Council of the European Union
General Secretariat

Interinstitutional files:
2022/0345 (COD)

Brussels, 17 February 2023

WK 2097/2023 ADD 2

LIMITE

ENV

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	WK 1306/2023 and WK 1833/2023
N° Cion doc.:	ST 14223/22 + ADD 1
Subject:	Urban Wastewater Treatment Directive: Comments from delegations

Following the call for comments on the above set out with WK 1306/2023 and WK 1833/2023, delegations will find attached comments from CZ, MT and PT.

CZECH REPUBLIC

Comments on the UWWTD proposal

Follow-up to WPE meetings on January 13, January 27 and February 6, 2023

Provisions discussed at WPE 13th January

Article 2 – Definitions

The Czech Republic proposes the addition of definitions of all outputs of the wastewater treatment process and other terms with which the Directive works later in the text (e.g. Individual or other Appropriate System – IAS, biogas, sludge according to the degree of treatment).

Article 2, paragraph 3

It should be specified that a permit is not required for the discharge of wastewater into the sewers whenever these waters have the character of sewage. The definition of "non-domestic wastewater" could lead to the interpretation that it is also wastewater from establishments where only sewage is generated, for example from offices, schools, etc. This interpretation would have significant consequences on the overloading of water authorities, because all wastewater discharges of the others into the sewage system should be subject to a permit according to Article 14 of the Directive. In addition, it does not make sense to be tied to a permit for the discharge of wastewater from food production, as wastewater treatment plants can normally deal with their pollution.

Article 2, paragraph 4

The Czech Republic requests to supplement or modify the definition, or to keep the existing one. It is not established how the area of the agglomeration territory should be determined for the calculation of PE/ha. The proposed definition of "agglomeration" is vague and unsuitable for the conditions of the Czech Republic. Relating the number of PE/ha to the area of the administrative territory of the municipality would lead to a significant change in the size of the agglomerations.

Article 2, paragraph 9

The Czech Republic proposes to amend the definition of rainwater drainage and to delete point 9 (d). Separate drainage of rainwater from agglomerations is also considered to be separate sewage. In other parts of the Directive, obligations for compartmental sewerage are laid down, but it is not clearly stated that these obligations do not apply to rainwater drainage. In the legal system of the Czech Republic, the terms separate sewage and storm sewers are stated and distinguished, the requirements for sewage sewers do not apply to storm sewers.

Article 2, paragraph 14

Given that additional stages of cleaning are required, the Czech Republic considers it appropriate to supplement the definition of sludge according to the stage of cleaning that produces sludge, which will be further monitored and recorded.

Article 3 – Collecting systems

The Czech Republic perceives the article as very ambitious. We agree to the obligation to connect to the existing or newly built infrastructure (sewer network and WWTP) with exceptions according to Article 4, paragraph 1. We draw your attention to a considerable number of cases in the conditions of the Czech Republic where connection to the collecting system is problematic, mainly due to the fragmentation of the territory, significant financial costs or ownership conditions. In suitable conditions, the connection is effective in the case of new properties or when building a new sewer network. It is not clear whether the possibility of using individual systems (Article 4, paragraph 1) applies generally to the entire Article 3 (i.e. all agglomerations regardless of size, i.e. 1,000 PE and above), or only to Article 3, paragraph 1 (agglomerations above 2,000 PE, referred to in Article 4, paragraph 4). The Czech Republic will therefore seek clarification.

Article 3, paragraph 2

Considering the demographic situation and the number of affected agglomerations, the Czech Republic requires a longer deadline for implementation of this article. The setting of the deadline will also depend on the specific definition of agglomeration referred to in Article 2.

Article 4 – Individual System

The Czech Republic strongly draws attention to the actual application of this article, primarily because of the considerable, if not unrealistic, requirements for the IAS. In particular, the establishment of a central public register with the requirements to record the construction, operation and maintenance of these systems. All this will lead to a significant increase in the administrative burden for users of these systems and for the relevant administrative or control authorities. The Czech Republic generally agrees with the requirement that individual systems meet the requirements for system solutions, because they can pose a significant risk to surface or underground water.

Article 4, paragraph 1

A more detailed formulation of the terms "exceptionally", "no environmental benefit" and "excessive cost" is necessary. The concepts are formulated only vaguely. In the conditions of the Czech Republic, in some localities, the construction of Individual or other Appropriate System is the only economically defensible option.

Article 4, paragraph 2

The Czech Republic proposes to establish realistic values for IAS. Considering the demographic situation and the number of affected agglomerations, the Czech Republic requires a longer deadline for the implementation of this article. With regard to the eutrophication of water courses and reservoirs, it is desirable that all newly built individual systems are able to remove at least phosphorus compounds with the highest possible efficiency. However, for individual systems, the same level of secondary and tertiary treatment is required as in Articles 6 and 7, i.e. as for WWTPs above 10,000 PE, which is unrealistic especially for nitrogen and phosphorus (N - 6 mg/l, P - 0.5 mg/l). The setting of the deadline will also depend on the specific definition of agglomeration.

Article 4, paragraph 3

The Czech Republic does not agree with the authorization of the Commission to adopt delegated acts by the procedure according to Article 27.

Article 5 – Integrated urban wastewater management plans

The Czech Republic supports the goal that emissions into waterways from unified sewage systems as a result of precipitation events are reduced to the greatest extent possible, or consistently monitored. For this reason, we agree in principle with the draft text of Article 5, including the obligation to prepare integrated urban wastewater management plans. Approximately 70 % of cities with more than 10,000 inhabitants in the Czech Republic have already prepared these plans in the form of a so-called general drainage plan.

Article 5, paragraph 2, letter b)

According to the Czech Republic, the meaning of the term "annual collected urban wastewater load" is not clearly explained. It is not specified whether it is the annual volume of wastewater (m^3/year) or the annual mass flow of pollution (kg/year) contained in the wastewater. If it is pollution, it is not stated which indicators it concerns. Furthermore, it would be appropriate to specify whether so-called ballast water is also included in the wastewater flow in dry weather conditions. It would also be appropriate to clarify how long the dry weather period should be for the calculation.

Article 6 – Secondary wastewater treatment

The Czech Republic considers it possible to lower the size of agglomerations, where secondary treatment is required, to 1,000 PE, but the time frame is too ambitious.

Article 6, paragraph 2

Considering the demographic situation and the number of affected agglomerations, the Czech Republic requires a longer deadline for the fulfilment of this article. The setting of the deadline will also depend on the specific definition of agglomeration.

Article 6, paragraph 4

When taking 1 to 2 samples per month at WWTPs up to 49,999 PE (Annex I, Part D, Paragraph 3), the maximum average weekly load cannot be calculated. The classification into the size category of WWTPs is usually based on the average of the measured values. The Czech Republic would also welcome a clarification of the term "excluding unusual situations due to heavy rain".

Annex I, part D, paragraph 2

In order to unify of sampling, the Czech Republic proposes to monitor micro-pollutants also in a 24-hour mixed sample like other indicators. If micro-pollutants should be monitored in a 48-hour sample and all other indicators in a 24-hour mixed sample, this means that a sample for micro-pollutant analysis must be collected separately, which fundamentally increases cost.

Annex I, part D, paragraph 3 (+ relevant table)

In principle, only those micro-pollutants, due to which the given water body does not meet good chemical status, should be monitored. The Czech Republic requests to adjust the sampling interval of micro-pollutants sampling at WWTPs in the category of WWTPs 50,000 to 99,999 PE to 1 sample per week. The requirement for sampling at WWTPs in the category of WWTPs 50,000 to 99,999 PE is completely unrealistic, where micro-pollutants are to be sampled twice as often (2 samples per week) than other indicators (1 sample per week). For all other size categories it is the other way round. For WWTPs in the category above 100,000 PE, we propose to adjust the requirement for the range of the number of analyzed samples either to 1 sample per working day, or to establish the total number of samples per year, which will depend on the number of working days in a given year. For WWTPs in the category over 100,000 PE, the requirement for one sample per day is problematic due to the need to ensure the analysis of selected indicators within 24 hours, which is unrealistic in practice with regard to weekends and public holidays. The Biochemical Oxygen Demand (BOD5) indicator would then have to be replaced by the TOC or DOC parameters, as realistically the BOD5 analysis can only be determined in the daily mode Wednesday-Monday, Thursday-Tuesday or Friday-Wednesday. We propose to adjust the requirement for the range of the number of analyzed samples either to 1 sample per working day, or to establish the total number of samples per year, which will depend on the number of working days in a given year.

