



Council of the European Union  
General Secretariat

---

---

**Interinstitutional files:  
2018/0169(COD)**

---

---

**Brussels, 22 March 2019**

**WK 4030/2019 ADD 1**

**LIMITE**

**ENV**

*This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.*

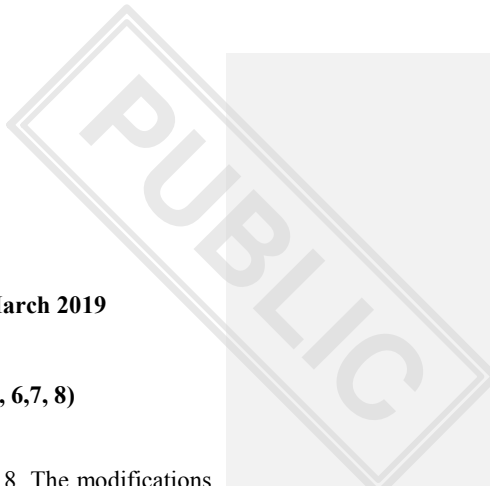
#### **CONTRIBUTION**

---

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° prev. doc.:	WK 3864/2019
N° Cion doc.:	9498/18 + ADD 1 - COM(2018) 337 final + Annexes
Subject:	Water Reuse Regulation: Follow-up to WPE on 18 March 2019 (morning only) - comments from delegations

---

Following the request for comments set out in WK 3864/2019, delegations will find attached comments received from CY, PT and SE.



## CYPRUS

### **Regulation on minimum requirements for water reuse – WPE 18<sup>th</sup> of March 2019**

#### **Non-paper on procedure for granting the permit (Art. 4, 5, 6,7, 8)**

Presidency intends to continue discussions on the main Articles 4, 5, 6, 7, 8. The modifications proposed are based on the non-papers discussed on 28<sup>th</sup> of February 2019 and follows the requests by delegations to have more flexibility at national level to apply the permitting procedure for water reuse.

Modifications are shown in track changes.

#### **Modifications proposed for Art. 4**

Art. 3 – insertion of a new definition on the point of compliance:

12. **“point of compliance” means the point where the requirements specified by this Regulation have to be met. The point of compliance shall be the outlet of the reclamation plant.**

#### *Article 4*

##### *Obligations regarding **reclaimed** water quality*

1. Reclamation plant operators shall ensure that reclaimed water destined for a use specified in section 1 of Annex I, shall, at the point of compliance, comply with the following:
  - (a) the minimum requirements for water quality laid down in Section 2 of Annex I;
  - (b) any additional conditions set by the competent authority in the relevant permit pursuant to points (b) and (c) of Article 7(3), as regards water quality.

**The reclamation plant operator shall not be responsible for the quality of reclaimed water after the point of compliance.**

**Commented [A1]:** Do not delete. Insert as before:  
Outlet of the reclamation plant

2. In order to ensure compliance with the requirements and conditions referred to in paragraph 1, the reclamation plant operator shall monitor water quality in accordance with the following:

- (c) section 2 of Annex I;
- (d) any additional conditions set by the competent authority in the relevant permit pursuant to points (b) and (c) of Article 7(3), as regards monitoring.

3. **The reclamation plant operators and the end users shall cooperate to ensure that reclaimed water quality produced in accordance with the minimum requirements specified in section 2 of Annex I meet the needs of the end users regarding crop categories.**

4. **The water quality required to comply with Regulation 852/2004 may be obtained using at a subsequent stage several water treatment options alone or in combination with other non-treatment options of the reclaimed water.**

5. **Transport or storage of the reclaimed water shall not lead to deterioration of the water quality of the reclaimed water provided by the reclamation plant operator.**

#### Modifications proposed for Art. 5

#### Article 5

##### Risk management

1. For the purposes of producing, supplying **and using** reclaimed water, ~~risk management shall be undertaken by the reclamation plant operator, in consultation with Member States shall designate the responsible party or authority for the elaboration of a Water Reuse Risk Management Plan~~ from the following actors:

- (a) **the reclamation plant operator;**
- (b) the operator of the urban waste water treatment plant(s) supplying a reclamation plant with water, if different from the reclamation plant operator;
- (c) **end-user(s);**
- (d) **the water authority;**
- (e) any other party **or authority** deemed relevant by **the Member State**.

