatment, samples should be taken in accordance with the requirements of this Directive and those samples should comply with the parametric values that it sets out. In order to take into account possible technical variations in the results from those samples, a maximum number of samples failing to conform to those parametric values should be laid down.

- (13) The quaternary treatment necessary to remove micropollutants from urban wastewater will imply additional costs, such as costs related to monitoring and new advanced equipment to be installed in certain urban wastewater treatment plants. In order to cover these additional costs and in accordance with the polluter-pays principle expressed in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), it is essential that the producers placing on the Union market products containing substances which, at the end of their life, are found as micropollutants in urban wastewaters ('micro-pollutant substances') take responsibility for the additional treatment required to remove those substances, generated in the context of their professional activities. A system of extended producer responsibility is the most appropriate means to achieve this, as it would limit the financial impact on the taxpayer and water tariff, while providing an incentive to develop greener products. **In this context, the extended producer responsibility should apply regardless of whether the products are 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.** Pharmaceuticals and cosmetic residues currently represent the main sources of micropollutants found in urban wastewater requiring an additional treatment (quaternary treatment). Therefore, extended producer responsibility should apply to those two product groups. **According to the available data, the potential increase of costs of the products due to the application of the extended producer responsibility, or the potential reduction of the profit margins of the industries placing the products subject to extended producer responsibility, would be marginal at EU level and would not endanger the affordability and accessibility to these products on the EU market.**

- (14) Exonerations from the extended producer responsibility obligations should nevertheless be possible where products are placed on the market in small quantities, i.e. less than 2 tonnes of products, since the additional administrative burden for the producer would in such cases be disproportionate compared to the environmental benefits. Exonerations should also be possible when the producer can demonstrate that no micropollutants are generated at the end of life of a product. It might be the case for instance where it can be proven that the residues from a product are rapidly biodegradable in the wastewaters and the environment or not reaching the urban wastewater treatment plants. The Commission should be empowered to adopt implementing acts to establish detailed criteria to identify the products placed on the market that do not generate micropollutants in wastewaters at the end of their life. When developing these criteria, the Commission should take into account scientific or other available technical information, including relevant international standards.

- (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. **In order to favour the substitution of products generating micropollutants residues in urban wastewater,** 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 micropollutants, the collection, reporting and impartial verification

Commented [EGD8]: PRES: first new sentence was added in order to clarify that Extended Responsibility Scheme is applying to any products put in place in the MS market, in any country or by any mean.

The last new sentence was added in order to clarify some MS concerns regarding the possibility that the cost of products affected by ERP is eventually paid directly by customers.

Commented [EGD9]: PRES: new sentence was added to clarify that producers' contribution should be proportionate but also enough to encourage them to progressively substitute micropollutants with harmless ones.

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.

- (16) The evaluation has also shown that the wastewater treatment sector offers the opportunity to significantly reduce its own energy consumption and to produce renewable energy, for example by better use of the available surfaces in urban wastewater treatment plants **and of other available spaces and surfaces in operator's facilities** for solar energy production, or by producing biogas from sludge. The evaluation also illustrated that, without clear legal obligations, only partial progress can be expected in this sector. In this context, Member States should be required to ensure that the ~~total~~ annual energy used by all urban wastewater treatment plants on their national territory treating a load of 10 000 p.e. and above does not exceed the production of energy from renewable sources as defined in Article 2(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council¹², by those urban wastewater treatment plants. **In order to take into account the specificities of each urban wastewater treatment plant, optimise the investments needed and provide for the required flexibility to reach the abovementioned energy neutrality objective, while ensuring that the potential for renewable energy production and for energy savings is fully seized, ~~the energy neutrality~~ that objective should be met at national level and not for each treatment plant. All renewable energies produced by the urban wastewater operators' treatment plant or from the transformation of urban wastewater residues, whether on-site or off-site, such as hydraulic, solar, thermal, wind energy or biogas, should be taken into account. A maximum share of 25% of renewable energy, not directly linked to urban wastewater treatment activities or operators' activities, may be purchased or produced from external sources.** That objective should be progressively met with interim targets by 31 December 2040. Reaching this energy neutrality target will contribute to reduce the avoidable greenhouse gas (GHG) emissions from the sector by 46 %, while supporting the achievement of the 2050 climate neutrality objectives and related national and Union objectives, such as the objectives set out in Regulation (EU) 2018/842 of the European Parliament and of the Council¹³. **However, initiatives to achieve energy neutrality should not lead to an increased emission of methane and nitrous oxides.** Encouraging EU-based biogas or solar energy production while enhancing energy efficiency measures in line with the Energy Efficiency First principle¹⁴, which means taking utmost account of cost-efficient energy efficiency measures in shaping energy policy and making relevant investment decisions, will also help reduce the Union energy dependence, one of the objectives expressed in the Commission "Repower EU" Plan¹⁵. It is also in line with Directive (EU) 2018/844 of

Commented [EGD10]: PRES: Recital 16 has been amended to supplement and clarify several issues of Article 11. References to other available spaces from operator facilities has been added, and also more details related to the 'external sources' of energy.

Also, 'total' has been removed because it seems inconsistent with the added 25%.

Other amendments have been introduced to make the Recital legally sound.

¹² Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

¹³ Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

¹⁴ Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond

¹⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: REPowerEU Plan (COM/2022/230 final).

the European Parliament and of the Council¹⁶ and with Directive (EU) 2018/2001 in which urban wastewater treatment sites are qualified as 'go-to' areas for renewables, meaning a location designated as particularly suitable for the installation of plants for the production of energy from renewable sources. In order to reach the objective of energy neutrality via optimal measures for each urban wastewater treatment plant and for the collection system, Member States should ensure that energy audits are carried out in accordance with Article 8 of Directive 2012/27/EU of the European Parliament and of the Council¹⁷ every four years. Those audits should include an identification of the potential for cost-effective use or production of renewable energy following the criteria set out in Annex VI to Directive 2012/27/EU.

- (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*¹⁸ or other relevant regional Conventions such as the Regional Seas or Rivers Conventions.
- (18) In order to ensure the protection of the environment and human health, Member States should ensure that the urban wastewater treatment plants built to comply with the requirements of this Directive are designed, constructed, operated, and maintained to ensure sufficient performance under all normal local climatic conditions.
- (19) Urban wastewater treatment plants also receive non-domestic wastewater, including industrial wastewater, which can contain a range of pollutants not explicitly covered by Directive 91/271/EEC, such as heavy metals, microplastics, micropollutants and other chemicals. **This non-domestic wastewater may come from industries, or commercial establishments, or hospitals and other medical facilities, etc.** In most instances, there is a poor understanding and knowledge of such pollution which could deteriorate the functioning of the treatment process and contribute to the pollution of the receiving waters, but also prevent the recovery of sludge and the reuse of treated wastewater. Member States should therefore regularly monitor and report on such non-domestic pollution that enters the urban wastewater treatment plants and is discharged into water bodies. To prevent pollution from non-domestic wastewater discharges at source, releases from industries or enterprises connected to collecting systems should be subject to prior regulations and/or specific authorisation by the competent authority or appropriate body. In order to ensure that collecting systems and

Commented [EGD11]: PRES: amendments were made in order to keep consistency with Article 14 and its wording.

¹⁶ Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

¹⁷ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

¹⁸ UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes as amended, along with decision VI/3 clarifying the accession procedure.

urban wastewater treatment plants are technically capable of receiving and treating the incoming pollution, the operators who manage urban wastewater treatment plants receiving non-domestic wastewater should be consulted before those permits are issued and should be able to consult the issued permits in order to be able to adapt their treatment processes. Where non-domestic pollution is identified in the incoming waters, Member States should take appropriate measures to reduce pollution at source, by enhancing the monitoring of pollutants in collecting systems so that the pollution sources can be identified and, where necessary, by reviewing the authorisations provided to relevant, connected urban wastewater treatment plants.

(19 bis) ~~(18)~~ The water resources of the Union are increasingly under pressure, resulting in permanent or temporary water scarcity in some areas of the Union. The Union's ability to respond to the increasing pressures on water resources could be improved through a wider reuse of treated urban wastewater, limiting freshwater abstraction from surface and groundwater bodies. Therefore, the reuse of treated urban wastewater should be encouraged and applied whenever appropriate, whilst taking into account the need to ensure that the objectives of good ecological and chemical status of the receiving bodies, as defined in Directive 2000/60/EC, are met. The reinforcement of the requirements for the treatment of urban wastewater, and the actions to better monitor, track and reduce pollution at source, will have impacts on the quality of treated urban wastewater, and will therefore support water reuse. Where water reuse serves the purpose of agricultural irrigation, it should be carried out in accordance with Regulation (EU) 2020/741 of the European Parliament and of the Council ¹⁹.

(20) In order to ensure a proper implementation of this Directive and notably the respect of the emission limit values, it is important to monitor discharges of treated urban wastewater into the environment. The monitoring should be done through the establishment at national level of ~~a~~ mandatory prior regulations and/or a prior authorisation system in order to discharge the treated urban wastewater into the environment. In addition, in order to prevent unintentional discharges of plastic biomedica the environment from urban wastewater treatment plants using this technique, it is essential to include in the discharge authorisations specific obligations to continuously monitor and prevent such discharges.

Commented [EGD12]: PRES: amendments to make the Recital consistent with Articles 14 and 15.2.

(21) In order to ensure the protection of the environment, direct discharges of biodegradable non-domestic wastewater into the environment from certain industrial sectors should be subject to prior authorisation on national level and appropriate requirements. Those requirements should ensure that direct discharges from certain industrial sectors are subject to secondary, tertiary and quaternary treatment as necessary for the protection of human health and the environment.

(22) According to Article 168(1) TFEU, Union action complements national policies and is to be directed towards improving public health and preventing diseases. In order to ensure optimal use of relevant public health data from urban wastewaters, urban wastewater surveillance should be set up and used for preventive or early warning purposes, for instance in the detection of specific viruses in urban wastewater as a signal of the emergence of epidemics or pandemics. Member States should establish a permanent dialogue and coordination between competent authorities responsible for public health and competent authorities responsible for urban wastewater management with regard to identification of ~~In the context of that coordination,~~ a list of parameters relevant for public health to be monitored in urban wastewaters ~~should be established~~, as well as the frequency and location of the sampling. This approach will take advantage of and complement other Union initiatives in the field of public

Commented [EGD13]: PRES: minor changes in order to adapt the Recital to Article 17.