Annex I, part D, paragraph 5

The Czech Republic is of the opinion that it would be appropriate to establish the sampling of wastewater outflow from the WWTP even during precipitation events and in the period immediately following the period without precipitation. Sampling (monitoring) of the WWTP is supposed to reflect pollution during the rainless period. With regard to the objectives of the revision of the Directive, including the limitation of the total introduction of pollutants into recipients, i.e. also during rainfall events (stormwater overflows), omitting effluents from the WWTP during the rainy season and in the following days, when the cleaning efficiency is reduced, from the pollution balance in the agglomeration would be incorrect and could significantly distort the reported data.

Annex I, part D, table 1

For the BOD5 indicator, the requirement of a minimum reduction percentage of 40% according to Article 4, paragraph 2 of the current Directive is in our opinion a mistake. The revision proposal is not consistent with the existing directive in the reference of this article.

Annex I, part D, tables 1 and 2

As with the supplemented TOC indicator, it would be appropriate to define the reference methods for the other indicators by referring to the relevant European standards.

Provisions discussed at WPE 27th January

Article 7 – Tertiary wastewater treatment

The Czech Republic generally supports a certain increase in requirements for the removal of phosphorus and nitrogen from discharged wastewater. The entire territory of the Czech Republic will have to be declared an area sensitive to eutrophication. (The Moravian Basin is a Black Sea basin, the Oder Basin a Baltic Sea basin. Both seas are named in Annex II as areas where Article 7, tertiary treatment will apply. Also the Elbe Basin, which is a North Sea basin, will very likely be declared area sensitive to eutrophication on the basis of Annex II.).

The requirements for tertiary treatment will therefore apply in the Czech Republic from 2030. The requirement to achieve new limits for at least 50% of WWTPs by 2030 will mean that the regulator will have to determine which of the WWTP operators will need to fulfill them as early as 2030 (Article 7, paragraph 1) and for which the longer deadlines of 2035 (Article 7, paragraph 1) will apply. Taking into account the great administrative, technical, technological and financial demands of this goal, the Czech Republic proposes to move the first mentioned term to 2035 and the second mentioned term to 2040. Due to the impact on the investment and operating costs of individual operators and owners of WWTPs, it is necessary to clarify the financing of the costs associated with the new limits.

Requirements for removal of phosphorus and nitrogen in Annex I.D, Table 2: The requirement for a concentration of 0.5 mg/l of phosphorus in discharged wastewater can be considered rather ambitious, but achievable. In addition, it is justified in the conditions of the Czech Republic, where phosphorus and nitrogen are the main pollutants causing the eutrophication of water reservoirs and watercourses. In some cases, the limit of 0.5 mg/l phosphorus can be met even without supplementing the separate precipitation lines (by dosing precipitants into the existing cleaning process), and in the long term by building a separate phosphorus precipitation with separation of the resulting chemical sludge.

The dominant source of nitrogen in the Czech Republic is surface pollution (agriculture). The graphs in the impact assessment show that the situation is similar for most seas. Reduction of nitrogen outflow concentrations from the current values of 15 or 10 mg/l to 6 mg/l will be very demanding and expensive, and the effect on limiting eutrophication in the conditions of the Czech Republic will be minimal. For WWTPs in the category above 100,000 PE, we propose a limit of 8 mg/l, for WWTPs in the category 10,000 – 100,000 PE then a limit of 12 mg/l of nitrogen. In the event that the requirement for tertiary treatment by application of Article 18 would also apply to WWTPs in the size category 1,000 – 10,000 PE, we propose a limit of 15 mg/l of total nitrogen, or better to stay only with the ammonia nitrogen parameter.

The Czech Republic does not agree with the authorization of the Commission to adopt delegated acts to amend Parts B and D of Annex I.

Annex II

The entire territory of the Czech Republic will have to be declared an area sensitive to eutrophication and the requirements of Article 7 will be applied across the territory, which will have a significant impact on the OPEX and CAPEX of more than 160 WWTPs with a capacity of over 10,000 PE. The same applies as in Article 7.

Article 18 – Risk assessment and management

This is a very problematic provision for owners and operators of WWTPs, because it introduces uncertainty into the long-term planning of WWTPs. Fulfillment of wastewater treatment requirements according to articles 6, 7 and 8 will require a long-term preparation of WWTP reconstruction. This process must not be jeopardized by the possibility of additional requirements that would not be known at the time of design and reconstruction of the WWTP.

Article 21 – Monitoring

Monitoring of sources of pollution discharged into receiving waters is generally an important tool and source of information. The Czech Republic draws attention to a number of points that need to be specified or clarified.

Article 21, paragraph 1

The obligation to monitor the composition of wastewater and sludge is imposed strictly on the relevant (competent) authorities, while relevant entities, i.e. operators, are omitted. Wording of the points under letters c) and d) indicates that monitoring means the collection of data from operators since this data cannot be measured by the authority. If the intended meaning is a direct acquisition of this data by the authority, this may lead to an increase in operating costs. This is because the operator cannot rely on the results of analysis by other entities when managing the operation of its WWTP.

Article 21, paragraph 2

The Czech Republic generally agrees with the introduction of monitoring of storm water overflows and urban runoff in agglomerations above 10,000 PE, however, the requirement for the method of monitoring concentrations and loads is very general. It is not clear which parameters should be monitored and how the monitoring should be carried out (e.g. whether it should be continuous monitoring of flows and pollution parameters or a combination of continuous monitoring of flows and a certain type of pooled samples for water quality analysis). It is essential to specify how the monitoring will be carried out and who will finance it. This monitoring should primarily serve to calibrate rainfall-runoff models simulating water flows and pollution in the agglomeration, which are required as part of integrated water management plans (general drainage) (Annex 5, paragraph 1). Permanent continuous monitoring of all storm water overflows and urban runoff is not economically and technically feasible. The solution could be to prescribe permanent monitoring up to the processing of general drainage for those objects from which a certain percentage of water in the agglomeration is relieved annually

during the rains (e.g. 75 %) or in the case of storm sewers from a certain connected reduced area of the catchment. It could only be a matter of flow monitoring, while the material flows of pollution would be calculated with calibrated models, or periodically verified by monitoring. The Czech Republic proposes an alternative solution and amendment of Article 21, paragraph 2 corresponding to the above text.

Article 21, paragraph 3

Monitoring of micro-pollutants in the inflow and outflow and micro-plastics in sludge in agglomerations above 10,000 PE should be based primarily on the sources of pollution in the given agglomeration and the associated risk for water bodies.

Article 8 – Quaternary treatment

The Czech Republic generally supports requirements for the removal of micro-pollutants from discharged wastewater, especially in large agglomerations. The size of the WWTP in terms of removing micro-pollutants should be regulated based on the number of people connected, and not based on BOD5, because for some large WWTPs treating mainly industrial wastewater (breweries, food industry) there is no correlation between BOD5 and micro-pollutants.

The requirement to equip at least 50 % of WWTPs with quaternary treatment in the first phase will mean that the regulator will have to determine which WWTPs will be affected already in 2030 (Article 8, paragraph 1) and which ones only in 2035 (Article 8, paragraph 1). Taking into account the great administrative, technical, technological and financial demands of this goal, the Czech Republic proposes to move the first mentioned term to 2035 and the second mentioned term to 2040. Given the high impact on the investment and operating costs of individual operators and owners of WWTPs, it is necessary to clarify financing.

The list of medicines required to be removed (Annex I, part D, Table 3) is relevant for the Czech Republic, because the listed medicines are among the substances with the largest consumption in the Czech Republic, which corresponds to the relevant data for the territory of the entire EU. Due to the generally very low concentrations of these substances in wastewater, we would consider it more appropriate to supplement the requirements for their minimum efficiency at the level of 80 % removal, alternatively also with the maximum permissible concentrations at the effluent from the WWTP. The Czech Republic proposes to change Note No. 2 to Table No. 3.

Article 8, paragraph 5

The Czech Republic does not agree with the authorization of the Commission to adopt delegated acts by the procedure according to Article 27.

Annex I, part D, Table 3

See Article 8 – the Czech Republic requires the addition of the requirements for the minimum efficiency of quaternary treatment also, alternatively, with the maximum permissible concentrations at the effluent from the WWTP.

Article 9 – Extended producer responsibility

It is not clear how the financial resources will get from the producers of pharmaceutical products and PPCP products to the operators of the affected WWTPs. The directive apparently leaves this entirely up to the member states. It is not even clear whether investment costs will be covered in this way or only operating costs (or both, i.e. operating and investment costs). The extended responsibility of producers should also ensure the payment of the costs of reducing the content of micro-pollutants originating from products and their residues from sewage sludge by such methods that ensure the preservation of the content of nutrients (N, P) and organic matter, i.e. by biological processes (e.g. composting). The Commission should establish a harmonized, binding procedure within the entire EU.