**Commented [A2]:** We agree with the end users' responsibilities as described in Article 4(3) and 4(4).

(a) However, we DO NOT agree that the end users should have any responsibilities regarding the quality of reclaimed water received from the reclamation plant operator or the water authority.

(b) The end users **should not be responsible:**

- for any analyses to check the quality
- for any further treatment or
- for any reporting

(c) Such responsibilities would have negative results regarding the acceptance by the end users.

(d) The existing procedure in Cyprus is as follows:

1. Provided that his land has access to a reclaimed water irrigation network, the end user applies to the water authority/reclaimed plant operator for the supply of reclaimed water, stating the type of crop and the required water quantity.
2. The water authority/reclaimed plant operator approves the application, based on relevant ministerial decrees and the code of good agricultural practice and provides the end user with the necessary information regarding the crops allowed to be irrigated as well as the irrigation methods and techniques to be used.

**Commented [A3]:** It is not clear what is the objective of this addition. Do we look for the cooperation of the Operator with the end user as regards the produced water quality and the irrigation needs of the crops? **If this is what is implied here it is UNACCEPTABLE.**

The Regulation through the permitting and the Risk Management Plan shall specify the quality standards, the irrigation method and crop type. However, there should not be an assurance to the end user as to the quality of water to "...meet the needs of.... regarding crop categories". The end users are informed as to the quality of the reclaimed water supplied, **however it is their responsibility as to the type of crops they will irrigate according to the terms specified in the Risk Management Plan and the Code of Good Agriculture Practice and the approval given by the Water Authority.** For example, if they misuse the water that leads to the damage of their crop then the Operator or Authority that provides the water is not responsible for the damage.

**Commented [A4]:** TO BE DELETED

**Commented [A5]:** TO BE DELETED. THIS IS NOT ACCEPTABLE

**Commented [A6]:** As mentioned in many occasions before, we reiterate that the risk management plan as described in ANNEX II shall be prepared by the EU with the participation of JRC, Universities etc. and then adapted by the MS accordingly.

2. ~~The reclamation plant operator shall draw up~~ **Member States shall ensure that the responsible party or authority designated pursuant to paragraph 1 of this Article consults any other party or authority deemed relevant before drawing up a** Water Reuse Risk Management Plan based on the key risk management tasks set out in Annex II.

The Water Reuse Risk Management Plan shall **define the risk management responsibilities and shall** propose any additional requirements to those specified in Annex I necessary to further mitigate any risks and shall, inter alia, identify hazards, risks and appropriate preventive **and/or possible corrective** measures.

3. The Commission is empowered to adopt, in accordance with Article 14, delegated acts amending this Regulation in order to adapt to technical and scientific progress the key risk management tasks set out in Annex II.

The Commission is also empowered to adopt, in accordance with Article 14, delegated acts supplementing this Regulation in order to lay down technical specifications of the key risk management tasks set out in Annex II.

#### *Article 8 bis*

#### **Competent authorities**

**Member States shall designate the competent authorities or responsible parties for the purposes of Articles 5, 6 and 8.**

#### **Modifications proposed for Art. 6**

#### Article 6

#### *Obligations regarding reclaimed water permit*

1. Reclaimed water destined for a use specified in section 1 of Annex I, shall be subject to a permit.
2. **The responsible party or authority designated by the Member State pursuant to Article 5 shall submit an application for the permit referred to in paragraph 1, or for a modification of an existing permit to the competent authority of the Member State in which the reclamation plant operates or is planned to operate. Where appropriate, the permitting requirements of reclaimed water may be integrated in the permit of the urban waste water treatment plant.**