¹⁹ Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (OJ L 177, 5.6.2020, p. 32).

health protection, such as environmental monitoring that includes wastewater surveillance²⁰. Based on information gathered during the COVID-19 pandemic and experience gained from the implementation of the Commission Recommendation on a common approach to establish a systematic surveillance of SARS-CoV-2 and its variants in wastewaters in the EU²¹ (the ‘recommendation’), **in case of a health emergency**, Member States should be required to monitor **relevant** health parameters. ~~related to SARS-CoV-2 and its variants on a regular basis~~. In order to ensure that harmonised methods are used, Member States should, to the extent possible, use sampling and analysis methods set out in the recommendation for the monitoring of SARS-CoV-2 and its variants.

- (23) The Union recognises the importance of tackling the issue of antimicrobial resistance (AMR) and adopted in 2017 the European One Health Action Plan against AMR²². According to the World Health Organisation (WHO), wastewater is recognised and documented as major sources of antimicrobial agents and their metabolites, as well as antimicrobial-resistant bacteria and their genes. In order to increase the knowledge on the main sources of AMR, it is necessary to introduce a monitoring obligation for the presence of AMR in urban wastewaters to further develop our scientific knowledge and potentially take adequate action in the future.
- (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 Council²³.
- (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 2030²⁴. **Sanitation facilities should allow the safe management and disposal of human urine, faeces and menstrual blood**. Furthermore, Principle 20 of the European Pillar of Social Rights²⁵ 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

Commented [EGD14]: PRES: this sentence was moved to make the text clearer and legally sound, as is the case as well for the amendment in the last sentence of this Recital.

²⁰ Commission Communication on introducing the European Health Emergency Preparedness and Response Authority, the next step towards completing the European Health Union (COM(2021)576 final).

²¹ Commission Recommendation (EU) 2021/472 of 17 March 2021 on a common approach to establish a systematic surveillance of SARS-CoV-2 and its variants in wastewaters in the EU (OJ L 98, 19.3.2021, p. 3).

²² Communication from the Commission to the Council and the European Parliament: A European One Health Action Plan against Antimicrobial Resistance (AMR) (COM/2017/0339 final).

²³ 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).

²⁴ Resolution adopted by the United Nations General Assembly on 25 September 2015 (A/70/L.1)

²⁵ 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).

recommendations in the WHO Guidelines for Sanitation and Health²⁶ and the provisions of the Protocol on Water and Health²⁷ 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 should be decided at national level.**

Commented [EGD15]: PRES: as suggested by MS the implications of Article 19 were too broad.

- (26) The specific situation of minority cultures, such as Roma and Travellers, whether settled or not, and in particular their lack of access to sanitation, was acknowledged in the Communication from the Commission of 7 October 2020 ‘A Union of Equality: EU Roma strategic framework for equality, inclusion and participation’, which calls for increasing effective equal access to essential services. Overall, it is appropriate that Member States pay particular attention to vulnerable and marginalised groups by taking the necessary measures to improve access to sanitation for those groups. It is important that the identification of those groups is coherent with Article 16(1) of Directive (EU) 2020/2184 of the European Parliament and of the Council²⁸. Measures to improve access to sanitation by vulnerable and marginalised groups might include providing sanitation facilities in public spaces for free or for a low service fee, improving or maintaining the connection to adequate systems to collect urban wastewater, and raising awareness of the nearest sanitation facilities.
- (27) According to the EU Human Rights Guidelines on Safe Drinking Water and Sanitation²⁹, particular attention should be given to the needs of women and girls, as they are particularly at risk and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety when accessing sanitation facilities outside their homes. This is in line with the Council Conclusions on Water Diplomacy³⁰, which reaffirm the importance of integrating a gender perspective into water diplomacy. Therefore, Member States should pay particular attention to women and girls as being a vulnerable group and should take the necessary measures to improve or maintain a safe access to sanitation for them.
- (28) The evaluation concluded that sludge management could be improved to better align it with the principles of the circular economy and of the waste hierarchy as defined in Article 4 of Directive 2008/98/EC. The actions to better monitor and reduce pollution at source from non-domestic discharges will help improving the quality of the sludge produced and ensure its safe use in agriculture. In order to ensure a proper and safe recovery of nutrients, including the critical substance phosphorus, from the sludge, minimum recovery rates should be defined at Union level. **The recovered nutrients shall should be used as substitutes for primary nutrients, for example, in the production of fertilizers.**

Commented [EGD16]: PRES: redrafting to be legally sound

²⁶ WHO Guidelines on Sanitation and Health, 2018.

²⁷ Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 17 June 1999.

²⁸ Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1).

²⁹ EU Human Rights Guidelines on Safe Drinking Water and Sanitation (10145/19).

³⁰ Council Conclusions on Water Diplomacy (13991/18).

(29) ~~Additional Adequate~~ monitoring is necessary to verify compliance with the new requirements concerning micropollutants, non-domestic pollution, energy neutrality, ~~GHG emissions, storm water sewer overflows and polluted urban runoff discharges. Microplastics and relevant micropollutants should be monitored, where relevant, in sewer overflow discharges with a representative sampling programme which would inform concentration adopted for water quality modelling. This monitoring should be updated on a regular basis to ensure the modelling continues to be representative of local conditions.~~ To verify the performance compliance of the quaternary treatment concerning the reduction of micropollutants in urban wastewater discharges, it is sufficient to monitor a limited set of representative micropollutants. The monitoring frequencies should be aligned to the current best practices, as currently practiced in Switzerland. To remain cost-effective, those obligations should be adapted to the size of the urban wastewater treatment plants and of the agglomerations.

Commented [EGD17]: PRES: amendments in Recitals 29 and 29 bis are made to maintain consistency with Article 21.

(29bis) Microplastics and relevant micropollutants should be monitored, where relevant, in sewer overflow discharges and in discharges of urban runoff from separate systems with a representative sampling programme which would inform concentration adopted for water quality modelling. GHG emissions should be monitored, where relevant, supported by calculations and modelling. The monitoring will also contribute to provide data for the overall Environmental Monitoring Framework as set up under the 8th Environmental Action Programme³¹, and more specifically feed the Zero Pollution Monitoring Framework underpinning it³².

(30) In order to reduce administrative burden and better use the possibilities offered by digitalisation, the reporting on the implementation of the Directive should be improved and simplified by removing the obligation for Member States to report every two years to the Commission and for the Commission to publish bi-yearly reports. It should be replaced by a requirement for Member States to improve, with the support of the European Environment Agency (EEA), the existing national standardised data sets established under Directive 91/271/EEC, and to regularly update them. **These data sets will be used by the Commission to verify compliance with the Directive. The reporting model would be developed by EEA in collaboration with MS. Permanent access** Access to the national databases should be provided to the Commission and the EEA. In order to ensure complete information on the 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 sewer~~ 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 Council³³ should be ensured to optimise the use of the data, as well as to support full transparency.

Commented [EGD18]: PRES: change in order to adapt the text

(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,

³¹ Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).

³² 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).

³³ 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

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.~~ **To ensure the implementation of this Directive, adequate private and public investments are essential. Therefore, the Commission should consider the national implementation programmes reported by Member States for the preparation of the next multiannual financial framework post 2027 and the Member States should put in place the required system of producer responsibility without delay.**

Commented [EGD19]: PRES: these new sentences were added to clarify that in order to successfully implement this Directive, investment sources shall be ensured and properly planned.

- (32) The urban wastewater collection and treatment sector is specific, operating as a captive market, with public and small enterprises being connected to the collecting system without having the possibility to choose their operators. It is therefore important to ensure public access to operators' key performance indicators, such as the level of treatment achieved, the costs of treatment, the energy used and produced, and the related GHG emissions and carbon footprint. In order to make the public more aware of the implications of urban wastewater treatment, key information on the annual wastewater collection and treatment costs for each household should be provided in an easily accessible manner, for instance on the invoices, while other detailed information should be accessible online, on a website of the operator or the competent authority.
- (33) Directive 2003/4/EC of the European Parliament and of the Council³⁴ guarantees the right of access to environmental information in the Member States in line with the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the 'Aarhus Convention'). The Aarhus Convention encompasses broad obligations related both to making environmental information available upon request and actively disseminating such information. It is important that the provisions of this Directive related to access to information and data-sharing arrangements complement that Directive, by establishing the obligation to make available to the public online information on the collection and treatment of urban wastewater in a user-friendly manner, without creating a separate legal regime.
- (34) The effectiveness of this Directive and its aim of protecting public health in the context of the Union's environment policy require that natural or legal persons, or where appropriate their duly constituted organisations, be able to rely on it in legal proceedings and that the national courts be able to take this Directive into consideration as an element of Union law in order, inter alia, to review decisions of a national authority where appropriate. In addition, according to settled case law of the Court of Justice, under the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union (TEU), it is for the courts of the Member States to ensure judicial protection of a person's rights under Union law. Furthermore, Article 19(1) TEU requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law. In addition, in accordance with the Aarhus Convention, members of the public concerned should have access to justice in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being.
- (35) To adapt this Directive to scientific and technical progress, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending certain parts of the Annexes with regard to the requirements for the secondary, tertiary and quaternary treatment and the requirements for specific authorisations for discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants and in respect of supplementing this Directive by establishing minimum reuse and recycling rates for phosphorus and nitrogen from sludge. It is of particular importance

³⁴ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26–32).

that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (36) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission for the adoption of standards for the design of individual systems, for the adoption of monitoring and assessment methods for the indicators of the quaternary treatment, for the establishment of common conditions and criteria for the application of the exoneration for certain products from extended producer responsibility, for establishing methodologies to support the development of integrated urban wastewater management plans, **for the development of alternative indicators to load-based indicative objective of pollution reduction based for instance on volume, frequency of sewer overflows, or other relevant alternative indicator, and for establishing methodologies** to measure antimicrobial resistance and microplastics in urban wastewater, and for the adoption of the format of, and modalities for, presenting the information to be provided by Member States and compiled by the EEA on the implementation of this Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁵.
- (37) Member States should lay down rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and should take all measures necessary to ensure that they are implemented. The penalties should be effective, proportionate and dissuasive, taking into account specificities of Small and Medium Enterprises.
- (38) Pursuant to the Interinstitutional Agreement on Better Law-Making³⁶, 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 micropollutants in the wastewaters and their impacts on public health and the environment, and data from the new monitoring obligations on micropollutants in the inlets and outlets of the urban wastewater treatment plants. **On the basis of the results of this evaluation, and/or on the basis of new scientific evidence on the presence of micropollutants in the wastewaters, the list of products in Annex III ~~may need to~~ should be regularly amended to include new sectors in the scope of the extended producer responsibility referred to in Article 9.**
- (39) Directive 91/271/EEC provides for specific deadlines for Mayotte due to its inclusion in 2014 as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union. Therefore, the application of the obligations to establish collecting systems and apply secondary treatment to urban wastewater from agglomeration of 2 000 p.e. and above should be deferred with respect to Mayotte.

