



2022/0345(COD)

27.3.2023

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DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council concerning urban wastewater treatment (recast)
(COM(2022)0541 – C9-6363/2022 – 2022/0345(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Nils Torvalds

(Recast – Rule 110 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council concerning urban wastewater treatment (recast) (COM(2022)541 – C9-6363/2022 – 2022/0345(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)541),
- having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-6363/2022),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Belgian Chamber of Representatives and the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the opinion of the European Economic and Social Committee of 22 February 2023¹,
- having regard to the opinion of the Committee of the Regions of...²,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
- having regard to the letter of xxx sent by the Committee on Legal Affairs to the Committee on the Environment, Public Health and Food Safety in accordance with Rule 110(3) of its Rules of Procedure,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of [XXX] to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rules 110 and 59 of its Rules of Procedure,
- having regard to the opinion of the Committee on Agriculture and Rural Development,
- having regard to the report of the Committee on the Environment, Public Health and

¹ OJ C ... / Not yet published in the Official Journal.

² OJ C ... / Not yet published in the Official Journal.

³ OJ C 77, 28.3.2002, p. 1.

Food Safety (A9-0000/2023),

- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Small agglomerations constitute a significant pressure on 11 % of the surface water bodies in the Union³⁹. To better tackle the pollution from such agglomerations, and to prevent discharges of untreated urban wastewater into the environment, the scope of this Directive should include all agglomerations of **1 000** population equivalent (p.e.) and above.

³⁹ EEA report, European waters: Assessment of status and pressures 2018, No 7/2018.

Amendment

(4) Small agglomerations constitute a significant pressure on 11 % of the surface water bodies in the Union³⁹. To better tackle the pollution from such agglomerations, and to prevent discharges of untreated urban wastewater into the environment, the scope of this Directive should include all agglomerations of **500** population equivalent (p.e.) and above.

³⁹ EEA report, European waters: Assessment of status and pressures 2018, No 7/2018.

Or. en

Amendment 2

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of **1 000** p.e. and above should be collected in centralised collecting systems. Where such systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.

Amendment

(5) In order to ensure effective treatment of urban wastewater before discharge into the environment, all urban wastewaters from agglomerations of **500** p.e. and above should be collected in centralised collecting systems. Where such systems are already in place, Member States should ensure that all sources of urban wastewater are connected to them.

Or. en

Amendment 3

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In order to ensure that the integrated urban wastewater management plans are cost-effective, it is important that they are based on best practices in advanced urban areas. Therefore, the measures to be considered should be based on a thorough analysis of the local conditions and should favour a preventive approach aiming at limiting the collection of unpolluted rain waters and optimising the use of existing infrastructures. With a preference for 'green' developments, new grey infrastructures should only be envisaged where absolutely necessary. In order to protect the environment, in particular the coastal and marine environment, and public health from being adversely affected by the discharge of insufficiently treated urban wastewater, secondary treatment should be applied to all discharges of urban wastewater from agglomerations of **1 000** p.e. and above.

Amendment

(8) In order to ensure that the integrated urban wastewater management plans are cost-effective, it is important that they are based on best practices in advanced urban areas. Therefore, the measures to be considered should be based on a thorough analysis of the local conditions and should favour a preventive approach aiming at limiting the collection of unpolluted rain waters and optimising the use of existing infrastructures. With a preference for 'green' developments, new grey infrastructures should only be envisaged where absolutely necessary. In order to protect the environment, in particular the coastal and marine environment, and public health from being adversely affected by the discharge of insufficiently treated urban wastewater, secondary treatment should be applied to all discharges of urban wastewater from agglomerations of **500** p.e. and above.

Or. en

Amendment 4

Proposal for a directive

Recital 10

Text proposed by the Commission

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

Amendment

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

according to currently available data should be listed in this Directive. Additionally, to ensure coherence between relevant Union legislation, Member States should identify other areas subject to, or at risk of, eutrophication on their territory, notably on the basis of data collected under Directive 2000/60/EC of the European Parliament and of the Council⁴⁰, Directive 2008/56/EC of the European Parliament and of the Council⁴¹ and Council Directive 91/676/EEC⁴². The reinforcement of the limit values, a more coherent and inclusive identification of the areas sensitive to eutrophication and the obligation to ensure tertiary treatment for all large facilities will, in combination, contribute to limit eutrophication. Since this will require additional investments on the national level, Member States should be given sufficient time to establish the required infrastructure.