**Commented [A7]:** Which one of these two paragraphs will be adopted?

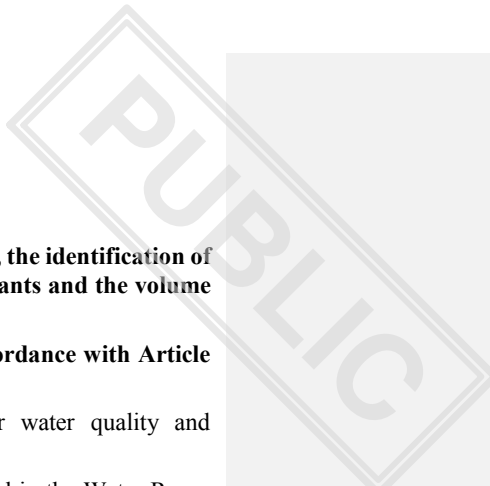
**Commented [A8]:**  
We would like to **REITERATE** the following regarding Permitting:

Art. 12 of the UWWTD provides the basis of the waste water reuse. The article 12(2) states that "competent authorities or appropriate bodies shall ensure that disposal of waste water from urban waste water treatment plants is subject to prior regulations and or specific authorization" NOT A PERMIT NECESSERILY (it could be regulation or authorization). By requiring permitting for agglomerations less than 2000p.e., we go beyond the requirements of the directive with unnecessary administrative burden and Cost in a time of limited resources in MS that are actually implement Article 12 (1) "treated wastewater shall be reused whenever appropriate".

MOREOVER, Article 12 (3) of the UWWTD directive "Prior regulations and/or specific authorization of discharges .... Made pursuant to paragraph 2 within agglomerations of 2000 to 10,000 p.e. in case of discharges to fresh waters and estuaries and of 10,000 p.e. and more for all discharges, shall contain conditions to satisfy...."

In case of reuse for agriculture (not fresh waters and estuaries) the prior regulations and /or specific authorizations are required for above 10,000 p.e. With these additions, obligations are set on MS for permits (not regulations or authorizations) and for all waste water that is produced from ALL wastewater treatment plants even below 2000 p.e.

**THIS IS UNACCEPTABLE**



3. The permit shall include the following:
  - (a) **the use or uses for which the reclaimed water is requested, the identification of the end users and the reclaimed water supply plant or plants and the volume of the reclaimed water;**
  - (b) **a Water Reuse Risk Management Plan drawn up in accordance with Article 5(2);**
  - (c) conditions in relation to the minimum requirements for water quality and monitoring set out in section 2 of Annex I;
  - (d) conditions in relation to the additional requirements proposed in the Water Reuse Risk Management Plan;
  - (e) any other conditions necessary to further mitigate any unacceptable risks to the human and animal health or the environment;
  - (f) **the validity period.**
4. The permit shall be reviewed regularly and ~~at least every five years and~~, if necessary, modified, **in particular in case of a substantial change of the capacity or the technological process of the reclamation plant.**
5. **The competent authority may refuse to grant the permit in the following cases:**
  - a) **there are sufficient alternative water supplies that can be used for agricultural irrigations;**
  - b) **no pressures on the quantitative status of the groundwater and surface waters have been identified in accordance with Annex VII Part A point 2 of the Directive 2000/60/EC.**

**Commented [A9]:** Further to our comments on Article 6 in general we object to this addition since too many details are included and the permit cannot cover everything. These issues can be covered in the Risk Management Plan.

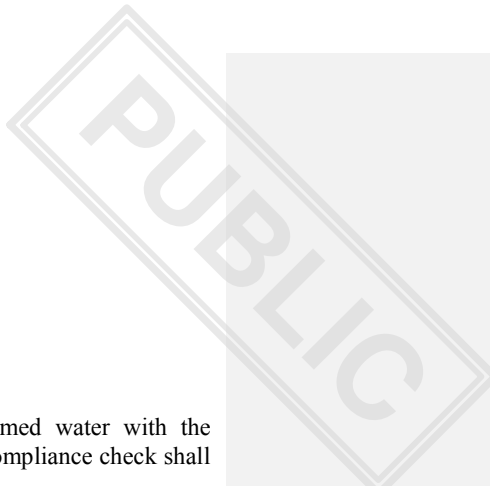
**Modifications proposed for Art. 7 and recital 11)**

- (11) It is necessary to ensure the safe use of reclaimed water, thereby encouraging water reuse at Union level and enhancing public confidence in it. Supply of reclaimed water for particular uses should therefore only be permitted on the basis of a permit, granted by competent authorities of Member States. In order to ensure harmonised approach at Union level, traceability and transparency, the substantive rules for that permit should be laid down at the Union level. However, the details of the procedures for granting permits, **such as the competent authorities and deadlines**, should be determined by Member States. Member States should be able to apply existing procedures for granting permits which should be adapted to take account of the requirements introduced by this Regulation.