Commented [EGD20]: PRES: the new sentence aims to clarify that various sources of information should lead to regularly extent the list of products in Annex III.

³⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

³⁶ 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).

- (39 bis) It is appropriate to consider the specific situation of Mayotte and the other Union's outermost regions, as listed in Article 349 of the TFEU, which provides for specific measures to support those regions. In terms of urban wastewater treatment of these territories, special attention should be given to the difficult topography and insularity.**
- (40) In order to ensure the continuity of the protection of the environment, it is important that Member States maintain at least the current level of tertiary treatment until the new requirements for the reduction of phosphorus and nitrogen become applicable. Therefore, Article 5 of Council Directive 91/271/EC should continue to apply until those new requirements become applicable.
- (41) Since the objectives of this Directive, namely to protect the environment and public health, to progress towards climate neutrality of urban wastewater collection and treatment activities, to improve access to sanitation and to ensure a regular surveillance of parameters relevant to public health, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (42) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.
- (43) This Directive should be 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 Annex [VII], Part B.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive lays down rules on the collection, treatment, and discharge of urban wastewater, to protect the environment and human health while progressively ~~eliminating~~ **reducing** greenhouse gas emissions **to sustainable levels** and improving the energy balance of urban wastewater collection and treatment activities. It also lays down rules on access to sanitation, on transparency of the urban wastewater sector and on the regular surveillance of public health relevant parameters in urban wastewaters.

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 or~~ 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 ~~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;~~
 - (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 (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 ~~and/or to a one or more final discharge points; into receiving waters;~~

Commented [EGD21]: PRES: the suggestions made by MS were correct. PRES aims to clarify that urban wastewater can be one of the following:
i) domestic wastewater
ii) domestic + non-domestic wastewater
iii) domestic + urban runoff
iv) domestic +non-domestic + urban runoff

Commented [EGD22]: PRES: as suggested by MS, it tries to clarify that a single agglomeration can discharge partly to one or more plants or discharge points, depending, among others, on topography issues.

(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 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**

Commented [EGD23]: PRES: some changes have been made in definitions and Articles related to combined sewers, separate sewers and urban runoff management's provisions to address the concerns expressed by some MS in their comments both in the WPE and in writing in relation to urban runoff and separate sewers.

Commented [EGD24]: PRES: this clarification was added by suggestion of MS. It does not change the meaning of the definition.

plant (excluding ~~debris, grit, grease, other debris and any other screenings~~ screenings and residues from the first pre-treatment step);

Commented [EGD25]: PRES: final details have been added to this definition. PRES understand that any grit/solid/debris/waste is excluded from the « regular» sludge from wastewater.

- (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 1272/2008³⁷; **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;
- (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**;
- (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

Commented [EGD26]: PRES: as suggested by MS this amendment, and the one in Article 9(4), tries to provide enough flexibility to MS, so they could define the most efficient format for these organisations.

³⁷ 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).

Directive, including non-governmental organisations promoting the protection of human health or the environment;

- (23) 'plastic biomedica' means a plastic support, usually made of plastic, 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 of a Member State;
- (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).
- (26) [NEW] 'Individual system' means a sanitation facility that collects, stores, transports, treats and disposes of domestic wastewater as defined in this Article, from buildings or parts of buildings not connected to a public urban wastewater collecting system.

Commented [EGD27]: PRES: as suggested by MS, biomedias can potentially be made of different materials, so more flexibility has been added to the definition.

Commented [EGD28]: PRES: as explained in the Annex I of the Steering Note for WPE on 11th September, it is understood that this option is better since an EPR system works at national level. Besides, this way the definition is aligned with Art 3(6) and 3(7) of Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment.

Commented [EGD29]: PRES: a new definition has been added in order to clarify the scope of Article 4 and to ensure uniform application by all MS.

Article 3

Collecting systems and calculation of the load expressed in p.e.

1. ~~Unless they justify of a derogation under paragraph 1 of Article 4,~~ Member States shall ensure that all agglomerations ~~with a p.e. of 2 000 p.e. and above~~ comply with the following requirements:
- (a) they are provided with collecting systems;
 - (b) all their sources of domestic urban domestic wastewater are connected to the collecting system.
2. ~~Unless they justify of a derogation under paragraph 1 of Article 4,~~ By 31 December 2030 ~~2033~~, Member States shall ensure that all agglomerations ~~with a p.e. of between 1 000 and 2 000 p.e.~~ comply with the following requirements of paragraph 1 by 31 December ~~2033~~ 2035.
- ~~(a) they are provided with collecting systems;~~
 - ~~(b) all their sources of domestic urban wastewater are connected to a the collecting system.~~
- Member states may derogate from this deadline for maximum six years, if the conditions in Article 23(5) are met.
3. The calculation of the load of an agglomeration expressed in p.e. shall be based calculated on the basis of the maximum average weekly load entering the treatment plant generated in that agglomeration generated in that agglomeration during the year,

Commented [EGD30]: PRES: as requested by some MS, this paragraph should refer only to domestic waters, due to the possibility that some non-domestic waters could damage the collectors. Industry should treat their own wastewaters. Therefore, it has been decided to finally go back to domestic instead of urban.

Commented [IMS31]: PRES Some MS keep asking for the RBA in the case of smaller agglomerations, or directly not to apply this requirement to agglomerations under 2.000 pe. In this case, as suggested by some MS, an extension of the deadline has been done as a compromise.

Commented [EGD32]: PRES: changes to align the text with article 23.5

Commented [EGD33]: PRES: It has been decided to come back to the old definition because, as pointed out by some MS, one agglomeration could be served by one or more WWTP.

excluding unusual situations such as those due to heavy rain. ~~The calculation of the load expressed in p.e. subject to treatment in an urban wastewater treatment plant, shall also be based on the maximum average weekly load.~~ The calculation of the load expressed in p.e. subject to treatment in an urban wastewater treatment plant, shall also be based on the maximum average weekly load;

- 4.3. Collecting systems shall fulfil the requirements of Part A of Annex I.

Article 4

Individual systems

1. ~~By way of derogation Member States may derogate from Article 3, where exceptionally if the establishment of or the connection to a collecting system is not justified either because it would produce no environmental or health benefit, it is not technically feasible or because it would involve excessive cost.~~

If derogating from Article 3, Member States shall ensure that individual systems for the collection, storage and, when applicable, treatment of ~~urban domestic~~ urban wastewaters ('individual systems') are used ~~for in agglomerations of 1 000 p.e. and above, or parts of these agglomerations.~~

2. Member States shall ensure that individual systems are designed, operated and maintained in a manner that ~~ensures at least achieves~~ the same level of environmental protection treatment as the secondary and tertiary treatments referred to in Articles 6 and 7.

~~Tertiary treatment for individual systems will only be required in those cases that individual systems are discharging in a sensitive area or a catchment area.~~

~~This requirement will apply to existing individual systems six years after 2033.~~

3. [NEW] Member States shall ensure that individual systems that are used in agglomerations of 1000 p.e. and above ~~where individual systems are used~~ are registered in a public national, ~~or regional or local~~ registry and that regular inspections ~~or other means of regular checks or control~~ of those systems, on the basis of a risk-based approach, are carried out by the appropriate authority ~~or other body authorised at national, or regional or local level.~~

- 3.4. The Commission is empowered to adopt ~~delegated implementing~~ acts in accordance with the procedure referred to in Article 27 to supplement this Directive by that shall be adopted in accordance with the examination procedure referred to in Article 28(2) for establishing to ensure uniform application of this Directive by specifying minimum requirements ~~on~~ for:

Commented [IMS34]: PRES: Addition for further clarification of the text. Some MS ask to clarify that the use of IAS could be only for one part of the load generated in the agglomeration. In that case, that part of the load should be exonerated from the requirements of article 3.

Commented [EGD35]: PRES: Some MS want to delete the reference to the RBA here, because it could lead to a lack of control. It is the PRES understanding that "regular checks" brings enough flexibility to this requirement.

Commented [EGD36]: PRES: this fourth paragraph has been rephrased to be legally sound.

- (a) the design, operation, and maintenance of individual systems referred to in paragraphs 1 and 2; and
- (b) ~~by specifying the requirements for the regular inspections referred to in paragraph 2 3,~~
on the basis of a risk-based approach ~~second subparagraph.~~

~~The Commission will provide the requirements~~ **Those implementing acts shall be adopted by [OP please insert the date = 24 months from the entry into force of this Directive] in accordance with the examination procedure referred to in Article 28(2).**

4 5. Member States that use individual systems ~~to collect and/or~~ treat more than 2% of the urban wastewater load **at national level** from agglomerations of 2 000 p.e. and above shall provide the Commission with a ~~detailed~~ justification for the use of individual systems ~~in each of the agglomerations in each of the agglomerations.~~ That justification shall:

Commented [EGD37]: PRES: as suggested by some MS, this addition seems to be necessary due to the inclusion of tanks for collection in paragraph 1.

- (a) demonstrate ~~for each of those agglomerations~~ that the conditions for using individual systems set out in paragraph 1 are fulfilled;
- (b) describe the measures taken in accordance with paragraph 2 **and 3**;
- (c) demonstrate compliance with the minimum requirements referred to in paragraph 3 ~~4~~ where the Commission has exercised its ~~delegated~~ **implementing** power under that paragraph.