Annex III

The list of producers and products covered by extended producer responsibility should also include the production of all detergents and cleaning products that are a significant source of residues and affect the quality of wastewater.

Provisions discussed at WPE 6th February

Article 11 – Energy neutrality of municipal wastewater treatment plants (new)

The objectives contained in the revised Article 11 are too ambitious. The Czech Republic cannot support them due to disproportionately high investment costs. We would support this provision only if its implementation is linked to sufficient support from EU funds. The Czech Republic proposes to set interim goals as non-binding or require their deletion from the proposal. The Czech Republic proposes to move the size of agglomerations, from which the obligation to achieve energy neutrality applies, to 50,000 PE. The Czech Republic also requests to postpone the deadlines for fulfilling the provisions in paragraph 2 of Article 11 by 5 years:

a) 50 % of the total annual energy consumption in these facilities by December 31, 2035;
b) 75 % of the total annual energy consumption in these facilities by December 31, 2040;
c) 100 % of the total annual energy consumption of these facilities by December 31, 2045.

Article 11, paragraph 2

The Czech Republic has certain concerns as to whether the objective stated in Article 11, paragraph 2, is technically achievable. A flexibility should be allowed, if the energy audit according to Article 11, paragraph 1, would demonstrate that the objectives are not achievable.

The Czech Republic proposes the following definition of biogas: *Biogas in general is a gaseous mixture of methane and carbon dioxide. It is a gaseous product of anaerobic methane fermentation of organic substances (anaerobic digestion, biomethanization or digestion of sewage sludge). It is an important source of renewable energy that can be used for the combined production of electricity and thermal energy in cogeneration units, for the anaerobic stabilization of sludge from wastewater treatment plants, or after processing into biomethane as fuel (BioCNG) in transport and to replace natural gas.*

Article 20 – Sludge

The Czech Republic agrees with indirect support for the disposal of sewage sludge on agricultural land. The recycling of nitrogen and phosphorus requires investment and operating costs of the necessary technologies. For a successful implementation of nitrogen and phosphorus recycling, it is necessary that these substances are also a financial income for the WWTP operator, not just a cost. In the case of determining a minimum rate of nitrogen and phosphorus recycling, the Czech Republic considers it necessary to:

- count the use of sludge in agriculture as part of reused phosphorus and nitrogen and use it in the calculation of recycled resources;
- set minimum mandatory rate of mixing of nutrients obtained in this way into all mineral fertilizers in the EU.

Article 20, paragraph 2

The Czech Republic does not agree with the authorization of the Commission to adopt delegated acts by the procedure according to the article 27.

Article 2, paragraph 14 – definition of the sludge

The Czech Republic considers it appropriate to supplement and specify the definition of sludge from municipal wastewater treatment. It must be clear from the definition at what level of purification the sludge was produced, especially because quaternary treatment sludge containing hazardous pollutants should not be applied to agricultural land.

Sludge from wastewater treatment plants is a complex heterogeneous suspension of inorganic and organic substances deposited from wastewater or created during technological processes of wastewater treatment. In municipal wastewater treatment plants, primary sludge is separated from raw water by sedimentation in settling tanks. In settling tanks, secondary, activated sludge is separated from the purified water in the biological stage of purification. Both types of sludge are combined and thickened together or separately before further processing. Sludge combined in this way is called raw sludge.

Article 15 – Water reuse and urban wastewater discharge (new)

When reusing treated municipal wastewater for agricultural irrigation, it is not practical to remove nutrients, i.e. nitrogen (N) and phosphorus (P). These substances are very valuable for agriculture and must be added to the soil in the form of industrial fertilizers.

Therefore, as a solution, the Czech Republic proposes to apply double standards for N and P on the effluent from the wastewater treatment plants. The first would be for the growing season when wastewater is used for irrigation and when it is not appropriate or necessary to remove nutrients. And the second outside the growing season, when wastewater is discharged directly into the recipient after cleaning.

The possibility of repeated use of treated municipal wastewater is significantly different in individual Member States. The Czech Republic is therefore convinced that specific conditions for their use should be established by individual Member States.

Article 15, paragraph 3

The Czech Republic does not agree with the proposed review once every 6 years, as it will lead to additional administrative burden on the administrative authorities concerned. The Czech Republic therefore proposes a general review period of 10 years, which it considers sufficient.

Article 14 – Non-domestic wastewater discharges (new)

The Czech Republic generally agrees with a higher degree of involvement of the sewage network operator/wastewater treatment plants in the process of permitting the discharge of industrial wastewater into the public sewer. The Czech Republic proposes to specifically address discharge of wastewater from hospitals and other facilities (e.g. hospitals for long-term patients, homes for the elderly, etc.) as well as the production of pharmaceuticals, where wastewater contains an increased amount of pharmaceutical residues. The Directive should ensure a clear obligation to clean these wastewaters before they are discharged into collection systems. This should also be reflected in Annex IC.

Article 14, paragraph 3

The Czech Republic does not agree with the authorization of the Commission to adopt delegated acts in accordance with the procedure according to Article 27. The Czech Republic is not against specifying or adapting the requirements, but these requirements must be part of the Directive and subject to discussion between the member states.

Article 17 – Urban Wastewater Supervision (new)

Monitoring wastewater for selected health indicators is a reasonable measure in the field of public health. From the proposed text, it is possible to conclude that the entity responsible for sampling should be the WWTP operator. That is problematic – the Directive should only contain a general obligation of operators to enable the collection of wastewater samples for the purpose of monitoring public health, while everything else should be subject to national legislative regulations in the field of healthcare and public health. The Czech Republic also considers the monitoring of the influenza virus to be very problematic.

MALTA

UWWTD proposal (recast)

Definition Section – Article 2

Despite A2(3)(a) referring to wastewater originating from trade. Request for a clear definition of the word *'trade'*.

Other definitions to clarify:

- urban runoff - does this include rainwater runoff conveyance systems?
- stormwater overflow - Request to define further

Integrated Urban Wastewater Management Plans: Article 5, Annex 5

Timelines in article 5 para1 are considered too ambitious.

The indicative targets and measures to be considered as per Annex 5 should be defined through the integrated urban wastewater management plans in consideration of the specific characteristics of the agglomerations and the risks posed on the receiving waters. A clarification is being requested on the calculation of the 1% threshold in Annex 5 Para 2a specifically.

(i) How will the discharged load be calculated?
(ii) Which parameters must be considered?

Tertiary treatment - Article 7, Annex 1B, 1D (Table 2), Annex 2

Malta calls for the application of a risk-based approach also in relation to facilities treating a load equal to or greater than 100,000 p.e. This would enable Malta to prioritise the reduction of pressures on the more sensitive receiving areas.

While understanding the need to address nutrient enrichment in waters, the adoption of stricter thresholds for nitrogen and phosphorous needs to be evaluated in relation to the risks associated with discharges,. The removal of nutrients for loads of 100,000 p.e. demands high energy and/or reagent input against comparatively low gains for the receiving environment in non-sensitive areas.

Monitoring - Article 21

With respect to chemical contaminants, flexibility must be ensured to enable Member States to select which parameters are relevant to the agglomerations at the inlet and outlet of the treatment plants. Malta expresses its concern in relation to the parametric value of 80% removal. Noting that without a quantitative 'threshold of no concern', assessing and achieving compliance will be problematic.

Malta is also seeking the following clarifications:

- With reference to sub-paragraph 1d, clarification is requested on how the greenhouse gases produced by UWWTPs will be monitored.
- Methodologies to be used for monitoring microplastics should be clarified. It should also be noted that monitoring sewage sludge for microplastics would be superfluous when the land application is excluded or there are no contamination risks.

- With reference to sub-paragraph 2, clarification is being sought on the monitoring frequencies for Combined Sewage Overflows (CSOs) as well as the pollutants that needs to be monitored.
- While Malta understands the need to better understand the sources of pollution, it is not clear whether the obligations on urban wastewater treatment plants are being extended to cover rainwater runoff systems.

Quaternary treatment - Article 2(13, 16-17), Article 8, Annex 1 (Table 3) & Extended producer responsibility - Art 2(18-19, 24), Art 9i, Annex 3

With respect to the Extended Producer Responsibility, Malta is requesting clarifications in relation to the proposed 'two tonnes per year' threshold. Is this an overall threshold, or does it apply to each producer/importer? Is this threshold restricted to active substance content only? Malta expresses its concern with the risk of the duplication of EPR charges.