**When designating the responsible party or authority for the elaboration of the Water Reuse Risk Management Plan and the authority for the issuing of the permit to supply reclaimed water, Member States should ensure that there is no conflict of interests.**

**Commented [A10]:** The scope of the risk assessment as outlined here, especially regarding the risks to human health and animals, is very extensive and seems to require a lot of research work for a long time, which is not available at present

**JUSTIFICATION:** The preparation of the Risk Management Plan covering the collection, treatment, storage, distribution and the end-users cannot be under the responsibilities of the WWTP Operator since there is lack of knowledge and competency.



**Modifications proposed for Art. 8**

*Article 8*

*Compliance check*

1. The competent authority shall verify compliance of the reclaimed water with the conditions set out in the permit, at the point of compliance. The compliance check shall be performed using the following means:
  - (a) on-spot checks;
  - (b) use of monitoring data obtained pursuant to this Regulation and Directive 91/271/EEC;
  - (c) any other adequate means.
2. In the event of non-compliance **with conditions set out in the permit**, the competent authority shall require the **responsible party or authority** to take any necessary measures to restore compliance without delay.
3. Where non-compliance causes a significant risk to the environment or to human health, the **responsible party or authority** shall immediately suspend **the use** of the reclaimed water until the competent authority determines that compliance has been restored.
4. If an incident affecting compliance with the permit's conditions occurs, the **responsible party or authority** shall inform the competent authority and **other responsible parties** which may be potentially affected, and communicate to the competent authority the information necessary for assessing the impacts of such an incident.

**Commented [A11]: WE DO NOT AGREE. Our comments stated for Article 6 are valid for this Article also.**

**Commented [A12]: WE AGREE**

**Commented [A13]: WE DO NOT AGREE. TO BE DELETED.**

**Commented [A14]: WE DO NOT AGREE WITH THIS PARAGRAPH. TO BE DELETED. ARTICLE 8(2) IS DEALING WITH THIS CASE AND IT SHOULD NOT BE REPEATED HERE.**

NONCOMPLIANCE IS ALSO RELEVANT WITH MS THAT ARE DISCHARGING INTO THE RIVERS OR ESTUARIES CONSTANTLY. WHAT DO THEY DO IN THIS CASE?.

## PORTUGAL

### Comments on Document WK 3641/2019 INIT

#### Regulation on minimum requirements for water reuse

##### *Article 1*

##### *Subject matter and purpose*

1. This Regulation lays down minimum requirements for water quality and monitoring and the obligation to carry out specified key risk management tasks, for the water reuse which means the safe reuse-use of treated urban waste water for beneficial uses in the context of integrated water management.

**These minimum requirements shall apply whenever a Member State decides, in accordance with Article 12(1) of Directive 91/271/EEC, to reuse treated urban waste water, for the use specified in section 1 of Annex I as one of the supplementary measures referred to in Annex VI Part B of the Directive 2000/60/EC .**

2. The purpose of this Regulation is to guarantee that reclaimed water is safe for its intended use, thereby ensuring a high level of protection of human and animal health and the environment, addressing water scarcity and the resulting pressure on water resources in a coordinated way throughout the Union, thus also contributing to the efficient functioning of the internal market.

Art. 3 – insertion of a new definition on the point of compliance:

12. **“point of compliance” means the point where the requirements specified by this Regulation have to be met-, and is the point where the water is delivered to the next actor in the chain, which can be a water distributor or the end-user. As minimum the point of compliance should ~~The point of compliance can~~ be the outlet of the reclamation plant.**
13. “barrier” – any means including physical or process steps that reduces or prevents the risk of human infection by preventing contact between the reclamation water and the ingested produce or other means that, for example, reduces the concentration of microorganisms in the reclamation water or prevents their survival on the ingested produce. The application of several barriers in a project is also known as application of multibarriers.