5 6. The Commission is empowered to adopt implementing acts establishing the format for submitting the information referred to in paragraph 4 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2). **The Commission ~~will shall~~ provide the format by [OP please insert the date = 24 months from the entry into force of this Directive].**

Commented [EGD38]: PRES: this amendment was made to be legally sound.

Article 5

Integrated urban wastewater ~~and polluted urban runoff~~ management plans

Commented [EGD39]: PRES: change in line with the amended text proposed for this article.

- By 31 December ~~2030~~ **2035**, Member States shall ensure that an integrated urban wastewater management plan is established for ~~each~~ **drainage areas** of agglomerations of 100 000 p.e. and above.
- By 31 December ~~2025~~ ~~2027~~ **2030**, Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, **modelling** and state-of-the-art climate projections, **as well as the pressures and impacts assessment undertaken under the River Basin Management Plan**, one or more of the following conditions apply:

Commented [EGD40]: PRES: new drafting to give the possibility to the competent authorities to decide if they prefer to establish just one plan for the agglomeration when they have more than one drainage area, regardless of drainage area size. The same rationale has been followed in paragraph 3.

Commented [EGD41]: PRES: some MS have asked for a link with the WFD. It is the PRES understanding that a reference to the pressures and impacts already assessed under the River Basin Management Plans could be added here.

- (a) ~~sewer storm water overflow or urban runoff discharges~~ poses a risk to the environment or human health;
- (b) ~~sewer storm water overflow~~ represents more than ~~1%~~ **3%** of the annual collected urban wastewater load **of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I**, calculated in dry weather ~~flow conditions~~;
- (c) ~~sewer storm water overflow or~~ **polluted discharges of urban runoff discharges** prevents the fulfilment of any of the following:
- (i) the requirements established under Article 5 of Directive (EU) 2020/2184;
 - (ii) the requirements set out in Article 5(3) of Directive 2006/7/EC of the European Parliament and of the Council³⁸;
 - (iii) the requirements set out in Article 3 of Directive 2008/105/EC of the European Parliament and of the Council³⁹;
 - (iv) the environmental objectives set out in Article 4 of Directive 2000/60/EC.
 - (v) the requirements established under Article 3 of Directive 2006/118/EC⁴⁰.

(d) relevant points in separate sewers have been identified where urban runoff is expected to be polluted in such a way that its discharge into receiving waters can be considered as a risk to the environment or human health or prevents the fulfilment of any of the Directives mentioned in paragraph (c).

Following an update of the list, Member States shall ensure that integrated management plans are established for agglomerations within six years of their inclusion in that list.

3. By 31 December ~~2035~~ **2040**, Member States shall ensure that an integrated urban wastewater management plan is established for ~~each~~ **drainage areas** of agglomerations referred to in paragraph 2.
4. Integrated urban wastewater management plans shall be made available to the Commission on request.

Commented [EGD42]: PRES: amendement introduce to address the concerns expressed by some MS since the impacts of combined sewers overflows and urban runoff discharges from separate sewers in small/medium agglomerations are not the same. PRES propose this drafting as a compromise text between the different concerns and situations expressed by the Member States.

³⁸ 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).

³⁹ Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

⁴⁰ Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration.

5. Integrated urban wastewater management plans shall include at least the elements set out in Annex V.
6. The Commission is empowered to adopt implementing acts to **ensure uniform application of this Article by specifying:**
- (a) ~~provide~~ methodologies for the identification of the measures referred to in point 3 of Annex V;
 - (b) ~~provide~~ methodologies for the determination of alternative indicators to verify whether the indicative objective of pollution reduction referred to in point 2 (a) of Annex V is achieved;
 - (c) ~~determine~~ the format by which integrated urban wastewater management plans are to be made available to the Commission where requested in accordance with paragraph 4.

Commented [EGD43]: PRES: amendments were made in this paragraph to be legally sound.

Those implementing acts shall be adopted **by 24 months from the entry into force of this Directive** in accordance with the examination procedure referred to in Article 28(2). ~~The Commission will provide the methodologies and format by 24 months from the entry into force of this Directive.~~

7. Member States shall ensure that integrated urban wastewater management plans are reviewed **at least every 5 six years** after their establishment and updated where necessary.

Article 6

Secondary treatment

1. ~~For agglomerations of 2 000 p.e. and above, Member States shall ensure that urban wastewater treatment plants serving agglomerations of 2 000 p.e. and above urban wastewater entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment of urban wastewater, set out in accordance with Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I paragraph 3 or an equivalent treatment before discharge into receiving waters.~~

~~For agglomerations of between 2 000 p.e. and 10 000 p.e. which are discharging into coastal areas, (The obligation set out in the first paragraph shall not apply until 31 December 2027 for:~~

- ~~(a) For For agglomerations of between 2 000 p.e. and 10 000 p.e. which are discharging into coastal areas waters as defined under Directive 2000/60/EC and which apply appropriate treatment in accordance with Article 7 of Council Directive 91/271/EEC on~~

~~[OP please insert the date = the date of entry into force of this Directive]~~ ~~on [OP please insert the date = the date of entry into force of this Directive]~~, the obligations set out in the first paragraph shall not apply until 31 December 2030.

Commented [EGD44]: PRES: the deleted sentence was taken back to make it legally sound.

(b) For agglomerations discharging into less sensitive areas as referred to in Article 6(1) of Council Directive 91/271/EEC the obligations set out in the first paragraph shall apply in ~~seven-twelve years~~ after the ~~on [OP please insert the date = date of entry into force of this Directive]~~ and fifteen years in the case of Madeira after the entry into force of this Directive.

Commented [EGD45]: PRES: Some MS asked to extend the deadline for agglomerations discharging in less sensitive areas. Also further clarifications have been made in Recital 8 bis.

2. For agglomerations of between 1 000 p.e. and 2 000 p.e., ~~Unless they justify a derogation under paragraph 1 of Article 4,~~ Member States shall ensure that urban wastewater treatment plants serving agglomerations of between 1 000 p.e. and 2 000 p.e., by 31 December ~~2033~~ 2035 ~~urban wastewater entering collecting systems is subject to meet the relevant requirements for secondary treatment or an equivalent treatment set out in Part B and Table 1 of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I accordance with paragraph 3 or an equivalent treatment before discharge into receiving waters by 31 December 2030.~~

Commented [EGD46]: PRES: in consistency with the extension of deadlines in Article 3(2). Both deadlines are linked.

Member states may derogate from this deadline ~~for maximum six years,~~ if the conditions in Article 23(5) are met.

Commented [EGD47]: PRES: changes to align the text with article 23.5

3. ~~Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall comply with the parametric values set out in table 1 of Part B of Annex I. The maximum permitted number of samples which fail to conform to the parametric values of table 1 of Part B of Annex I is set out in table 4 of Part D of Annex I.~~
4. ~~The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the urban wastewater treatment plant during the year, excluding unusual situations due to heavy rain.~~
3. Urban wastewater discharges to waters situated in high mountain regions (over 1500 m above sea level) where it is difficult to apply an effective biological treatment due to low temperatures, or discharges to deep marine waters from agglomerations of less than 150 000 p.e. in less populated outermost regions where the topography and geography of the territory makes it difficult to apply an effective biological treatment, may be subjected to treatment less stringent than that prescribed in paragraph 1, until [OP please insert the date = last day of the fifteenth years after the entry into force of the Directive], provided that detailed studies demonstrate that such discharges do not adversely affect

Commented [EGD48]: PRES: new amendments to reflect the peculiarities of larger agglomerations in Outermost Regions discharging into deep marine open waters.

the environment and human health and do not prevent the receiving waters to meet the relevant quality objectives and the relevant provisions of other relevant Union legislations, and that those

Article 7

Tertiary treatment

1. By 31 December ~~2030~~ **2033** ~~2035~~, 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** ~~2040~~, 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:**

(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~~

Commented [EGD49]: PRES: as suggested by MS, deadlines in this paragraph has been slightly extended.

~~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 period of maximum
six years, if the conditions in Article 23(5) are met. However, urban wastewater
treatment plants treating a load of ~~100 000~~ 150 000 p.e. and above must shall still meet
the deadlines set in Article 7(1).

Commented [EGD50]: PRES: changes to align the text with article 23.5

Also other amendments aim to make the text legally sound

3 bis. ~~Tertiary treatment~~ Discharges of urban wastewater referred to in paragraphs 1 and 3
shall meet the relevant requirements in Part B and Table 2 of Annex I in accordance
with the methods for monitoring and evaluation of results laid down in Part D of Annex
I.

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

4. ~~Samples taken in accordance with Article 21 and Part D of Annex I of this Directive shall~~
~~comply with the parametric values set out in table 2 of Part B of Annex I. The maximum~~
~~permitted number of samples which fail to conform to the parametric values of table 2 of Part~~
~~B of Annex I is set out in table 4 of Part D of Annex I.~~

The Commission is empowered to adopt delegated acts in accordance with the procedure
referred to in Article 27 to ~~amend 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.

Commented [EGD51]: PRES: it was needed to come back to 'amend' to make the text legally sound.

5. By way of derogation from paragraphs 3 ~~and 4~~, Member States may decide that an individual
urban wastewater treatment plant situated in an area included in a list referred to in paragraph
2 shall not be subject to the requirements set out in paragraphs 3 ~~and 4~~ where it can be shown

that the minimum percentage of reduction of the overall load entering all urban wastewater treatment plants in that area is:

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

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

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 2035** for discharges from 20% of these urban wastewater treatment plants;

(b) ~~By 31 December 2035~~ **2039 2040**, 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 [EGD52]: PRES: deadlines have been slightly extended accordingly with Article 7, as requested by MS.

Also it makes sense to have similar deadlines since it is more pragmatic to do the requested refurbishment at once, so same deadlines promote this cost-efficient approach.

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 micropollutants **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 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 Council⁴¹, take place;
- (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC, **2006/118/EC** and 2008/105/EC.

The risk assessment referred to in the second subparagraph shall be communicated to the Commission on request.

3. The Commission is empowered to adopt implementing acts establishing the format of the risk assessment referred to in paragraph 2, second subparagraph, and the method to be used for that risk assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2), ~~no later than [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive].~~
4. ~~By 31 December 2035, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 100 000 p.e above meet the requirements for, urban wastewater entering collecting systems is subject to~~ **quaternary treatment set out in Part B and Table 3**

⁴¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

of Annex I in accordance with the methods of monitoring and evaluation of result laid down in Part D of Annex I ~~accordance with paragraph 5~~ before discharge into areas included in a list referred to in paragraph 2 by:

- (a) 31 December 2035 for ~~30~~ 20% of these agglomerations;
- (b) 31 December 2040 for 60 % of these agglomerations;
- (c) 31 December 2045 for all these agglomerations.