The product coverage needs further discussion, noting the vast range of cosmetic and pharmaceutical products placed on the market. whilst the product categories will be specified through an implementing act, nevertheless it is important to have a better understanding of the product coverage at this stage since this will have a bearing on the feasibility of the EPR within the context of the Directive.

Article 10 – Minimum requirements for producer responsibility organisations (new)

Malta is seeking a further clarification in relation to the '2 tonnes per year' threshold and its application in relation to the products under consideration. Is it in relation to active substances? Is it an overall threshold or per importer?

Again, there remains a need for further understanding of which products will fall under the EPR. Noting the vast range of cosmetic and pharmaceutical products placed on the market. While the product categories will be specified through an implementing act, for the reasons stated above it is important to have a better understanding of the product coverage as soon as possible.

Further clarification is also requested on how this provision would apply when product is imported from outside the EU. How will this be harmonised at community level?

Will the official authorities need to provide financial support to Producer Responsibility Organisations?

Malta supports the Netherlands and Luxembourg positions in favour of EU-level understanding and possibly guidelines with respect to implementation.

Article 11 - Energy neutrality of UWWTP

Whilst we support the objectives of this article, to contribute to the EU's overall energy efficiency commitments. We must stress that the requirements set out in this proposal for energy neutrality, for all urban wastewater treatment plants treating loads of 10,000 p.e. by 2040, is very challenging. Particularly when seen in the context of the more stringent treatment requirements set out in Articles 7 and 8 respectively. The local feasibility of such requirement is key and needs to be evaluated, particularly in term of local climatic and geographic specificities.

We would like to underscore that energy neutrality requirements can negatively affect upstream efforts for increasing water use efficiency. Lower water use at the consumer's end results in a more concentrated sewage, requiring more energy to treat. Hence it is important that the approach takes due consideration of the need to reach the right balance which does not negatively affect upstream measures to increase water use efficiency (and/or on-site reclamation).

Clarity as to whether the article refers solely to renewable energy produced from the plant process, or whether it is possible to include renewables coming from external plants, such as a solar farm adjacent to a UWWTP. Moreover, can energy from sludge mono or co-incineration be considered when assessing energy neutrality of wastewater treatment at MS level?

Art 14, 16, Annex I(C), Annex IV - Discharges of non-domestic wastewater

Malta notes the wording of the Article, however, Malta suggests that the original wording of the Directive is retained i.e. "specific authorizations by the **competent authority or appropriate body**" to ensure that the most relevant entities are responsible for the authorisation process.

With reference to Directive 2010/75/EU in Annex I Part C, a clarification is sought as to why reference is not being made to emission limit values set by Directive 2010/75/EU in relation to indirect discharges rather than direct.

Furthermore, clarifications are requested in relation to the scope of this Article (noting reference to Annex I). Is it referring to direct discharges from industry to receiving waters following separate treatment? This clarification is being sought, in the context of Annex I which refers to discharges from wastewater treatment plants.

Article 17 - Urban wastewater surveillance

Malta would like to request further clarification in relation to the parameters to be monitored with regard to 'contaminants of emerging concern'. Would such parameters be selected by the Member States on the basis of their relevance at national scale?

We would also like to reiterate that the availability of laboratory facilities in relation to analysis of AMR needs to be taken into consideration, especially when establishing harmonised methodologies as part of implementing acts.

Article 20 – Sludge

Malta's main concern on this Article is in relation to the use of delegated acts to define recovery rates of phosphorus and nitrogen from sludge. It must be ensured that MS have a role in defining the technical parameters of any delegated acts.

Malta is requesting a clarification in relation to the treatment of sludge. Can the sludge be treated with mono or co-incineration? How does the Commission view incineration in relation to recycling rates for P and N?

Malta also supports alignment with the upcoming revisions to the Sewage Sludge Directive, hence highlighting the potential issues with the establishment of recycling rates and monitoring requirements for sewage sludge in the UWWTD at this stage.

PORTUGAL

UWWTD - PT comments

Once again, we would like to express our acknowledgement to the Swedish Presidency for the possibility to send comments on the articles and annexes discussed at the previous WPE meetings. However, Portugal is maintaining the scrutiny reservation on the entire document.

As already mentioned in our previous comments:

- The deadlines for the implementation of the directive and to conclude the investments appear to be too tight, which will surely have impacts in the financing capacity and on the ability to implement the measures, especially because, after the approval, the directive still has to be transposed into the national law. We believe it would be more reasonable to keep the approach of the previous directive: a period for the transposition and a period for adaptation.

- The investment volume needed in Portugal is quite relevant, despite not knowing the assumptions under the economic impact assessment of the directive. It is important to ensure that these investments do not lead to an increase in the tariffs of wastewater management services that jeopardizes the affordability by the users of the service. For that, we are doing our estimative of the costs and they are higher than the ones estimated in the impact assessment.

Please find below our comments, observations and some drafting proposals, for the articles discussed at 27th January and 6th February meetings.

Article 7 - Tertiary treatment

Text	Observations	Text proposal
1- By 31 December 2030, Member States shall ensure that discharges from 50 % of urban wastewater treatment plants treating a load of 100 000 p.e. and above and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] are subject to tertiary treatment in accordance with paragraph 4. By 31 December 2035, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to tertiary treatment in accordance with paragraph 4.	As already mentioned in previous comments, the deadlines are quite constrained and ambitious, Therefore, and to ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle. For the discharges into coastal areas, namely in the Atlantic Ocean, the requirement for tertiary treatment should be defined through a risk assessment process to ensure that a real benefit to water resources is obtained and not simply the assumption of it through a theoretical principle based on load.	1. By 31 December 2033, Member States shall… are subject to tertiary treatment in accordance with paragraph 4. By 31 December 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to tertiary treatment in accordance with paragraph 4, except for the discharges into coastal waters which are found to have a very good water exchange and dilution, for which applies the following:

Text	Observations	Text proposal
	The Coastal conditions in Portugal are well known by the academy and there are sophisticated mathematical models calibrated and ready to simulate the quality impacts of the discharges. We recommend that the environmental benefits of these new requirements are studied and compared with the corresponding costs in terms of cost-benefit and cost-effectiveness analysis.	a. the treatment requirement should be defined through the risk assessment, according paragraph 1 of article 18; b. if the risk assessment results in despicable risk for eutrophication, the obligation set out in the first paragraph shall not apply until 31 December 2045.
2. By 31 December 2025, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every five years starting on 31 December 2030. 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 in its entire territory.	To ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle, including the frequency of sensitive areas revision.	By 31 December 2027, Member States shall establish a list of areas on their territory that are sensitive to eutrophication and update that list every six years starting on 31 December 2033. The list referred to in the first subparagraph shall include the areas identified in Annex II.
3- 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. that are discharging into areas included in the list referred to in paragraph 2 and not applying tertiary treatment on [OP please insert the date = the date of entry into force of this Directive] urban wastewater entering collecting systems is subject to tertiary treatment in accordance with paragraph 4 before discharge into those areas By 31 December 2040, Member States shall ensure that urban wastewater entering collecting systems is subject to tertiary treatment in accordance with paragraph 4 before discharge	To ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle, including the frequency of sensitive areas revision.	3- By 31 December 2039, Member States shall ensure that for 50 % of the… By 31 December 2045, Member States shall ensure that urban wastewater entering collecting systems is subject to tertiary treatment…

Text	Observations	Text proposal
into areas included in a list referred to in paragraph 2 with regard to all agglomerations of between 10 000 p.e. and 100 000 p.e.		
4. 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 Parts B and D of Annex I in order to adapt the requirements and methods referred to in the second subparagraph to technological and scientific progress	The new ELV proposed do not take into account a real benefit for water bodies, but instead uses a theoretical benefit just based on load and compliance of flat values without taking into account the specific water bodies characteristics, such as status, hydrogeological and hydro morphological conditions, other water uses and pollution sources in surrounding areas. And also, dot not consider the possibility of nutrients uptake by crop when water is intended for reuse purposes (irrigation). As mention on the Regulation (EU) 2020/741, the water reuse for irrigation purposes allows the reuse of nutrients and minimize the use needs of mineral/synthetic fertilizers. The removal of nutrients of water intended for reuse in irrigation may promote a need of additional use of mineral/synthetic fertilizers which is nonsense according the circular economy and zero pollution action plan. Therefore, is suggested to include the possibility of application of less restricted ELV according a risk assessment supported on the combined approach described on article 10 of WFD that takes into account the real characteristics of each receiving water body, the treatment plant and the water reuse.	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. Different values can be admissible if validated by a comprehensive risk assessment procedure, according paragraph 1 of article 18, supported on the combined approach described on article 10 of Directive 2000/60/EC and/or also takes into account a nutrients balance considering the nutrient fractions that can be uptake by crops irrigation when treated water is used for reuse purposes.
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	To ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle, including the frequency of sensitive areas revision.	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

Text	Observations	Text proposal
paragraphs 3 and 4 where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area is: (a) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2035; (b) 90 % for total phosphorus and 85 % for total nitrogen by 31 December 2040.		paragraphs 3 and 4 where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area is: (a) 82,5 % for total phosphorus and 80 % for total nitrogen by 31 December 2039; (b) 90 % for total phosphorus and 85 % for total nitrogen by 31 December 2045. This paragraph is not applicable when less restricted requirements resulting from by a risk assessment according paragraph 4 are defined.
6- Discharges from urban waste water 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	To ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle, including the frequency of sensitive areas revision.	7. Member States shall ensure that discharges from urban wastewater treatment plants … by that paragraph fulfil the requirements laid down in paragraphs 3 and 4 within six years of the inclusion in that list.