Article 4

Obligations regarding **reclaimed** water quality

1. Reclamation plant operators shall ensure that reclaimed water destined for a use specified in section 1 of Annex I, shall, at the point of compliance, comply with the following:
  - (a) the minimum requirements for water quality laid down in Section 2 of Annex I according end uses;
  - ~~(a)~~(b) The quality requirements laid down in section 2 of Annex I can be combined with additional barriers added after the point of compliance to guarantee that water quality meets the minimum quality requirements at the point of end-use, including the quality required to comply with the Regulation 852/2004;
  - ~~(b)~~(c) any additional conditions set by the competent authority in the relevant permit pursuant to points (b) and (c) of Article 7(3), as regards water quality.

**The reclamation plant operator shall not be responsible for the quality of reclaimed water after the point of compliance.**
2. In order to ensure compliance with the requirements and conditions referred to in paragraph 1, the reclamation plant operator shall monitor water quality in accordance with the following:
  - ~~(e)~~(d) section 2 of Annex I at the point of compliance;
  - ~~(d)~~(e) any additional conditions set by the competent authority in the relevant permit pursuant to points (b) and (c) of Article 7(3), as regards monitoring.
3. **The reclamation plant operators and the end users shall ~~cooperate~~ liaise to ensure that reclaimed water quality produced ~~in accordance with the minimum requirements specified in section 2 of Annex I~~ meet the needs of the end users according the regarding crop categories regarding the minimum requirements specified in section 2 of Annex I and the added barriers after the point of compliance.**
4. ~~The water quality required to comply with Regulation 852/2004 may be obtained using at a subsequent stage several water treatment options alone or in combination with other non-treatment options of the reclaimed water.~~
5. After the point of compliance shall be added barriers to ensure that the ~~T~~transport or storage of the reclaimed water shall not lead to deterioration of the water quality of the reclaimed water provided by the reclamation plant operator.

## Article 5

### Risk management

1. For the purposes of producing, supplying **and using** reclaimed water, ~~risk management shall be undertaken by the reclamation plant operator, in consultation with~~ **Member States shall designate the responsible party or authority for the elaboration of a Water Reuse Risk Management Plan** from the following actors:

- (a) **the reclamation plant operator;**
- (b) the operator of the urban waste water treatment plant(s) supplying a reclamation plant with water, if different from the reclamation plant operator;
- (c) **end-user(s), according to the required additional barriers;**
- (d) **the water authority;**
- (e) any other party **or authority** deemed relevant by **the Member State**.

2. ~~The reclamation plant operator shall draw up~~ **Member States shall ensure that the responsible party or authority designated pursuant to paragraph 1 of this Article consults any other party or authority deemed relevant before drawing up a** Water Reuse Risk Management Plan based on the key risk management tasks set out in Annex II. The Water Reuse Risk Management Plan shall result from a risk assessment to the public health and environment.

The Water Reuse Risk Management Plan shall **define the risk management responsibilities and shall** propose any additional requirements to those specified in Annex I necessary to further mitigate any risks and shall, inter alia, identify hazards, risks and appropriate preventive **and/or possible corrective** measures. The Water Reuse Risk Management Plan shall also define the minimum barriers needed to adopt after the point of compliance to ensure that end-users will use a water with quality compatible with the minimum quality requirements specified in section 2 of Annex I according the specific use or uses in presence.

3. The Commission is empowered to adopt, in accordance with Article 14, delegated acts amending this Regulation in order to adapt to technical and scientific progress the key risk management tasks set out in Annex II.

The Commission is also empowered to adopt, in accordance with Article 14, delegated acts supplementing this Regulation in order to lay down technical specifications of the key risk management tasks set out in Annex II.

Article 8 bis

Competent authorities

Member States shall designate the competent authorities or responsible parties for the purposes of Articles 5, 6 and 8.