~~Urban wastewater treatment plants treating a load of 100 000 p.e. and above must still meet the deadlines set in Article 8(1).~~ By 31 December 2040, member States shall ensure that urban wastewater entering collecting systems is subject to quaternary treatment in accordance with paragraph 5 before discharge into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.

5. Member States shall ensure that discharges from urban wastewater treatment plants which are situated in an area included in a list referred to in paragraph 2 following one of the regular updates of the list required by that paragraph, fulfil the requirements laid down in paragraph 4 ~~and~~ in Part B and Table 3 of Annex I within seven years of the inclusion in that list, but not later than required by paragraph 4.

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~~ ~~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).

Commented [EGD53]: PRES: "and" was missing in the previous version.

Commented [EGD54]: PRES: this sentence has been substituted for the last new sentence in paragraph 5 to make the text legally sound.

Commented [EGD55]: PRES: it was needed to come back to 'amend' to make the text legally sound.

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~~ third 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:

Commented [EGD56]: PRES: as suggested by MS, one more year was needed to ensure full implementation of ERP scheme.

- (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 micropollutants referred to in Article 21(1), point (a); and
- (b) the costs for gathering and verifying data on products placed on the market; and
- (c) other costs required to exercise their extended producer responsibility.

2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following:

- (a) the quantity of the product they place on the **Union** market is below 2 tonnes per year;
- (b) the products they place on the market do not generate micropollutants in wastewaters ~~at the end of their life-~~ **at the end of their life-**

3. The Commission is empowered to adopt implementing acts to establish detailed criteria on the uniform application of the condition laid down in paragraph 2, point (b) to specific categories of products **and their hazardousness**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2) **no later than [OP please insert the date = the last day of the second year from the date of entry into force of this Directive]**.

4. Member States shall ensure that producers referred to in paragraph 1 exercise their extended producer responsibility collectively. ~~by adhering to a producer responsibility organisation~~

Member States shall ensure that:

- (a) the producers referred to in paragraph 1 are required to once every year provide the producer responsibility organisations with the following:
 - (i) the annual quantities of the products listed in Annex III that they place on the market in the context of their professional activity;

Commented [EGD57]: PRES: as explained in definition (19) these amendments aim to give enough flexibility to MS, so they could define the most efficient format for these organisations.

Also a minor correction regarding the reference in point d) was included

- (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 1 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) **of this paragraph**.

Article 10

Minimum requirements for producer responsibility organisations

1. Member States shall take the necessary measures to ensure that any producer responsibility organisation established under Article 9(4):

- (a) has a clearly defined geographical coverage coherent with the requirements set out in Article 8;
- (b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers, **including financial guarantees to ensure the continuity of the quaternary treatment of urban wastewater in accordance with Article 8 of this Directive in all circumstances**;
- (c) makes publicly available information about:
- (i) its ownership and membership;
 - (ii) the financial contributions paid by producers;
 - (iii) the activities that it undertakes every year, including clear information on how its financial means are used.

[NEW] The provision of information to the public under this Article shall be without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant Union and national law.

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).

Commented [EGD58]: PRES: a new provision was added regarding making information public, in order to make the text legally sound.

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.

Based on the information provided by the Member States, the Commission shall establish and regularly update a list of the requests of derogations received by Member States from producers under Article 9(2). This list shall be made available on request to the national competent authorities of the Member States.

Commented [EGD59]: PRES: new subparagraph following different suggestions of MS.

Article 11

Energy ~~and climate~~ neutrality ~~of urban wastewater treatment plants and collecting systems~~

1. Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems in operation are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective **measures to reduce the use of energy and/or** ~~or enhance the~~ production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing **greenhouse gas methane** emissions. The first audits shall be carried out:
 - (a) by 31 December ~~2025~~ **2030** for urban wastewater treatment plants treating a load of 100 000 p.e. and above and the collecting systems connected to them;
 - (b) by 31 December ~~2030~~ **2035** for urban wastewater treatment plants treating a load of between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.
2. Member States shall ensure that, at national level, urban wastewater treatment plants **treating a load of 10 000 p.e. and above produce energy from renewable sources**, ~~the total annual energy from renewable sources~~, as defined in Article 2(1) of Directive (EU) 2018/2001, ~~produced at national level, on or off site~~, by urban wastewater treatment plants ~~treating a load of 10 000 p.e. and above is equivalent to at least~~, based notably on the results of the audits referred to in paragraph 1.:

This energy ~~will~~ **shall** be produced from urban wastewater operator's facilities resources, on or off-site. A maximum of 25% of energy may be produced or purchased from external renewable sources.

Member States shall ensure that, at national level, total annual energy from renewable sources produced by urban wastewater treatments plants or purchased under subparagraphs 1 and 2 is equivalent to at least:

- (a) ~~50~~ **20** % of the total annual energy used by such plants by 31 December 2030;
- (b) ~~75~~ **60** % of the total annual energy used by such plants by 31 December 2035;
- (c) 100 % of the total annual energy used by such plants by 31 December 2040.

~~In the calculation of the total annual energy produced from renewable sources as referred to in the first subparagraph, Member States may take into account a maximum of 10 % of renewable energy neither produced by urban wastewater treatment~~

Commented [EGD60]: PRES: since the scope of the article (especially paragraph 2) has been widened, and more flexibilities has been introduced beyond the limits of urban wastewater treatment plants, the title of the articles itself should be simplified.

Commented [EGD61]: PRES: as suggested by MS, two little corrections have been introduced. Indeed, audits should be carried out in plants and collecting systems that are already in operation, and the results of the audits should include measures to reduce use of energy and/or measures to enhance energy production. Also, some MS asked for the deletion of 'methane'. However, had been already deleted and it was an erratum that appeared only in the last Table of Call for comments distributed. So there is no need for a new amendment.

Commented [EGD62]: PRES: further amendments in Article 11(2) have been made. Most of the other amendments aim to clarify more the content of 11(2):

1) 'Notably' was added to avoid that audits would be the only source of possible measures.

2) More flexibility has been added including specifically the possibility of taking into account energy produced in operator's facilities, which broaden the number of potential surfaces, roofs, spaces, properties where producing energy could be allowed.

3) 'national level' has been moved from first subparagraph to the third one just to clarify text, as suggested by MS. Indeed, the percentages which will be applied at national level are in the last part of 11(2). Also, 'sub' was added in order to clarify text.

Also 'will' needed to be substituted by 'shall' to be legally sound.

~~operators nor produced within a 5 kilometer radius from an urban wastewater treatment plants~~

~~Member States shall ensure that the potential for energy produced from urban wastewater resources, as demonstrated by the energy audit as referred in paragraph 1, is used to full extent, representing at least 80% of the energy used by urban wastewater treatment plants referred to in points (a), (b) and (c) of the first subparagraph.~~

3. [NEW] The Commission may adopt an implementing act for establishing the methods to assess whether the objectives in paragraph 2 have been met. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Commented [EGD63]: PRES: a new paragraph has been added. As suggested by MS, the Commission could help to clarify how to properly assess energy neutrality objectives and their fulfilment. Also this might help MS to clarify their situation on this regards and to improve possible additional measures.

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 13

Local climatic conditions

Member States shall ensure that the urban wastewater treatment plants built to comply with the requirements set out in Articles 6, 7, and 8 are designed, constructed, operated and maintained to ensure sufficient performance under all normal local climatic conditions. When designing the plants, seasonal variations of the load shall be taken into account.

Article 14

Discharges of non-domestic wastewater

1. Member States shall ensure that the discharges of non-domestic wastewater into collecting systems and urban wastewater treatment plants are subject to prior ~~general binding rules~~ **regulations and/or** specific authorisations by the competent authority **or appropriate body**.

Those ~~general binding rules~~ prior regulations and/or specific authorisations shall ensure that the water quality requirements set out in other Union legislation are fulfilled, and, when applicable, that quality and quantity of relevant discharges of non-domestic wastewater is monitored.

Where ~~general binding rules~~ regulations and/or specific authorisations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the competent authority **or appropriate body**:

- (a) consults **and informs** the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, before granting specific authorisations;
- (b) **on request** allows the operators of collecting systems and urban wastewater treatment plants receiving non-domestic wastewater discharge to consult the specific authorisations granted in their catchment areas ~~on request~~.
- (c) **Where prior regulations are provided for discharges into collecting systems and wastewater treatment plants, Member States shall ensure that the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged, are consulted before the prior regulations are adopted.**

2. Member States shall **ensure that competent authorities or appropriate bodies** take the appropriate measures, including a review of the ~~general binding rules~~ **prior** regulations **and/or** specific authorisations, to identify, prevent and reduce as far as possible the sources of pollution in non-domestic wastewater referred to in paragraph 1 **of this Article** where any of the following situations arise:

- (a) pollutants have been identified at the inlets and outlets of the urban wastewater treatment plant under the monitoring of Article 21(3);
- (b) sludge arising from urban wastewater treatment is to be used in accordance with Council Directive 86/278/EEC⁴²;
- (c) treated urban wastewater is to be reused in accordance with Regulation (EU) 2020/741;
- (d) the receiving waters are used for abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184;
- (e) the pollution of the non-domestic wastewater discharged into the collecting system, or the urban wastewater treatment plant poses a risk to the operation of that system or plant.

Commented [EGD64]: PRES: new minor addition as suggested by MS since 'operators of urban wastewater' did not make sense.

Commented [EGD65]: PRES: 'prior' was added in paragraphs 2, 3 and 4 for consistency throughout the text.

⁴² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

3. The ~~general binding rules prior~~ regulations and specific authorisations referred to in paragraph 1 **of this Article** shall fulfil the requirements set out in Part C of Annex I. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend Part C of Annex I in order to adapt it to technical and scientific progress in the field of environmental protection.
4. The specific authorisations referred to in paragraph 1 shall be reviewed and, where necessary, adapted at least every ~~6~~ **ten** years.