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
(12) tertiary treatment' - means treatment of urban wastewater by a process which removes nitrogen and phosphorus from the urban wastewaters;	The table 2, from Annex I defines that “One or both parameters may be applied depending on the local situation”, so the definition should be consistent with the annex.	(12) 'tertiary treatment' means treatment of urban wastewater by a process which removes nitrogen and/or phosphorus from the urban wastewaters, depending on the local situation;

Text	Observations	Text proposal
	Also, the definition of "eutrophication" says that "means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus…" Other important aspect is that the definition of tertiary treatment should be in line with the table 2, from Annex I defines that "One or both parameters may be applied depending on the local situation". Indeed, the risk of eutrophication results from the limiting factor, which could be P or N, and, thus, both nutrients removal should only be applicable when both represent a real cumulative risk.	
(23) 'plastic biomedia' - means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters;	No comments	

Article 2 – Annex 1 and 2

Text	Observations	Text proposal
Annex 1B Discharges from urban waste water wastewater treatment plants referred to in paragraph 1 and 3 of Article 7 and in Article 8 in accordance with those Articles to those sensitive areas which are subject to eutrophication as identified in Annex II.A (a) shall, in addition to the requirements referred to in point 2, meet the requirements shown in Table 2 of this Annex.	Based on our comments to the paragraph 4, of article 7, is proposed to change the text of annex 1B accordingly.	Discharges from urban waste water wastewater treatment plants referred… meet the requirements shown in Table 2 of this Annex, except for concentration and/or minimum percentage reduction, for N and/or P when less restricted requirements result from the risk assessment according paragraph 4 of article 7.
Annex 1D (table 2) 1. Member States shall ensure that a monitoring method is applied which fulfils the requirements set out in points 2 to 5	Regarding the monitoring methods, taking into account that advances in analytical procedures are faster than the legal revisions, it should be ensured that the legal act allows the use of more advance analytical methodologies that emerge during the lifetime of the	1. Member States shall ensure that a monitoring method is applied which fulfils the requirements set out in points 2 to 5 corresponds at least with the level of requirements described below.

Text	Observations	Text proposal
corresponds at least with the level of requirements described below. Alternative methods to those mentioned referred to in paragraphs points 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained.	directive. Also, it should be used same quality requirements to ensure coherence and comparability between data from wastewaters and receiving water bodies. Therefore, is suggested that all analytical methodologies proposed under this recast follow the same approach as the one applied to the WFD, i.e., all analytical determinations should have a minimum performance criterion, as the ones defined under the Directive 2009/90/EC.	~~Alternative methods to those mentioned referred to in paragraphs points 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained.~~ "All methods of analysis shall comply with minimum performance criteria as the ones defined in the Directive 2009/90/EC. Member States shall provide the Commission…"
Annex 2	Despite the directive intends a better harmonization with other legal acts. such as DW directive, Bathing water directive or even the Regulation (EU) No 1380/2013 (namely for the protection of areas of production of aquacultures), no other "critical" areas and correspondent treatment requirements are previewed, except removal of nutrients, Therefore, taking into account the principle of maximum protection of all water bodies in the Union, is considered that is equally important to define "sensitive" areas for protection against microbial pollution and the need of disinfection requirements to protect these same areas, Therefore, Annex 2, namely to ensure a full application of paragraph 4 (i.e., to cover additional level of protection and subsequently other parameters (besides N and P) should be amended accordingly.	ANNEX 2 AREAS SENSITIVE TO EUTROPHICATION OR TO PROTECTION OF OTHER USES … 4. 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 or any other areas that may be at risk due to microbial pollution 5. Any other areas found by the Member States to be sensitive to eutrophication or that requires the protection of other uses.

Article 18 - Risk assessment and management

Text	Observations	Text proposal
1. By [OP please insert the date = the last day of the second year after the date of entry in force of this Directive], Member States shall identify the risks caused by urban wastewater discharges to	The risk assessment should take into account the combined approach defined in WFD to ensure a better coherence with other sectorial activities, including IED installations	By [OP please insert the date = the last day of the second year after the date of entry in force of this Directive], Member States shall identify the risks caused by urban wastewater discharges to the

Text	Observations	Text proposal
the environment and human health and at least those related to the following: (a) the quality of a water body used for the abstraction of water intended for human consumption as defined in Article 2, point (1), of Directive (EU) 2020/2184; (b) the quality of bathing water falling within the scope of Directive 2006/7/EC; (c) the good ecological status of a water body as defined in Article 2, point (22), of Directive 2000/60/EC; (d) the quality of a water body where aquaculture activities as defined in Article 4, point (25), of Regulation (EU) No 1380/2013 take place.	This risk assessment should also take into account the results from other similar procedures under other directives, such as WFD and DW For the imposition of quaternary treatment should be taken into account the differences on industrial content connected to UWWTP, namely pharmaceutical industry, since the levels of micropollutants from domestic wastewaters are totally different from pharmaceutical industrial wastewaters, and therefore, to avoid, disproportionate measures, this factor should be appraised on the risk assessment. Oceanic coastal receiving water bodies are completely different from inland waters or other coastal areas, so is also important to consider the hydrodynamic of this water bodies (Atlantic Ocean), in terms of dilution rate and mixing conditions. Added to this great hydrodynamics of the ocean are the advantages of using submarine outfalls, which had demonstrated that there are no impacts in the state of the water bodies or the quality of the bathing waters.	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 and the results for the risk assessment and risk management of the catchment areas for abstraction of these water as defined in Article 8, of the same directive; … e) the good surface water and groundwater chemical status of a water body as defined in Article 2, point (23 and 24), respectively, of Directive 2000/60/EC; f) the combined approach as defined in Article 10 of Directive 2000/60/EC, taking into account the presence or absence of pharmaceutical and/or cosmetic industry in the agglomeration"; g) the hydrodynamic of water bodies.
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: (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	It must be ensured that requirements are applied based on the risk assessment and a cost-benefit analysis to avoid disproportionate costs that does not represent real benefits for water bodies, in line with WFD principles	"Where risks have been identified in accordance with paragraph 1, Member States shall adopt appropriate measures to address them, which shall include where appropriate, and according a cost-benefit analysis, the following measures: …"

Text	Observations	Text proposal
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 1, part B.		
	Should be also defined exemptions for the cases where risk results in despicable values, namely for discharges in coastal areas with high dilution rate, due to the geographical location, the local environmental conditions or area constraints for tertiary treatment implementation of the wastewater treatment plant concerned with respect to the water bodies where the discharge takes place without eutrophication risks;	3. When risk assessment results in despicable values for risk for eutrophication, Member States may decide that an individual urban wastewater treatment plant shall not be subject to the requirements set out in paragraph 1 of article 7, whenever it can be shown that tertiary treatment would lead to disproportionately higher costs compared to the environmental benefits.
3. The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed every 5 years. 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 national implementation	To ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle, including the frequency of sensitive areas revision.	The identification of the risks carried out in accordance with paragraph 1 of this Article shall be reviewed <u>every six years</u>.

Text	Observations	Text proposal
programmes referred to in Article 23 and communicated to the Commission on request.		

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
	Should be defined “Risk” (it can be/should be used the same as the Regulation (EU) 2020/741	‘risk’ means the likelihood of identified hazards causing harm in a specified timeframe, including the severity of the consequences
	Should be defined “Risk assessment”	“Risk assessment” means process of comparing the results of the analysis of the health or environmental risk criteria associated with a given system or situation, in order to accept the lowest possible risk value, which involves the collection of information regarding hazards, hazardous events, exposure scenarios, risk characterization and risk management

Article 13 - Local climatic conditions

Text	Observations	Text proposal
Member States shall ensure that the urban waste water treatment plants built to comply with the requirements set out in Articles 6, 7 e 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	It should be clarified what are “normal local climatic conditions” to avoid misinterpretations of the article and because this may significantly impact investment needs. For example, taking into account the characterization made under the correspondent RBMP.	