Modifications proposed for Art. 6

Article 6

*Obligations regarding reclaimed water permit*

1. Reclaimed water destined for a use specified in section 1 of Annex I, shall be subject to a permit.
2. **The responsible party or authority designated by the Member State pursuant to Article 5 shall submit an application for the permit referred to in paragraph 1, or for a modification of an existing permit to the competent authority of the Member State in which the reclamation plant operates or is planned to operate. ~~Where appropriate, the permitting requirements of reclaimed water may be integrated in the permit of the urban waste water treatment plant.~~**
3. The permit shall include the following:
  - (a) ~~the quality of the reclaimed water produced in relation to the minimum requirements set out in section 2 of Annex I use or uses for which the reclaimed water is requested, the identification of the end users and the reclaimed water supply plant or plants~~ and the volume of the reclaimed water;
  - (b) a Water Reuse Risk Management Plan drawn up in accordance with Article 5(2);
  - (c) ~~conditions in relation to the additional minimum requirements proposed in the Water Reuse Risk Management Plan such as additional barriers needed after the point of compliance for water quality and monitoring set out in section 2 of Annex I;~~
  - (d) ~~conditions for monitoring the quality of reclaimed water at the point of compliance in relation to the additional requirements proposed in the Water Reuse Risk Management Plan;~~
  - (e) any other conditions necessary to further mitigate any unacceptable risks to the public ~~human and animal~~ health or the environment;
  - (f) the validity period.

4. The permit shall be reviewed regularly and at least every five years and, ~~at least every five years and~~, if necessary, modified, **in particular in case of a substantial change of the capacity or the technological process of the reclamation plant.**
5. **The competent authority may refuse to grant the permit whenever the risk assessment for public health or environment results in an unacceptable risk level even after all the possible measures to reduce risk, which were considered resulting in a non-viable Water Reuse Risk Management Plan**, ~~in the following cases:~~
  - ~~a) there are sufficient alternative water supplies that can be used for agricultural irrigations;~~
  - ~~b) no pressures on the quantitative status of the groundwater and surface waters have been identified in accordance with Annex VII Part A point 2 of the Directive 2000/60/EC.~~

#### **Modifications proposed for Art. 7 and recital 11)**

- (11) It is necessary to ensure the safe use of reclaimed water, thereby encouraging water reuse at Union level and enhancing public confidence in it. Supply of reclaimed water for particular uses should therefore only be permitted on the basis of a permit, granted by competent authorities of Member States. In order to ensure harmonised approach at Union level, traceability and transparency, the substantive rules for that permit should be laid down at the Union level. However, the details of the procedures for granting permits, **such as the competent authorities and deadlines**, should be determined by Member States. Member States should be able to apply existing procedures for granting permits which should be adapted to take account of the requirements introduced by this Regulation.

**When designating the responsible party or authority for the elaboration of the Water Reuse Risk Management Plan and the authority for the issuing of the permit to supply reclaimed water, Member States should ensure that there is no conflict of interests.**

## Modifications proposed for Art. 8

### Article 8

#### Compliance check

1. The competent authority shall verify compliance of the reclaimed water with the conditions set out in the permit, at the point of compliance. The compliance check shall be performed using the following means:
    - (a) on-spot checks;
    - (b) use of monitoring data obtained at the point of compliance according the conditions set out on the permit pursuant to this Regulation and Directive 91/271/EEC;
    - (c) any other adequate means.
  2. In the event of non-compliance **with conditions set out in the permit**, the competent authority shall require the **responsible party or authority** to take any necessary measures to restore compliance without delay.
  3. Where non-compliance causes a significant risk to the environment or to ~~human~~ public health, the **responsible party or authority** shall immediately suspend **the use** of the reclaimed water until the competent authority determines that compliance has been restored.
  4. If an incident affecting compliance with the permit's conditions occurs, the **responsible party or authority** shall inform the competent authority and **other responsible parties** which may be potentially affected, and communicate to the competent authority the information necessary for assessing the impacts of such an incident.
-

**SWEDEN**

**Comments on Water Reuse Regulation**

*These comments are without prejudice of our earlier comments or comments we might make in the future.*

Comments to the Presidency Non-paper on procedure for granting the permit (art. 4, 5, 6, 7, 8) and non-paper on subject matter and purpose (art 1) discussed at WPE on March 18.

**General remarks**

It is clear that several member states prefer a regulation which is flexible and allows different systems for authorisation of reuse of treated waste water in the member states. SE is in favour of allowing the member states more flexibility but wishes to point out that in such cases a directive is the most appropriate legal act, not a regulation.