⁴⁰ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁴¹ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

⁴² Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

according to currently available data should be listed in this Directive. Additionally, to ensure coherence between relevant Union legislation, Member States should identify other areas subject to, or at risk of, eutrophication on their territory, **and identify whether the areas are nitrogen - or phosphorus -sensitive**, notably on the basis of data collected under Directive 2000/60/EC of the European Parliament and of the Council⁴⁰, Directive 2008/56/EC of the European Parliament and of the Council⁴¹ and Council Directive 91/676/EEC⁴². The reinforcement of the limit values, a more coherent and inclusive identification of the areas sensitive to eutrophication and the obligation to ensure tertiary treatment for all large facilities will, in combination, contribute to limit eutrophication. Since this will require additional investments on the national level, Member States should be given sufficient time to establish the required infrastructure.

⁴⁰ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁴¹ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

⁴² Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

Or. en

Justification

Some catchment areas are not sensitive to both Phosphorus and Nitrogen but rather to one of

them. As such, the Member States should identify whether areas sensitive to eutrophication are P- or N-sensitive and take subsequent measures based on that to limit eutrophication. Strict requirements on reduction of both nutrients could incur high costs with little to no additional environmental benefits.

Amendment 5

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) The quaternary treatment necessary to remove micro-pollutants from urban wastewater will imply additional costs, such as costs related to monitoring and new advanced equipment to be installed in certain urban wastewater treatment plants. In order to cover these additional costs and in accordance with the polluter-pays principle expressed in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), it is essential that the producers placing on the Union market products containing substances which, at the end of their life, are found as micro-pollutants in urban wastewaters ('micro-pollutant substances') take **responsibility for** the additional treatment required to remove those substances, generated **in the context of their professional activities**. A system of extended producer responsibility is the most appropriate means to achieve this, as it would **limit** the financial impact on the taxpayer and water tariff, while providing an incentive to develop greener products. Pharmaceuticals and cosmetic residues currently represent the main sources of micro-pollutants found in urban wastewater requiring an additional treatment (quaternary treatment). Therefore, **extended producer responsibility** should **apply to those two product groups**.

Amendment

(13) The quaternary treatment necessary to remove micro-pollutants from urban wastewater will imply additional costs, such as costs related to monitoring and new advanced equipment to be installed in certain urban wastewater treatment plants. In order to cover these additional costs and in accordance with the polluter-pays principle expressed in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), it is essential that the producers placing on the Union market products containing substances which, at the end of their life, are found as micro-pollutants in urban wastewaters ('micro-pollutant substances') **contribute to paying the costs related to** the additional treatment required to remove those substances generated. **A national financing programme of which** a system of extended producer responsibility **is a part** is the most appropriate means to achieve this, as it would **decrease** the financial impact on the taxpayer and water tariff, while providing an incentive to develop greener products **as much as possible**. Pharmaceuticals and cosmetic residues currently represent the main sources of micro-pollutants found in urban wastewater requiring an additional treatment (quaternary treatment). Therefore, **initially the producers of medicinal products for human use and cosmetic products** should **contribute towards additional treatment**. **Other sectors, might, in the future, also need to be required to contribute to such**

Justification

Pharmaceuticals and PCPs have a societal added value. Society as a whole has a responsibility for the consumption and/ or usage of these products and should therefore contribute toward cleaning it up.

Amendment 6

Proposal for a directive

Recital 14

Text proposed by the Commission

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

Amendment

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

Justification

Clarifies that the exemption is calculated based on the volume of products placed on the Union market, not on the Member State market.

Amendment 7

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the hazardouness of their residues. The contributions should cover, **but not exceed**, the costs for the monitoring activities for micro-pollutants, the collection, reporting and impartial verification of statistics on the quantities and hazardouness of products placed on the market, and the application of the quaternary treatment to urban wastewater in an efficient manner and in accordance with this Directive. Since urban wastewater is treated collectively, it is appropriate to introduce a requirement for producers to join a centralised organisation which can implement their obligations under the extended producer responsibility on their behalf.