Article 21 - Monitoring

Text	Observations	Text proposal
1. Member States shall ensure that competent authorities monitor: a) discharges from urban wastewater treatment plants in order to verify compliance with the requirements of Part B of Annex I.B in accordance with the control procedures methods for monitoring and evaluation of results laid down in Part D of Annex I.D; this monitoring shall include loads and concentrations of the parameters listed in Part B of Annex I b) amounts, composition and destination of sludges c) the destination of the treated urban wastewater including the share of reused water; d) the greenhouse gases produced and the energy used and produced by urban wastewater treatment plants of above 10 000 p.e.	To avoid misinterpretations should be included in article 2 the definition of competent authority, in the same way that is displayed in Regulation (EU) 2020/741 (which only applies to reclaimed waters from urban wastewaters) Also, to ensure responsibility, operators shall be in charge of the monitoring of wastewaters to ensure the treatment compliance. The competent authorities are responsible for granting permits, check compliance and inspection. It is important to provide additional detail and clarify what is the definition of "composition" (subparagraph 1.b) and what are the additional costs for operators associated with providing additional analyses.	1. Member States shall ensure that ~~competent authorities~~ operators monitor:
2- For all agglomerations of 10 000 p.e. and above, Member States shall ensure that competent authorities monitor the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies.	Same as above	For all agglomerations of 10 000 p.e. and above, Member States shall ensure that ~~competent authorities~~ operators monitor the concentration and loads of pollutants from storm water overflows and urban runoff discharged into water bodies.
3. For all agglomerations of above 10 000 p.e., Member States shall 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 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;	It shall be clear who is responsible for the monitoring See comments above. The list of pollutants to monitor could derive from the proposed lists but it should result from the risk assessment process, in the same way as proposed in the Directive (EU) 2020/2184 about the quality of water intended for human consumption and only in parameters that apply to "water matrix" and not biota, sediments, air, soils or wastes. For example, the PRTR defines "total metal", but Directive 2000/60/EC establishes "dissolved metal",	For all agglomerations of above 10 000 p.e., ~~Member States~~ the respective operators shall monitor, at the inlets and outlets of urban wastewater treatment plants, the concentration and loads in the urban wastewater of the elements from <u>the following list and according the results of the risk assessment described on article 18</u>: … <u>From this list should only be selected elements that are feasible to measure on water samples.</u> <u>…</u>

Text	Observations	Text proposal
(ii) the Annex to Decision 2455/2001/EC of the European Parliament and of the Council (iii) Annex II to Regulation (EC) No 166/2006 of the European Parliament and of the Council; (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 micro-plastics. For all agglomerations of above 10 000 p.e., Member States shall monitor the presence of micro-plastics in the sludge. The monitoring referred to in the first and second subparagraphs shall be carried out with the following frequencies: (a) at least two samples per year, with maximum 6 months between the samples, for agglomerations of 100 000 p.e. and more; (b) at least one sample every 2 years for agglomerations of between 10 000 p.e. and 100 000 p.e. 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 micro-plastics in urban wastewater and sludge.	which is much more appropriated to water to measure its bioavailabity. For example, not all the parameters listed in the Regulation (EC) No 166/2006 are of concern to urban wastewaters. On another end, the monitoring programs should be defined according the risk assessment, as already said and also taken into account other similar procedures under other directives, such as WFD and DW	The monitoring referred to in the first and second subparagraphs shall be carried out with the following frequencies: … c) after two years of monitoring, the list of parameters should be revised and all parameters that are not quantified in the inlet of the wastewater treatment plant can be waived from the monitoring program; d) after six years of monitoring, the list of parameters should be revised and, all parameters that are not quantified in the outlet of the treatment plant and for which is not expected an increasing of risk can be waived from the monitoring program.

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
	Should be included a definition for competent Authority, in the same line as the Regulation (EU) 2020/741:	"'competent authority' means an authority or a body designated by a Member State to carry out its obligations under this Directive regarding the granting of permits for the wastewater discharges, regarding compliance checks and inspection;"

Article 8 - Quaternary treatment

Text	Observations	Text proposal
1. By 31 December 2030, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject quaternary treatment in accordance with paragraph 5. By 31 December 2035, 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 in accordance with paragraph 5.	As already mentioned in previous comments, the deadlines are quite constrained and ambitious, Therefore, and to ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle. The requirements for this level of treatment should result from the risk assessment (taking into account what was already mentioned on the appraisal of that article), namely according the characteristics of water bodies and industrial load connected to sewers. The Coastal conditions in Portugal are well known by the academy and there are sophisticated mathematical models calibrated and ready to simulate the quality impacts of the discharges. We recommend that the environmental benefits of these new requirements are studied and compared with the corresponding costs in terms of cost-benefit and cost-effectiveness analysis.	1. By 31 December 2033, Member States shall ensure that 50 % of discharges from urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject quaternary treatment in accordance with paragraph 5, except for the situations where the risk assessment under article 18 results in a despicable value for micropollutants and. whenever it can be shown that quaternary treatment would lead to disproportionately higher costs compared to the environmental benefits. By 31 December 2039, Member States shall ensure that all urban wastewater treatment plants treating a load of 100 000 p.e. and above are subject to quaternary treatment in accordance with paragraph 5, except for the situations where the risk assessment under article 18 results in a despicable value for micropollutants and. whenever it can be shown that quaternary treatment would lead to disproportionately higher costs compared to the environmental benefits.

Text	Observations	Text proposal
2. On 31 December 2030, Member States shall have established a list of areas on their national territory where the concentration or the accumulation of micro-pollutants represents a risk for human health or the environment. Member States shall review that list every five years thereafter and update it if necessary. The list referred to in the first subparagraph shall 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 Council73, take place; (f) areas where additional treatment is necessary to meet the requirements set out in Directives 2000/60/EC and 2008/105/EC.	As already mentioned in previous comments, the deadlines are quite constrained and ambitious, Therefore, and to ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle.	2. On 31 December 2033, Member States shall have established a list of areas on their national territory where the concentration or the accumulation of micro-pollutants represents a risk for human health or the environment. Member States shall review that list every six years thereafter and update it if necessary. The list referred to in the first subparagraph shall 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, that should follow the approach described on article 18:

Text	Observations	Text proposal
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).	The risk assessment should follow the same approach as described on article 18 and same principle of the risk assessment and management of the catchment areas for abstraction points of water intended for human Consumption defined on Directive (EU) 2020/2184 and therefore, no implementing acts are justified	Propose to delete this paragraph
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., 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. 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.	As already mentioned in previous comments, the deadlines are quite constrained and ambitious, Therefore, and to ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle.	"4. By 31 December 2039, Member States shall ensure that for 50 % of the agglomerations of between 10 000 p.e and 100 000 p.e., … By 31 December 2045, Member States shall ensure…"
5. 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	Regarding the monitoring methods, taking into account that advances in analytical procedures are faster than the legal revisions, it should be ensured that the legal act allows the use of more advance analytical methodologies that emerge during the lifetime of the directive. Also, it should be used same quality requirements to ensure coherence and comparability between data from wastewaters and receiving water bodies. Therefore, is suggested that all analytical methodologies proposed under this recast follow the	"All methods of analysis shall comply with minimum performance criteria as the ones defined in the Directive 2009/90/EC. However, the Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to amend 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."

Text	Observations	Text proposal
referred to in Article 27 to amend 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.	same approach as the one applied to the WFD, i.e., all analytical determinations should have a minimum performance criterion, as the ones defined under the Directive 2009/90/EC.	
6. By 31 December 2030, the Commission shall adopt implementing acts to establish the monitoring and sampling methods to be used by the Member States to determine the presence and quantities in urban wastewater of the indicators set out in table 3 of Part B of Annex I. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).	Should be paid attention, that only after 2030 Member will be able "to measure" these indicators, so the deadlines proposed in above paragraphs must take into account this date.	

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
(13) 'quaternary treatment' means treatment of urban wastewater by a process which removes a broad spectrum of micro-pollutants from the urban wastewaters	Is not clear where the protection of bathing waters, drinking waters or other needs of microbiological protection will be considered, since neither tertiary or quaternary treatment involve disinfection/microorganisms' removal It should be adapted to include the n. º 6, from part B, from Annex I	Add a new term for "Additional treatment requirements" or include in quaternary: "Process to that removes additional parameters to ensure the level of protection required under the point 6, from part B of Annex I and defined according the principles of subparagraph 2.F of article 18"
(16) 'micro-pollutant' - means a substance, including its breakdown products, that is usually present in the environment and urban wastewaters in concentrations below milligrams per litre and which can be considered hazardous to human health or the environment based on any	Typing note: A single term should be used, since through the text is used micro-pollutants" e "micropollutants".	