**Specific remarks**

The suggested changes are marked with red.

- **Article 1**
  1. This Regulation lays down minimum requirements for water quality and monitoring and the obligation to carry out specified key risk management tasks, for the safe reuse of treated urban waste water in the context of integrated water management.  
These minimum requirements shall apply whenever a Member State decides, in accordance with Article 12(1) of Directive 91/271/EEC, to reuse treated urban waste water **[from agglomerations of more than 2000 p.e.]** for the use specified in section 1 of Annex I as one of the supplementary measures referred to in Annex VI Part B of the Directive 2000/60/EC.
  2. The purpose of this Regulation is to guarantee that reclaimed water is safe for its intended use, thereby ensuring a high level of protection of human and animal health and the environment, addressing water scarcity and the resulting pressure on water resources in a coordinated way throughout the Union, thus also contributing to the efficient functioning of the internal market.
  3. **This regulation shall apply without prejudice to Regulation 852/2004.**

*Justification:*

The scope of the regulation is not sufficiently clear. It needs to be clarified whether the regulation also applies to treated waste water from agglomerations of less than 2000 p.e. or not. It also needs to be clarified whether reuse of treated waste water falling outside the scope of the regulation is allowed or not. If the intention is to exclude treated waste water from agglomerations of less than 2000 p.e. SE believes that it is important that the regulation does not hinder the reuse of treated waste water from such agglomerations.

According to Article 1.2, the purpose of the Regulation is to guarantee that reclaimed water is safe for its intended use. However, the new proposed article 4.4 seems to indicate that treated waste water can be supplied even if additional treatment is required in order for the waste water to be safe for use. Article 1.2 therefore seems to be incompatible with Article 4.4. Perhaps this is due to ambiguities with respect to the meaning of the term “intended use”. If the intended use is defined as “a use specified in section 1 of Annex I”, then it is evident that the farmer/end-user may need to apply stricter requirements in order to prevent contamination of specific crops. In addition, the reference to regulation 852/2004 should be made in line with how references are normally made in legal acts, namely that “This regulation shall apply without prejudice to Regulation...”. This paragraph should be inserted as a new article 1.3 and article 4.4 should be deleted.

- **Article 3**

12. “point of compliance” means the point **set out in the relevant permit** where the requirements specified by this Regulation have to be met. The point of compliance can be the outlet of the reclamation plant.
13. **“Intended use” means a use specified in section 1 of Annex I and defined in the permit of the reclamation plant operator.**
14. **“Distributors of the reclaimed water” means a natural or a legal person who transports or stores reclaimed water after the point of compliance.**

*Justification:*

Art. 3.12 allows for a flexible “point of compliance”. It can be the outlet of the reclamation plant but it can also be another point. It is therefore not clear who will decide the point of compliance and when. Will it be decided in the permit or by national implementing legislation? Or is this something that the Member States can decide when implementing the regulation (since it is clear that the regulation needs to be implemented)? It is important that it is clear from the regulation when the requirements must be fulfilled. SE suggests that the point of compliance is decided in the relevant permit and that this is clarified in the definition “Intended use” needs to be defined (see above). Also the term “distributors of the reclaimed water” needs to be defined since SE suggest a changed wording of article 4.5 which clarifies the obligation of distributors.

- **Article 4**

*Obligations regarding reclaimed water quality*

1. Reclamation plant operators shall ensure that reclaimed water destined for a use specified in section 1 of Annex I, shall, at the point of compliance, comply with the following:
  - (a) the minimum requirements for water quality laid down in Section 2 of Annex I;
  - (b) any additional conditions set by the competent authority in the relevant permit pursuant to points (b) and (c) of Article 7(3), as regards water quality.

The reclamation plant operator shall not be responsible for the quality of reclaimed water after the point of compliance.

2. In order to ensure compliance with the requirements and conditions referred to in paragraph 1, the reclamation plant operator shall monitor water quality in accordance with the following:
  - (c) section 2 of Annex I;
  - (d) any additional conditions set by the competent authority in the relevant permit pursuant to points (b) and (c) of Article 7(3), as regards monitoring.