The ~~general binding rules prior~~ regulations referred to in paragraph 1 shall be reviewed at regular intervals and, where necessary, adapted.

If the characteristics of the non-domestic wastewater, the urban wastewater treatment plant or the receiving water body change significantly, the provisions of the the specific authorisations shall be reviewed and adapted to these changes. ~~updated in the cases where the characteristics of the non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.~~

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 for agricultural irrigation~~, 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

Commented [EGD66]: PRES: this amendment was made to make this reference consistent with the same reference in first subparagraph.

(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.~~

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.

- 4. [NEW] Member States shall take all necessary measures to anticipate and adapt their urban wastewater collection and treatment infrastructures to address 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:**

Commented [EGD67]: PRES: a possibility to authorise the sustainable development of urban wastewater collection and treatment infrastructure in line with the requirements of the Water Framework Directive (WFD), and in particular regarding the non-deterioration requirement as clarified by the Weser ruling has been included, as requested by some MS.

- (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 of urban wastewater 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.

Article 16

Biodegradable non-domestic wastewater

1. Member States shall establish requirements for the discharge of biodegradable non-domestic wastewater that are appropriate to the nature of the industry concerned and that ensure at least the same level of environmental protection as the requirements set out in ~~part~~ **Part B** of Annex I.
2. The requirements referred to in paragraph 1 **of this Article** shall apply when the following conditions are fulfilled:
 - (a) the wastewater originates from plants treating a load of 4 000 p.e. and above that belong to the industrial sectors listed in Annex IV and that do not carry out any of the activities

listed in Annex I to Directive 2010/75/EU of the European Parliament and of the Council⁴³;

- (b) the wastewater does not enter an urban wastewater treatment plant before it is discharged to receiving waters ('direct discharge').

Article 17

Urban wastewater surveillance

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

- ~~(a) SARS-CoV-2 virus and its variants;~~
- ~~(b) poliovirus;~~
- ~~(c) influenza virus;~~
- ~~(d) emerging pathogens;~~
- ~~(e) contaminants of emerging concern;~~
- ~~(f) any other public health parameters that are considered relevant by the competent authorities of the Member States for monitoring.~~

~~2~~ 1. For the purpose of paragraph 1, Member States shall set up a national system for permanent cooperation and coordination between competent authorities responsible for public health and competent authorities responsible for urban wastewater treatment with regard to:

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

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

(ii) poliovirus;

(iii) influenza virus;

(iv) emerging pathogens;

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

Commented [EGD68]: PRES: minor deletion in order to make the text more consistent with WHO definitions, as suggested by MS.

⁴³ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334 17.12.2010, p. 17).

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

- (b) the determination of the location and the frequency of urban wastewater sampling and analysis for each public health parameter identified in accordance with ~~paragraph 4~~ **point (a), taking into account thus regarding** the available health data and the needs in terms of public health data and, where relevant, the local epidemiological situations;
- (c) the organisation of an appropriate and timely communication of the monitoring results to the competent authorities responsible for public health and to Union platforms, where such platforms are available, **and in accordance with data protection law applicable law on protection of personal data**;

Commented [EGD69]: PRES: amendments to made the text legally sound.

- 3 2. When a public health emergency ~~due to SARS-CoV-2~~ is declared by the competent authority responsible for public health in the Member State, ~~the presence of SARS-CoV-2 and its variants~~ **relevant public health parameters** shall be monitored in urban wastewaters from **a representative distribution** ~~at least 70 % of the national population. Where this pathogen is SARS-CoV-2 or one of its variants, this monitoring shall cover at least 50 % of the national population.~~ and at least one sample shall be taken per week for agglomerations of ~~100 000 p.e. and more.~~ This monitoring shall continue until ~~this~~ **the** competent authority declares that the public health emergency ~~due to SARS-CoV-2~~ has ended, **or during a longer period if deemed useful for other purposes, according to the same competent authority.**

To determine whether there is a public health emergency, the competent authority shall ~~take into account~~ **consider Commission decisions adopted pursuant to Article 23(1) of Regulation (EU) 2022/2371 of the European Parliament and of the Council⁴⁴, assessments of the European Centre for Disease Prevention and Control, and decisions of the World Health Organisation (WHO) taken in accordance with the International Health Regulations and Commission decisions adopted pursuant to Article 23(1) of Regulation .../... of the European Parliament and of the Council⁴⁵.**

- 4 3. For agglomerations of 100 000 p.e. and above, Member States shall, by ~~1 January 2025~~ **2026** **[OP please insert the date = the last day of the second third year from the date of adoption of the implementing act in the following subparagraph], ensure that**

Commented [EGD70]: PRES: some MS asked for extended deadlines to implement this monitoring.

⁴⁴ Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU. (OJ L 314, 6.12.2022, p. 26–63).

⁴⁵ OP: Please insert in the text the number of the Regulation contained in document PE-CONS 40/22 (2020/0322(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

antimicrobial resistance is monitored ~~at least twice a year in at the inlets and outlets of urban wastewater treatment plants and, when relevant, in the collecting systems.~~

By **[OP please insert the date = the last day of the second year from the date of entry into force of this Directive]**, ~~The~~ the Commission ~~shall may~~ **shall** adopt implementing acts in accordance with the procedure referred to in Article 28(2) to ensure ~~an~~ a uniform application of this Directive by **establishing a minimum frequency of sampling and a** harmonised methodology for measuring antimicrobial resistance in urban wastewaters.

- 5 4. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).

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)~~ **(e)** ~~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)~~ **(f)** ~~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.~~
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);**
- (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 4 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.

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 20

Sludge and resource recovery

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

Commented [EGD71]: PRES amendment to make the text legally sound

Article 21

Monitoring

1. Member States shall ensure that competent authorities, **appropriate bodies or the operator of the wastewater treatment plant** monitor:
 - (a) discharges from urban wastewater treatment plants ~~in order to~~ verify compliance with the requirements of ~~part~~ **Part B** of Annex I in accordance with the methods for monitoring and evaluation of results laid down in Part D of Annex I ~~and; this monitoring shall include~~ **including** loads and concentrations of the parameters listed in ~~Part B~~ **Part B Tables 1, and 2 and 3** of Annex I;
 - (b) amounts, composition and destination of sludge, **taking into account requirements of Directive 86/278/EEC for sludge intended to be used in agriculture;**

Commented [EGD72]: PRES: clarifying amendment. Part B of Annex I indeed include all the Tables previously mentioned.

- (c) ~~the destination of the treated urban wastewater including the share of reused water~~ **where the derogation of Article 15(1) is used, the quantities per year and per month of urban wastewater reused in agriculture that is subject to a derogation referred to in Article 15(2 1); the nutrient content of the fraction reused for agricultural irrigation and the period during which that fraction is reused compared to the monthly water and nutrient demand of the crops targeted by this reused urban wastewater;**
- (d) **the greenhouse gases CO₂, N₂O, CH₄ emitted from urban wastewater treatment plants of above 10 000 p.e. and above, by means of analysis, calculations or modelling where appropriate;**
- (e) ~~the greenhouse gases methane produced and the energy used and produced by urban wastewater treatment plants of above 10 000 p.e. and above.~~

Commented [EGD73]: PRES: addition in order to clarify text so only if derogation in Article 15(1) is used, aspects in this subparagraph shall be monitored.

- 2.** For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities, **appropriate bodies or operators of the collecting system** ~~monitor~~ **carry out sufficient representative monitoring, at relevant points, of sewer overflows into water bodies and of discharges of urban runoff from separate systems, the concentration and loads of pollutants from storm water and polluted discharges of urban runoff discharged, in order to be able to complement the modelling of the concentration and loads of the parameters listed in Table 1 and 2 of Annex I, and, where relevant, of Table 2, as well as the content of microplastics and relevant micro pollutants, in these discharges.**

Commented [EGD74]: PRES: amendements made to address the concerns of MS in relation to the monitoring of sewers overflows and urban runoff in separate sewers.

3. For all agglomerations of ~~above~~ 10 000 p.e. **and above**, Member States shall **ensure that competent authorities, appropriate bodies or the operator of the wastewater treatment plant** monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the following elements:
- (a) pollutants **that are expected to be found in urban wastewaters** listed in:
- (i) Annexes VIII and X to Directive 2000/60/EC, the Annex to Directive 2008/105/EC, Annex I to Directive 2006/118/EC and Part B of Annex II to Directive 2006/118/EC;

- (ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council⁴⁵;
 - (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council⁴⁶;
 - (iv) Annexes I and II to Directive 86/278/EEC.
- (b) parameters listed in Part B of Annex III to Directive (EU) 2020/2184, where urban wastewater is discharged in a catchment area referred to in Article 8 of that Directive;
 - (c) the presence of microplastics.

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

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

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

- (a) at least two samples per year, with maximum ~~6~~ **7** months between the samples, for agglomerations of ~~100 000~~ **150 000** p.e. and ~~more~~ **above**;
- (b) at least one sample every ~~2~~ **two** years for agglomerations of between 10 000 p.e. and ~~100 000~~ **150 000** p.e.

[NEW] The This monitoring frequency established in this paragraph may be halved in subsequent years if the monitoring results for the pollutants referred to in this paragraph 3 are below standards applicable Environmental Quality Standards under Directive 2008/105/EC or below detection limits or below limits of quantification during the first three successive years of the monitoring. The monitoring frequency should be reviewed at least every year.

⁴⁵ Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (Text with EEA relevance) (OJ L 331, 15.12.2001, p. 1).

⁴⁶ 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).

5. The Commission is empowered to adopt implementing acts ~~in accordance with the procedure referred to in Article 28~~ to ensure a uniform application of this Directive by establishing a methodology for measuring **greenhouse gas emissions from urban wastewater treatment plants and microplastics in urban wastewater and sludge** referred to in this Article. **The Commission ~~will~~ shall provide the methodologies by 24 months from the entry into force of this Directive**~~in accordance with the procedure referred to in Article 28~~||

Commented [EGD75]: PRES: amendments were made in this paragraph to be legally sound

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

Commented [EGD76]: PRES: amendment to make the text legally sound.

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 technical and operational condition 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 by~~ [OP please insert the date = the last day of the sixth month from the date of entry into force of this Directive] **in accordance with the examination procedure referred to in Article 28(2).**
 5. Member States may include in their first national implementation programmes an extension of maximum six years of the following deadlines:

Commented [EGD77]: PRES: as suggested by MS, an amendment was needed because the 'age' of an infrastructure does not always correspond to its functioning or performance.