Text	Observations	Text proposal
of the criteria set out in Part 3 and Part 4 of Annex I to Regulation EC		
(17) 'dilution ratio' - means the ratio between the volume of annual flow of the receiving waters at the point of discharge and the annual volume of urban wastewater discharged from a treatment plant	Why not to use the concept of "mixing zone" instead of dilution ratio as already previewed in other Directives, namely Directive 2008/105/EC? Should be paid attention that article 10 of WFD defines the need of definition of relevant emission limit values. So, for the discharges of micropollutants that hat will be classified as priority substances under WFD and EQS directives, the ELV shall be defined according the combined approach defined in WFD, where a mixing-zone may be applied according the criteria established in the article 4 of Directive 2008/105/EC. However, this concept is more comprehensive (a guidance document developed by the Commission is available), since takes into account the chemical status compliance of the water body, while a simple dilution rate only considers the annual conditions at discharge point. As a result, for the same substance, an ELV could be established following different criteria if this recast is not coherent with WFD.	

Article 9 - Extended producer responsibility

Text	Observations	Text proposal
1 - Member States shall take measures to ensure that producers who place any of the products listed in Annex III on the market have extended producer responsibility. Such measures shall ensure that those producers cover: (a) the full costs for complying with the requirements set out in Article 8, including the costs for the quaternary treatment of urban wastewater to remove micro-pollutants resulting	We are not aware of the criteria underlying the products identified as containing micropollutants. However, it is important that this EPR scheme is applicable to all industries contributing to this problem. Additionally, it is fundamental to ensure that the impacts on additional treatment requirements do not impact wastewater services tariffs, so adequate provisions on charging producers and transmitting the corresponding fees to wastewater treatment utilities.	

Text	Observations	Text proposal
from the products and their residues they place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and (b) the costs for gathering and verifying data on products placed on the market; and (c) other costs required to exercise their extended producer responsibility.	Note that the deadlines for the investments required for quaternary treatment do not appear to be compatible with the establishment of a solid EPR scheme governance structure which would require for a financial effort by the wastewater operators until having funding from the EPR scheme. Taking into account that it could be useful that the mechanism could be applicable to other areas, it could be proposed in a different and more cross-cutting legal act.	
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 market is below 2 tonnes per year; (b) the products they place on the market do not generate micro-pollutants in wastewaters at the end of their life.	How are the quantities calculated: By final product or ingredient?	
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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).		
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:	How are the quantities calculated: By final product or ingredient?	

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

Text	Observations	Text proposal
organisations, private or public operators of urban wastewater treatment plants and local competent authorities, are clearly defined; (b) urban wastewater management objectives are established in order to comply with the requirements and deadlines set under Article 8(1), (4) and (5) and any other quantitative or qualitative objectives that are considered relevant for the implementation of the extended producer responsibility; (c) a reporting system is in place to gather data on the products referred to in paragraph 1 placed on the market of the Member State by the producers and data on the quaternary treatment of wastewater, as well as other data relevant for the purposes of point (b).		

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
(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 organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9		
(24) 'placing on the market' - means the first making available of a product on the market of a Member State		

Article 10 - Minimum requirements for producer responsibility organisations

Text	Observations	Text proposal
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; (c) makes publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by producers; (iii) the activities that it undertaks every year, including clear information on how its financial means are used.	According what was already said for article 9, the deadlines for the investments required for quaternary treatment do not appear to be compatible with the establishment of a solid EPR scheme governance structure which would require for a financial effort by the wastewater operators until having funding from the EPR scheme. Considering that it could be useful the applicability of the mechanism to other areas, it should be proposed in a different and more cross-cutting legal act.	
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.		

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

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
(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	To avoid misinterpretations and double costs it should be only considered the first responsible to place products on market (and to ensure coherence with definition 24), i.e, the manufacturer and/or importer, since the distributor is only an intermediate on the	(18) 'producer' - means any <u>manufacturer and/or importer</u> ~~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

Text	Observations	Text proposal
	process within a MS (a distributor takes the product from point A to point B). When a distributer brings products from outside his MS, being the first responsible to place the product on market becomes an importer. Please see the definition 24 “the first the first making available of a product on the market”, which is a manufacturer or an importer.	
(19) 'Producer Responsibility Organisation’ - means an organisation established collectively by producers for the purpose of fulfilling their obligations under Article 9		
(24) ‘placing on the market’ - means the first making available of a product on the market of a Member State		

Article 11 - Energy neutrality of urban wastewater treatment plants

Text	Observations	Text proposal
1 - Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every four years. Those audits shall be carried out in accordance with Article 8 of Directive 2012/27/EU and include an identification of the potential for cost-effective use or production of renewable energy, with a particular focus to identify and utilise the potential for biogas production, while reducing methane emissions. The first audits shall be carried out:	As already mentioned in previous comments, the deadlines are quite constrained and ambitious, Therefore, and to ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle.	1 - Member States shall ensure that energy audits of urban wastewater treatment plants and collecting systems are carried out every ~~four~~ six years. … The first audits shall be carried out: (a) by 31 December 2027 ~~2025~~ 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 2033 ~~2030~~ for urban wastewater treatment plants treating a load of

Text	Observations	Text proposal
(a) by 31 December 2025 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 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.		between 10 000 p.e. and 100 000 p.e. and the collecting systems connected to them.
2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level by urban wastewater treatment plants treating a load of 10 000 p.e. and above is equivalent to at least: (a) 50 % of the total annual energy used by such plants by 31 December 2030; (b) 75 % 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.	Special attention must be paid to the increase of energy consumption that will result from the implementation of Articles 7 and 8, that may promote the need of additional investments in renewable energy production to compensate this increase in energy consumption to achieve neutrality. However, it should be also noticed that the production of biogas still faces several limitations. Indeed, the anaerobic digestion has a great potential to reduce the overall solids mass, decreasing the respective operating cost of an UWWTP, while contributes for the production of biogas. However, the sludge's composition complexity and poor biodegradable content may decrease the anaerobic digestion performance, and, therefore, is still difficult and less viable for lower loads to balance operational, economic, and environmental concerns for selecting an efficient and technical viable and cost-effective solution *. Consequently, is crucial that the application of articles 7 and 8 are made where there is a real environmental benefit within the water-ecosystems-energy nexus and for this reason, we consider that a broader and more comprehensive risk assessment could ensure better	2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, produced at national level by urban wastewater treatment plants treating a load of 10 000 p.e. and above is equivalent to at least: (a) 50 % of the total annual energy used by such plants by 31 December 2033 ~~2030~~; (b) 75 % of the total annual energy used by such plants by 31 December 2039 ~~2035~~; (c) 100 % of the total annual energy used by such plants by 31 December 2045 ~~2040~~. Lower percentages may be applicable when is full demonstrated that is not technical feasible achieve the values above due to the increase in energy consumption resulting from the mandatory application of the articles 7 and 8.

Text	Observations	Text proposal
	and more reliable solutions to achieve the goals of Green Deals (namely zero pollution and energy neutrality). ** Mitraka, G.-C.; Kontogiannopoulos, K.N.; Batsioula, M.; Banias, G.F.; Zouboulis, A.I.; Kougias, P.G. A Comprehensive Review on Pretreatment Methods for Enhanced Biogas Production from Sewage Sludge. Energies 2022, 15, 6536. https://doi.org/10.3390/en15186536.* *Debowski, M.; Zielinski, M. Wastewater Treatment and Biogas Production: Innovative Technologies, Research and Development Directions. Energies 2022, 15, 2122. https://doi.org/10.3390/en15062122.*	

Article 20 - Sludge

Text	Observations	Text proposal
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, re-use and recycling of resources and minimize the adverse effects on the environment.	It should be appraised if is this article only intends to deal with sludge or also with other UWWTP by-products, namely the ones separated on the initial steps of treatment (preliminary and primary treatment) such as grid, sand or grease.	If yes, the title of article should be replaced by "Sludge and other by-products"
2. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 27 to supplement this Directive by setting out the minimum reuse and recycling rates for phosphorus and nitrogen from sludge, in order to take into account available technologies for phosphorus and nitrogen recovery in sludge.		