3. ~~The reclamation plant operators and the end users shall cooperate to ensure that reclaimed water quality produced in accordance with the minimum requirements specified in section 2 of Annex I meet the needs of the end users regarding crop categories.~~

~~End users may only use reclaimed water for the intended use as specified in the relevant permit of the reclamation plant operator.~~

4. ~~The water quality required to comply with Regulation 852/2004 may be obtained using at a subsequent stage several water treatment options alone or in combination with other non-treatment options of the reclaimed water.~~

5. ~~Distributors of the reclaimed water shall ensure that the~~ transport or storage of the reclaimed water ~~shall~~ **does** not lead to deterioration of the water quality of the reclaimed water provided by the reclamation plant operator.

*Justification:*

Sweden opposes the proposed wording of article 4.3, 4.4 and 4.5 because it does not clarify the division of responsibilities between the actors involved.

According to the proposed paragraph 3, the plant operators and the end users shall cooperate to ensure that the reclaimed water meets the needs of the end users regarding crop categories. The legal meaning of "cooperate" is unclear and it is also unclear who is responsible if the water does not meet the needs of the end users. The purpose of this paragraph is also unclear. Will it allow end users to make demands on the plant operators and is the plant operator in such case required to meet the demands?

SE suggests that paragraph 3 is deleted and replaced by a paragraph which clearly specifies that the reclaimed water may only be used for the intended use as specified in the permit. This means that if the plant operator does not meet the demands of the end users, the end users will not purchase the water.

Deletion of Article 4.4 – see above under Article 1.

Paragraph 5 needs to be reworded in order to put a clear obligation on the party responsible for transport or storage, to make sure that the reclaimed water does not deteriorate during transport or storage.

- **Article 6.3 b**

3. The permit shall include the following:
  - a) the intended use or uses s use or uses for which the reclaimed water is requested, the identification of the end users and the reclaimed water supply plant or plants and the volume of the reclaimed water;  
**(a) — a Water Reuse Risk Management Plan drawn up in accordance with Article 5(2);**
  - b) conditions in relation to the minimum requirements for water quality and monitoring set out in section 2 of Annex I;
  - c) conditions in relation to the additional requirements proposed in the Water Reuse Risk Management Plan;
  - d) any other conditions necessary to further mitigate any unacceptable risks to the human and animal health or the environment;
  - e) the validity period.
5. The competent authority may refuse to grant a permit in the following cases:
  - [a) there are sufficient alternative water supplies that can be used for agricultural irrigations;
  - b) no pressures on the quantitative status of the groundwater and surface waters have been identified in accordance with Annex VII Part A point 2 of the Directive 2000/60/EC;]
  - c) the reclaimed water is not safe for its intended use or for the environment;**
  - d) the reclaimed water is intended to be used in an area with shallow groundwater or in a place close to sensitive watercourses;**
  - e) the application is not complete**

*Justification:*

SE opposes the proposal in art. 6 paragraph 3 (b) that the Water Reuse Risk Management Plan should be part of the permit. If the Water Reuse Risk Management Plan is a part of the permit it will be difficult for the competent authorities to set stricter requirements than the ones proposed in the Water Reuse Risk Management Plan. SE believes that the plan should be part of the application and used as a basis for the assessment and the decision to grant the permit. It must then be up to the competent authority to prescribe the relevant conditions in the light of this, in accordance with paragraph 3 (d).

SE opposes the proposal for art. 6 paragraph 5 that the competent authority should only be able to refuse to grant a permit on the stated grounds. It must also be possible to deny permits on other grounds, for example if the application is inadequate or the intended use entails risks to human or animal health or to the environment in general or in a specific place. In other words, if the water is not safe for its intended use (see article 1.2 which clearly states that the aim of the regulation is to guarantee that the reclaimed water is safe for its intended use), a permit shall not be granted. A permit may be also refused if the reclaimed water is intended to be used in a place with shallow groundwater or a place situated close to sensitive watercourses because in such places a risk for contamination of the ground water or fresh water can never be ruled out.

SE also questions that access to other fresh water at the time of the permit review should be the basis for rejection of an application. One of the aims of the regulation is to economize on the important resource of fresh water. Conditions can change over time, as the severe drought last summer showed.

---