Amendment

(15) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility should be established in this Directive, while the practical organisation of the system should be decided at national level. The contributions of the producers should be proportionate to the quantities of the products they place on the market and the hazardouness of their residues. The contributions should cover **in part** the costs for the monitoring activities for micro-pollutants, the collection, reporting and impartial verification of statistics on the quantities and hazardouness of products placed on the market, and the application of the quaternary treatment to urban wastewater in an efficient manner and in accordance with this Directive. Since urban wastewater is treated collectively, it is appropriate to introduce a requirement for producers to join a centralised organisation which can implement their obligations under the extended producer responsibility on their behalf.

Or. en

Amendment 8

Proposal for a directive

Recital 16

(16) The evaluation has also shown that the wastewater treatment sector offers the opportunity to significantly reduce its own energy consumption and to produce renewable energy, for example by better use of the available surfaces in urban wastewater treatment plants for solar energy production or by producing biogas from sludge. The evaluation also illustrated that, without clear legal obligations, only partial progress can be expected in this sector. In this context, Member States should be required to ensure that the total annual energy used by all urban wastewater treatment plants on their national territory treating a load of 10 000 p.e. and above does not exceed the production of energy from renewable sources as defined in Article 2(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council⁴⁴, by those urban wastewater treatment plants. That objective should be progressively met with interim targets by 31 December 2040. Reaching this energy neutrality target will contribute to reduce the avoidable greenhouse gas (GHG) emissions from the sector by 46 %, while supporting the achievement of the 2050 climate neutrality objectives and related national and Union objectives, /such as the objectives set out in Regulation (EU) 2018/842 of the European Parliament and of the Council⁴⁵. Encouraging EU-based biogas or solar energy production while enhancing energy efficiency measures in line with the Energy Efficiency First principle⁴⁶, which means taking utmost account of cost-efficient energy efficiency measures in shaping energy policy and making relevant investment decisions, will also help reduce the Union energy dependence, one of the objectives expressed in the Commission "Repower EU" Plan⁴⁷. It is also in line with Directive (EU) 2018/844 of the European Parliament and of the Council⁴⁸ and with Directive (EU) 2018/2001 in

(16) The evaluation has also shown that the wastewater treatment sector offers the opportunity to significantly reduce its own energy consumption and to produce renewable energy, for example by better use of the available surfaces in urban wastewater treatment plants for solar energy production or by producing biogas from sludge. The evaluation also illustrated that, without clear legal obligations, only partial progress can be expected in this sector. In this context, Member States should be required to ensure that the total annual energy used by all urban wastewater treatment plants on their national territory treating a load of 10 000 p.e. and above does not exceed the production of energy from renewable sources as defined in Article 2(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council⁴⁴, by those urban wastewater treatment plants ***through for instance on site, next-to site, or contributions to an external energy production system, such as sending sludge to a centralised biogas production facility.*** That objective should be progressively met with interim targets by 31 December 2040. Reaching this energy neutrality target will contribute to reduce the avoidable greenhouse gas (GHG) emissions from the sector by 46 %, while supporting the achievement of the 2050 climate neutrality objectives and related national and Union objectives, such as the objectives set out in Regulation (EU) 2018/842 of the European Parliament and of the Council⁴⁵. Encouraging EU-based biogas or solar energy production while enhancing energy efficiency measures in line with the Energy Efficiency First principle⁴⁶, which means taking utmost account of cost-efficient energy efficiency measures in shaping energy policy and making relevant investment decisions, will also help reduce the Union energy dependence, one of the objectives expressed in the Commission

which urban wastewater treatment sites are qualified as 'go-to' areas for renewables, meaning a location designated as particularly suitable for the installation of plants for the production of energy from renewable sources. In order to reach the objective of energy neutrality via optimal measures for each urban wastewater treatment plant and for the collection system, Member States should ensure that energy audits are carried out in accordance with Article 8 of Directive 2012/27/EU of the European Parliament and of the Council⁴⁹ every four years. Those audits should include an identification of the potential for cost-effective use or production of renewable energy following the criteria set out in Annex VI to Directive 2012/27/EU.