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
(14) 'Sludge' - means any solid, semisolid, or liquid waste resulting from the treatment of urban wastewaters	The term seems to include grease, sand and grit. The by-products from an UWWTD are different, are wastes with different codes and different treatment and end-use options. For sludge is suggested to use the same definition of the "sludge directive" to ensure compatibility of both legal acts Add definition to other "other by-products":	14) 'Sludge' - means any ~~solid, semisolid, or liquid waste resulting from the treatment of urban wastewaters~~ residual sludge from whether treated or untreated, from urban wastewater treatment plants. 'Other by-products ' means any solid, semisolid, or liquid waste resulting from the treatment of urban wastewaters and distinct from residual sludge.

Article 15 - Water reuse and discharges of urban wastewater

Text	Observations	Text proposal
1. Member States shall systematically promote the reuse of treated wastewater from all urban wastewater treatment plants. Where treated wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741	We agree with this text since is open to every type of reuse and not exclusively for agriculture, which is in line with the current PT legislation on water reuse for multiple purposes, including urban uses. The urban uses sometimes are technically more feasible than agriculture irrigation, mainly when there is long distances between reclaimed water production and end-use sites.	
2- Member States shall ensure that discharges from urban wastewater treatment plants are subject to specific authorisation. Such authorisation shall ensure that the requirements set out in Part B of Annex I are fulfilled.	Instead of "authorization" we propose to use the same figure of the Regulation (EU) 2020/741, i.e., permit, to ensure coherence between the two legal documents, or at least both terms (authorization or permit) to ensure its applicability according the several national legislations already in place among MS.	2- Member States shall ensure that discharges from urban wastewater treatment plants are subject to specific ~~authorization~~ permit. Such ~~authorization or~~ permit shall ensure that the requirements set out in Part B of Annex I, or any additional requirements

Text	Observations	Text proposal
	This permit should also include any additional requirements that may result from the application of article 18.	resulting from the risk assessment and management according article 18, are fulfilled.
3- The specific authorisations referred to in paragraph 2 shall be reviewed at least every 6 years and, if necessary, adapted	In Portugal the revision period is 10 years, but is often used shortest frequencies for revisions.	

Article 14 - Discharges of non-domestic wastewater

Text	Observations	Text proposal
Member States shall ensure that discharges of non-domestic wastewater into collecting systems and urban waste water treatment plants are subject to prior specific authorisations by the competent authority. Member States shall ensure that the competent authority: (a) consults the operators of collecting systems and urban wastewater treatment plants into which the non-domestic wastewater is discharged before granting specific authorisations; (b) 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.	To ensure applicability is important to ensure that "non-domestic wastewaters" are different from typical domestic wastewaters. However, it should be noticed that since this article will be applied to all discharges of non-domestic wastewaters, then it will be applicable to a very significant number of small trades, services and institutions in cities, such as restaurants or cafes, any office with canteen or cafeteria, etc. These criteria can lead to a high administrative burden without real additional benefits for UWWTP and water resources. Therefore, is suggested that these authorisations should only be applied to situations that can indeed affect the UWWTP or the water body. For instance, in conjunction with the Annex 1C, it can be used a table of limit values above which the authorization is mandatory and for values below could be seen on case-by-case approach.	
2. Member States shall take the appropriate measures, including a review of the specific authorisation, to identify, prevent and reduce as far as possible the sources of pollution in non-domestic wastewater referred to in paragraph 1 where any of the following situations arise:		

Text	Observations	Text proposal
(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/EEC74; (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.		
3. The specific authorisations referred to in paragraph 1 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 years		

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
(3) non-domestic wastewater - means any wastewater which is discharged into collecting systems from premises used for either of the following: a) the exercise of a trade; b) activities carried out by an institution c) industrial activities	We agree the term "non-domestic" since is broader than just "industrial" and less open to misinterpretation. However, within commercial (trade) and institutional activities (activities carried out by an institution) there are a very significant number of buildings where only purely domestic wastewaters are produced (mainly toilets, changing rooms or small kitchens). E.g., a bank branch, retail stores, e.g., court without a canteen clothing, etc. Therefore, it is suggested that activities producing only domestic wastewater (from toilets or food areas distinct from restaurants of cafeterias) be excluded from the scope of "non-domestic wastewaters".	(3). 'non-domestic wastewater' means any wastewater which is discharged into collecting systems from premises used for either of the following: (a) the exercise of a trade (b) activities carried out by an institution (c) industrial activities The wastewaters from activities, from the above, that only domestic wastewater (from toilets or kitchens with food preparation) are entitled as domestic wastewaters

Annex 1C

Text	Observations	Text proposal
The specific authorisation referred to in Article 14 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 sludge;		
(b) the polluting substances contained in the non-domestic wastewater do not harm the		

Text	Observations	Text proposal
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;		
(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 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 and does not prevent that water body from achieving such status, in accordance with the objectives set out in Article 4 of Directive 2000/60/EC.	This subparagraph is in line with our comments on article 7, 8 and 18: The need to establish a risk assessment supported on the combined approach described in the 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.		

Article 16 - Biodegradable non-domestic wastewater

Text	Observations	Text proposal
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 B of Annex I. The requirements referred to in paragraph 1 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 Council75; (b) the wastewater does not enter an urban wastewater treatment plant before it is discharged to receiving waters ('direct discharge').		

Annex 4 INDUSTRIAL SECTORS

Text	Observations	Text proposal
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		

Article 17 - - Urban wastewater surveillance

Text	Observations	Text proposal
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.	PT agrees with the positive aspects of urban wastewater surveillance as one important public health surveillance tool. However, we have doubts that the proposed Article 17 can be based on Art.192 of the TFEU. Also, this type of surveillance can be broader than the scope of this directive, as can be seen with the current needs of flights monitoring (wastewaters from aircrafts) or specific types of institutions (as mentioned in the Recommendation (EU) 2021/472, such as hospitals, nursing homes, transportation hubs). On another hand, there is still lack of solid scientific grounds to justify the inclusion of the legal obligations contained in this article, in particular considering terms such as emerging pathogens or influenza virus. Even the term "contaminants of emerging concern" is very vague and can include thousands of substances without evidence that they really represent an hazard for environment or health (the term contaminant refers to a substance or matter in water, which presence does not necessarily indicate that the water poses a health risk*). Therefore, Therefore, we advocate its deletion, and suggest a separate legal document (e.g., resulting from the Recommendation (EU) 2021/472) with a more cross-cutting nature and in accordance with the TFEU. **ISO 20760:2018 – Water reuse — Vocabulary.*	
2. 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		

Text	Observations	Text proposal
responsible for urban wastewater treatment with regard to: (a) the identification of other public health parameters than the ones referred to in paragraph 1 that are to be monitored in urban wastewater; (b) the determination of the location and the frequency of urban wastewater sampling and analysis for each public health parameter identified in accordance with paragraph 1, taking into account 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.		
3. 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 shall be monitored in urban wastewaters from at least 70 % 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 competent authority declares that the public health emergency due to SARS-CoV-2 has ended.	Considering the dispersion of the population throughout the national territory and given the amount of laboratory resources needed for genome sequencing of samples collected in this universe, it may not be feasible the monitoring of the presence of SARS-CoV-2 and its variants in the urban wastewater of 70% of the population, whenever a public health emergency is declared, due to the amount of resources that such a measure would imply (the current state of development of these techniques among MS should be taken into account. Should be noticed that these techniques are mostly still being used at a research level instead of commercial purposes).	
To determine whether there is a public health emergency, the competent authority shall take	The management of the health policy, covering the protection of public and individual health remains	

Text	Observations	Text proposal
into account assessments of the European Centre for Disease Prevention and Control, 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 Council	under the competences of MS and the EU has very limited legislative competence under the TFEU	
4. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January 2025, ensure that antimicrobial resistance is monitored at least twice a year at the inlets and outlets of urban wastewater treatment plants and, when relevant, in the collecting systems. The Commission shall adopt implementing acts in accordance with the procedure referred to in Article 28 to ensure an uniform application of this Directive by establishing a harmonised methodology for measuring antimicrobial resistance in urban wastewaters.	If article 17 (or part of it) remains in this directive, depending on the discussion of previous comments, the deadlines are quite constrained and ambitious, Therefore, and to ensure a better harmonization with the Water Framework Directive, all the deadlines proposed on this recast should be coherent with the WFD planning cycle.	4. For agglomerations of 100 000 p.e. and above, Member States shall, by 1 January 2027 ~~2025~~…
5. Results from monitoring referred to in this Article shall be reported in accordance with Article 22(1), point (g).		

Article 2 - Definitions

Text	Observations	Text proposal
For the purpose of this Directive the following definitions apply:		
(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;		