Commented [EGD78]: PRES: amendments to make this paragraph legally sound.

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

(ii) on [OP please insert the date=day of entry into force of the Directive],

- less than 50 % of these agglomerations are provided with collecting systems and are not subject to secondary treatment, ~~as set out~~ in accordance with Part B and Table 2 of Annex I, or on [OP please insert the date=day of entry into force of the Directive]; and
- less than 50% of the urban wastewater load of these agglomerations is collected in collecting systems and is not subject to secondary treatment in accordance with Part B and Table 2 of Annex I,

(ii) the national implementation programme includes:

- the number of agglomerations between 1 000 and 2 000 p.e. that lacks ~~a~~ of complete 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;
- the technical or economic reasons justifying the extension of the deadlines referred to in the articles 3(2) and/or 6(2).

(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/EEC or do not meet the requirements of Table 2 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/EEC 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 reasons for not being able to comply with Articles 7(3) before the extended deadline because of excessive costs, technical infeasibility, etc.

Commented [IMS79]: PRES: addition suggested by some MS to clarify that in order for the extension to be granted, it should be referred to the situations where most part of the wastewater load of the agglomeration is not collected and subject to treatment.

Commented [EGD80]: PRES: amendments in point (ii) to clarify the text and also to require for more information in order to get access to the derogations.

[NEW] Member States which acceded to the Union after 2006 may include in their first national implementation programmes an extension of up to 12 years of the deadlines referred to in article 3(2) and/or 6(2) if all the conditions of point (a) are fulfilled.

The extensions of these deadlines shall be effective only if the abovementioned conditions referred to in the first subparagraph 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 [EGD81]: PRES: a new provision has been included to take into account the starting point of those MS that joined the EU later.

Commented [EGD82]: PRES: amendments to make the text legally sound.

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 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, **where costs are recovered totally or partly through a water tariff system,**

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:

Commented [EGD83]: PRES: a new clarification has been included to provide a solution for those MS that do not charge a water tariff to households.

- (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.

Where information regarding individual usage is not available, the information in points (a) to (d) above will be provided at agglomeration level in a user-friendly manner via 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.
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 25

Access to Justice

1. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions or acts or omissions subject to Articles 6, 7 or 8 of this Directive when at least one of the following conditions is met:
 - (a) they have a sufficient interest;
 - (b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.

Standing in the review procedure shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.

The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.

2. Member States shall determine at what stage the decisions, acts or omissions referred to in paragraph 1 may be challenged.

Article 26
Compensation

1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons ~~and, where appropriate, from the relevant competent authorities responsible for the violation.~~
- ~~2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.~~
- ~~3-2.~~ Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.
- ~~4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.~~
- ~~5-3.~~ Member States ~~shall ensure that~~ **may establish ensure that** the limitation periods for bringing actions for compensation referred to in paragraph 1 ~~are not shorter than 5 years.~~ Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows **or can reasonably be expected to know** that he or she suffered damage from a violation pursuant to paragraph 1.

Commented [EGD84]: PRES: deleted. It was a grammar inconsistency

Article 27
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2.** The power to adopt delegated acts referred to in Articles ~~4(3-4), 6(3), 7(4), 8(5), 14(3), 20(2),~~ and 24(3) shall be conferred on the Commission for a period of five years from [OP please

Commented [EGD85]: PRES: references to delegated acts through the text have been updated according to the progress of the negotiations.

insert the date = the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles ~~4(3)~~, ~~6(3)~~, 7(4), 8(5), 14(3), ~~20(2)~~, and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles ~~4(3)~~, ~~6(3)~~, 7(4), 8(5), 14(3), ~~20(2)~~, and 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 28

Committee

1. The Commission shall be assisted by the committee for the adaptation to scientific and technical progress and implementation of the directive on urban wastewater treatment **established by Directive 91/271/EEC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Commented [EGD86]: PRES: addition to make this paragraph legally sound.

Article 29

Penalties

1. **Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law**, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~They shall include, as appropriate, financial penalties proportionate to the turnover of the legal person or to the salary of the natural person having committed the breach, taking into account specificities of Small and Medium Enterprises.~~
2. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:
 - (a) the nature, gravity, and extent of the ~~violation~~ **infringement**;
 - ~~(b) the intentional or negligent character of the violation;~~
 - ~~(c)~~ **(b)** the population or the environment affected by the ~~violation~~ **infringement**, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment.
 - (c) the repetitive or singular character of the infringement;**
3. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.

Article 30

Evaluation

1. By 31 December ~~2030~~ **2035** and by 31 December ~~2040~~ **2041**, the Commission shall carry out an evaluation of this Directive based in particular on the following elements:
 - (a) the experience gained through the implementation of this Directive;
 - (b) the data sets referred to in Article 22(1);

Commented [EGD87]: PRES: deadlines for Evaluation has been postponed, since many obligations would not been implemented yet.

- (c) relevant scientific, analytical and epidemiological data, including results from research projects funded by the Union;
- (d) WHO recommendations, where available;
- (e) an ~~analyse~~ **analysis** of the possible need to adapt the list of products to be covered by extended producer responsibility to the evolution of the range of products placed on the market, improved knowledge on the presence of micropollutants in wastewaters and their impacts on public health and the environment, and data resulting from the new monitoring obligations on micropollutants in the inlets and outlets of the urban wastewater treatment plants.

Commented [EGD88]: PRES: grammar correction

(f) evaluate the objective of energy neutrality in order to analyse the technical and economic feasibility to move towards full energy autonomy of the sector.

The Commission shall present a report on the main findings of the evaluation referred to in the first subparagraph to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.

Commented [EGD89]: PRES: Given all the amendments introduced in Article 11 to achieve energy neutrality, it seems reasonable that the evaluation also focuses on these important issues.

2. Member States shall provide the Commission with the information necessary for the preparation of the report referred to in paragraph 1, second subparagraph.

Article 31

Review

Every five years, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals.

Article 32

Repeal and transitional provisions

1. Directive 91/271/EEC, 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. **In respect of Mayotte,** 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 [EGD90]: PRES: amendments have been made in this article to make it more legally sound.

The paragraph in respect of Mayotte, the amendment was aimed at avoiding a gap of a few years where no legal obligations will be applying in this case.

Also, deadlines in paragraph 3 need to be adjust to new deadlines in Article 7.

Finally, in paragraph 3, subparagraph (c), amendment was made to make it consistent with the Article related.

Paragraph 1a of Article 3 and paragraph 1a of Article 4 of Council Directive 91/271/EEC shall continue to apply until 30 December 2030.

3. **By way of a derogation to paragraph 1,** 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** ~~2035~~, Article 5 of Council Directive 91/271/EEC shall continue to apply until 31 December ~~2035~~ **2039** ~~2040~~.

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/EEC 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~~ **second** subparagraph.

- 3 bis [NEW] **By way of a derogation to paragraph 1,** for urban wastewater treatment plants referred to in Article 7(3)(ter), the requirements set out in Article 5 of Council Directive 91/271/EEC shall continue to apply until 31 December 2040.

- 3 ter [NEW] **By way of a derogation to paragraph 1,** from [OP please insert the date = the date of entry into force of this Directive], Articles 15 and 17 of Council Directive 91/271/EEC 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/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.~~

Article 33

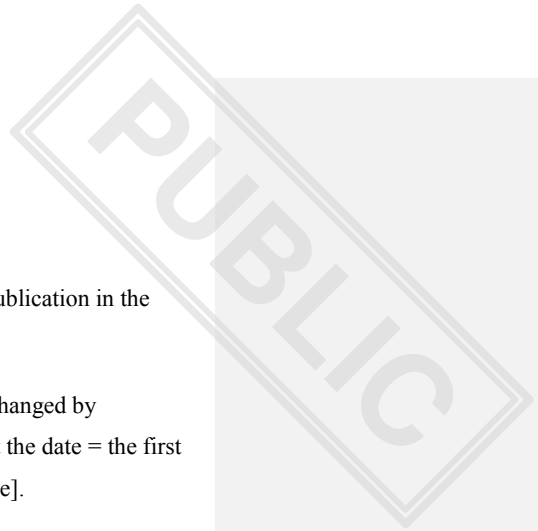
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] and Annexes [...] [refer to the articles and annexes which have been amended in substance by comparison with the repealed Directives] by [OP please insert the date = the last day of the ~~twenty-third~~ **thirtieth** month after the date of entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main ~~provisions~~ **measures** of national law which they adopt in the field covered by this Directive.

Commented [EGD91]: PRES: MS requested for more time for transposition so 6 more months have been proposed.



Article 34

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Articles [...] and Annexes [...] [refer to the articles and annexes which are **unchanged** by comparison with the repealed Directive] shall apply from [...] [OP please insert the date = the first day of the twenty-fourth month after the date of entry into force of this Directive].

Article 35

Addressees

This Directive is addressed to the Member States.

• Done at Brussels,

For the European Parliament
The President

For the Council
The President

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 **and urban wastewater plants serving agglomerations referred to in** ~~subject to treatment in accordance with Articles 6, 7 and 8, 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 of Article 7(1) or from 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** ~~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

Commented [EGD92]: PRES: amendments in parts 2 and 3 were made to make the obligations and wording equivalent to the similar ones in current D/91/271. Also to make the references consistent throughout the text.

~~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.
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.

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

1. The ~~prior general binding rules~~ **prior regulations and/or** specific authorisations referred to in Article 14(1) shall ensure the following:
 - (a) the polluting substances contained in the non-domestic wastewater do not impede the operation of the wastewater treatment plant, do not damage collecting systems, wastewater treatment plants and associated equipment and do not prevent the reuse of treated water and the recovery of **nutrients or other materials from urban wastewater or sludge**;
 - (b) the polluting substances contained in the non-domestic wastewater do not harm the health of the staff working in collecting systems and urban wastewater treatment plants;
 - (c) the polluting substances contained in the non-domestic wastewater can be abated by the urban wastewater treatment plant; ~~except those resulting from the natural degradation of organic matter producing toxic substances (e.g. H₂S)~~;
 - (d) where an urban wastewater treatment plant treats discharges from an installation holding a permit referred to in Article 4 of Directive 2010/75/EU, the pollutant load from the discharges of that plant does not exceed the pollutant load that would be discharged if the discharges were released directly from the installation and were compliant with the emission limit values **applicables according to this Directive** ~~set in accordance with Article 15(3) of that Directive and any additional measures taken in accordance with Article 18 of that Directive~~;

(e) the pollutant load in the discharge from the urban wastewater treatment plant does not deteriorate the ~~good ecological status or potential or good chemical~~ status of the receiving water body, in accordance with the objectives set out in Article 4 of Directive 2000/60/EC.