"Repower EU" Plan⁴⁷. It is also in line with Directive (EU) 2018/844 of the European Parliament and of the Council⁴⁸ and with Directive (EU) 2018/2001 in which urban wastewater treatment sites are qualified as 'go-to' areas for renewables, meaning a location designated as particularly suitable for the installation of plants for the production of energy from renewable sources. In order to reach the objective of energy neutrality via optimal measures for each urban wastewater treatment plant and for the collection system, Member States should ensure that energy audits are carried out in accordance with Article 8 of Directive 2012/27/EU of the European Parliament and of the Council⁴⁹ every four years. Those audits should include an identification of the potential for cost-effective use or production of renewable energy following the criteria set out in Annex VI to Directive 2012/27/EU.

⁴⁴ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

⁴⁵ Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

⁴⁶ Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond

⁴⁷ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the

⁴⁴ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

⁴⁵ Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

⁴⁶ Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond

⁴⁷ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the

Committee of the Regions: REPowerEU Plan (COM/2022/230 final).

⁴⁸ Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

⁴⁹ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Committee of the Regions: REPowerEU Plan (COM/2022/230 final).

⁴⁸ Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210).

⁴⁹ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Or. en

Amendment 9

Proposal for a directive Recital 19

Text proposed by the Commission

(19) Urban wastewater treatment plants also receive non-domestic wastewater, including industrial wastewater, which can contain a range of pollutants not explicitly covered by Directive 91/271/EEC, such as heavy metals, micro-plastics, micro-pollutants and other chemicals. In most instances, there is a poor understanding and knowledge of such pollution which could deteriorate the functioning of the treatment process and contribute to the pollution of the receiving waters, but also prevent the recovery of sludge and the re-use of treated wastewater. Member States should therefore regularly monitor and report on such non-domestic pollution that enters the urban wastewater treatment plants and is discharged into water bodies. To prevent pollution from non-domestic wastewater discharges at source, releases from industries or enterprises connected to

Amendment

(19) Urban wastewater treatment plants also receive non-domestic wastewater, including industrial wastewater, which can contain a range of pollutants not explicitly covered by Directive 91/271/EEC, such as heavy metals, micro-plastics, micro-pollutants and other chemicals. In most instances, there is a poor understanding and knowledge of such pollution which could deteriorate the functioning of the treatment process and contribute to the pollution of the receiving waters, but also prevent the recovery of sludge and the re-use of treated wastewater. Member States should therefore regularly monitor and report on such non-domestic pollution that enters the urban wastewater treatment plants and is discharged into water bodies. To prevent pollution from non-domestic wastewater discharges at source, releases from industries or enterprises connected to

collecting systems should be subject to prior authorisation. In order to ensure that collecting systems and urban wastewater treatment plants are technically capable of receiving and treating the incoming pollution, the operators who manage urban wastewater treatment plants receiving non-domestic wastewater should be consulted before those permits are issued and should be able to consult the issued permits in order to be able to adapt their treatment processes. Where non-domestic pollution is identified in the incoming waters, Member States should take appropriate measures to reduce pollution at source, by enhancing the monitoring of pollutants in collecting systems so that the pollution sources can be identified and, where necessary, by reviewing the authorisations provided to relevant, connected urban wastewater treatment plants. The water resources of the Union are increasingly under pressure, resulting in permanent or temporary water scarcity in some areas of the Union. The Union's ability to respond to the increasing pressures on water resources could be improved through a wider reuse of treated urban wastewater, limiting freshwater abstraction from surface and groundwater bodies. Therefore, the reuse of treated urban wastewater should be encouraged and applied whenever appropriate, whilst taking into account the need to ensure that the objectives of good ecological and chemical status of the receiving bodies, as defined in Directive 2000/60/EC, are met. The reinforcement of the requirements for the treatment of urban wastewater, and the actions to better monitor, track and reduce pollution at source, will have impacts on the quality of treated urban wastewater, and will therefore support water reuse. Where water reuse serves the purpose of agricultural irrigation, it should be carried out in accordance with Regulation (EU) 2020/741 of the European Parliament and of the Council⁵¹.