2. ~~The specific authorisation shall include an annex, which documents the fulfilment of all the conditions set out in point 1. The provisions of the specific authorisations shall be updated in the cases where the characteristics of the non-domestic wastewater, of the urban wastewater treatment plant or of the receiving water body change significantly to ensure that those conditions remain fulfilled.~~

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 micropollutants ~~shall~~ **may** 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 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.

Commented [EGD93]: PRES: as suggested by MS, it is not necessary that samples for micropollutants would be based on a 24h time. Therefore, the flexibility to choose should be given.

	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

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 and **Table 3**, 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.~~

Commented [EGD94]: PRES: this reference was added to clarify that some failing samples are allowed in order to verify compliance of Quaternary Treatment.

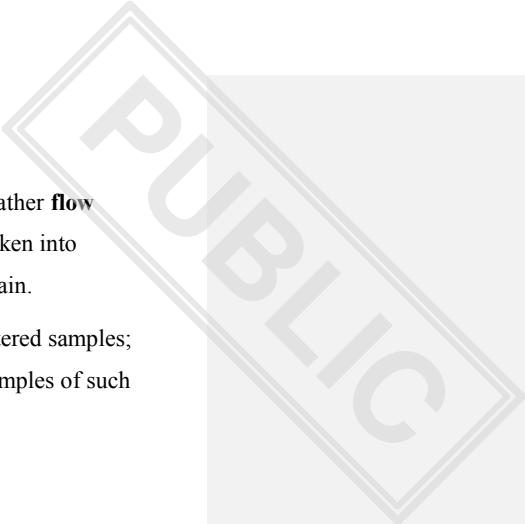
- 
5. The samples shall be taken so that they reflect the pollution during dry weather ~~flow conditions~~ **flow** conditions. Extreme values for the water quality in question shall not be taken into consideration when they are the result of unusual situations due to heavy rain.
 6. Analyses concerning 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 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) ⁴⁷	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.

⁴⁷ — 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~~ ⁴⁸ 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 ⁴⁸ (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 80% (see Note 1 bis)	Molecular absorption spectrophotometry

Commented [EGD95]: PRES: this percentage has been decreased since the previous one was very difficult to reach for MS. However, the percentage in Article 7(5) has not changed since there is related to a derogation provision for individual treatment plants.

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

Commented [EGD96]: PRES: as suggested by MS, new amendments have been made in order to clarify aspects on how natural nitrogen retention may be taken into account.

⁴⁸ — Reduction in relation to the load of the influent.

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 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 the data collected from 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 accordance with Article 22(1)(a), as well to potentially affected neighboring Member States, together with all the elements necessary to justify verify that conditions (1), (2), (3), (4) and (5) above are fulfilled.

Note 2: This requirement shall apply on [OP please insert the date = date of adoption of this Directive] 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 to agglomerations under Article 7(3). Until these deadlines are met, the obligations of Article 32(3) shall apply to these urban wastewater treatment plants.

Commented [EGD97]: PRES: amendments in this Note are aimed at clarifying it, as raised some doubts among MS.

~~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, including situations where the effluent of the biological reactor is 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 (4)(c) of Part D of this Annex ¹ 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 [EGD98]: PRES: new addition to clarify the reference

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 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 ~~5~~ 6-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 **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.

Commented [EGD99]: PRES: minor amendments in order to better specify compliance with regard to quaternary treatment.

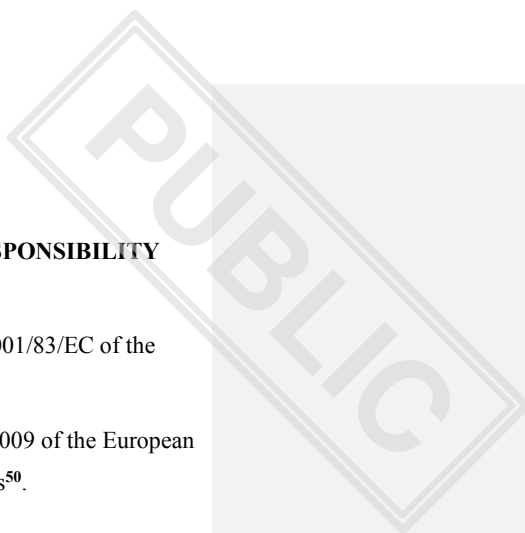
Table 4: Requirement for samples	
Series of samples taken in any year	Maximum permitted number of samples which fail to conform
4-7	1
8-16	2
17-28	3
29-40	4
41-53	5
54-67	6
68-81	7
82-95	8
96-110	9
111-125	10
126-140	11
141-155	12
156-171	13
172-187	14
188-203	15
204-219	16
220-235	17
236-251	18
252-268	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.



ANNEX 3 III

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 Council⁴⁹.
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 products⁵⁰.

⁴⁹ 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).

⁵⁰ 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 IV 4
INDUSTRIAL SECTORS

1. Milk-processing
2. Manufacture of fruit and vegetable products
3. Manufacture and bottling of soft drinks
4. Potato-processing
5. Meat industry
6. Breweries
7. Production of alcohol and alcoholic beverages
8. Manufacture of animal feed from plant products
9. Manufacture of gelatine and of glue from hides, skin and bones
10. Malt-houses
11. Fish-processing industry

ANNEX 5 V

CONTENT OF THE INTEGRATED URBAN WASTEWATER ~~AND POLLUTED URBAN~~ ~~RUNOFF~~ MANAGEMENT PLANS

1. An analysis of the initial situation of the ~~drainage catchment~~ drainage area of the ~~urban wastewater treatment plant of the~~ concerned agglomeration, including at least the following:
 - (a) a detailed description of the network of collecting systems, the urban wastewater and urban runoff storage **and conducting** capacities of that network and the existing urban wastewater treatment capacities in case of rainfall;
 - (b) **In case of combined sewers**, a dynamic analysis of the flows of ~~polluted urban runoff~~ **and** urban wastewaters in case of rainfall, based on **monitoring data or** the use of hydrological, hydraulic and water quality models that take into account state-of-the-art climate projections and including an estimate of the pollution loads **of the parameters referred to in Tables 1 and, where relevant, Table 2 of Annex I as well as microplastics and relevant micro pollutants** in receiving waters in case of rainfall;
 - (c) **[NEW] In case of separate sewers, a detailed description of the monitoring requirements at relevant points of separate systems where discharges of urban runoff are expected to be polluted, to identify relevant and feasible measures as required in paragraph 3 of this Annex.**
2. Objectives for the reduction of pollution from ~~storm water sewer overflows and polluted discharges of urban runoff discharges~~, including the following:
 - (a) an ~~indicative~~ **indicative** objective that ~~storm water sewer overflow;~~ represents ~~only no more than 1 %~~ **a small percentage, preferably below one 2% percent**, of the annual collected urban wastewater load calculated in dry weather conditions;

This ~~indicative target objective shall~~ **should** be met by:
 - (i) 31 December ~~2035~~ **2040** for all agglomerations of 100 000 p.e. and above;
 - (ii) 31 December ~~2040~~ **2045** for agglomerations of 10 000 p.e. **and above referred to and above identified in accordance with paragraph 2 of Article 5(2);**
 - (b) ~~the progressive reduction of pollution load from elimination of untreated discharges of urban runoff through separate sewers collection networks, unless it can be demonstrated that those discharges do not cause adverse impacts on the water quality requirements of other Union legislation of receiving waters;~~

Commented [EGD100]: PRES: editorial change made in accordance with the change in the title of Art. 5

Commented [EGD101]: PRES: new amendments were made in this paragraph, in the same line with amendments in Articles 5 and 21.

Commented [EGD102]: PRES: amendments made in paragraphs 2, 3 and 4 to for consistency with the related changes on urban runoff management that have been made throughout the text.

- (c) **the progressive reduction of macroplastics ~~in sewer overflow and discharges of urban runoff.~~**
3. The measures to be taken to achieve the objectives referred to in point 2 **and to reduce the pollution from from urban runoff discharges in separate systems, based on the outcome of the monitoring in Article 21 (2).** accompanied with a clear identification of the actors involved and their responsibilities in the ~~implantation~~ **implementation** of the integrated plan.
4. When assessing which measures to be taken under point 3, Member States shall ensure that their competent authorities consider at least the following:
- (a) firstly, preventive measures aiming at avoiding the entry of unpolluted rain waters into collecting systems, including measures promoting natural water retention or rainwater harvesting, and measures increasing green spaces or limiting impermeable surfaces in the agglomerations;
 - (b) secondly, measures to better manage and optimize the use of existing infrastructure including collecting systems, storage volumes, urban wastewater treatment plants with the aim to ensure that ~~polluted rain waters are collected and treated, and~~ releases of untreated urban wastewater **or polluted rain waters** into receiving waters are minimised.
 - (c) finally, where necessary to achieve the objectives referred to in point 2, additional mitigation measures including the adaptation of the infrastructure for the collection, storage and treatment of urban wastewater or the creation of new infrastructures with a priority to green infrastructure such as vegetated ditches, treatment wetlands and storage ponds designed in order to support biodiversity. Where relevant, water reuse shall be considered in the context of the development of the integrated urban wastewater management plans referred to in Article 5.

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 cubic meter of urban wastewater collected and treated, and per average household where costs are recovered totally or partly through a water tariff system or per agglomeration level in other cases; 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,

Commented [EGD103]: PRES: this deletion is also related to amendments in Articles 5 and 21.

Commented [EGD104]: PRES: amendments in this point are related to those in Article 24.

Also:

- i) Paragraph has been reordered for clarification.
- ii) "average" was added because it is referred to information which is made public online.

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;
 - ~~(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;
- (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/EEC	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/EEC	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 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(5)
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
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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
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