collecting systems should be subject to prior authorisation. In order to ensure that collecting systems and urban wastewater treatment plants are technically capable of receiving and treating the incoming pollution, the operators who manage urban wastewater treatment plants receiving non-domestic wastewater should be consulted before those permits are issued and should be able to consult the issued permits in order to be able to adapt their treatment processes. Where non-domestic pollution is identified in the incoming waters, Member States should take appropriate measures to reduce pollution at source, by enhancing the monitoring of pollutants in collecting systems so that the pollution sources can be identified and, where necessary, by reviewing the authorisations provided to relevant, connected urban wastewater treatment plants. The water resources of the Union are increasingly under pressure, resulting in permanent or temporary water scarcity in some areas of the Union. The Union's ability to respond to the increasing pressures on water resources could be improved through a wider reuse of treated urban wastewater, limiting freshwater abstraction from surface and groundwater bodies. Therefore, the reuse of treated urban wastewater should be encouraged and applied whenever appropriate, ***especially in industrial processes and district heating and cooling***, whilst taking into account the need to ensure that the objectives of good ecological and chemical status of the receiving bodies, as defined in Directive 2000/60/EC, are met. The reinforcement of the requirements for the treatment of urban wastewater, and the actions to better monitor, track and reduce pollution at source, will have impacts on the quality of treated urban wastewater, and will therefore support water reuse. Where water reuse serves the purpose of agricultural irrigation, it should be carried out in accordance with Regulation (EU) 2020/741 of the European Parliament and of the Council⁵¹.

⁵¹ Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (OJ L 177, 5.6.2020, p. 32).

⁵¹ Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (OJ L 177, 5.6.2020, p. 32).

Or. en

Amendment 10

Proposal for a directive

Article 2 – paragraph 1 – point 3 – introductory part

Text proposed by the Commission

(3) ‘ non-domestic wastewater ’ means any wastewater which is discharged into collecting systems from premises used for either of the following:

Amendment

(3) ‘ non-domestic wastewater ’ means any wastewater which **is not predominantly a product of the human metabolism or household activities and** is discharged into collecting systems from premises used for either of the following:

Or. en

Justification

Clarifies the difference between and the intention of the categories of domestic and non-domestic wastewater.

Amendment 11

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'agglomeration' means an area where the pollution load of urban wastewater is sufficiently concentrated (10 p.e. per hectare or above) for urban wastewater to be collected and conducted to an urban wastewater treatment plant or to a final discharge point;

Amendment

(4) 'agglomeration' means an area where the pollution load of urban wastewater is sufficiently concentrated (10 p.e. per hectare or above) **in the area of permanent housing**, for urban wastewater to be collected and conducted to an urban wastewater treatment plant or to a final discharge point;

Or. en

Amendment 12

Proposal for a directive

Article 2 – paragraph 1 – point 16

Text proposed by the Commission

(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 of the criteria set out in Part 3 and Part 4 of Annex I to Regulation EC⁶⁹ ;

⁶⁹ Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

Amendment

(16) ‘micro-pollutant’ means a substance, including its breakdown products, that is usually present in the environment and urban wastewaters in concentrations **of micrograms** per litre, **or below**, and which can be considered hazardous to human health or the environment based on any of the criteria set out in Part 3 and Part 4 of Annex I to Regulation EC⁶⁹ ;

⁶⁹ Regulation EC 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p 1).

Or. en

Amendment 13

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) all their sources of domestic wastewater are connected to the collecting system.

Amendment

(b) all their sources of **urban** domestic wastewater are connected to the collecting system.

Or. en

Amendment 14

Proposal for a directive

Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. By 31 December 2030, Member States shall ensure that all agglomerations with a p.e. of between **1 000** and 2 000 comply with the following requirements:

Amendment

2. By 31 December 2030, Member States shall ensure that all agglomerations with a p.e. of between **500** and 2 000 comply with the following requirements:

Or. en

Amendment 15

**Proposal for a directive
Article 3 – paragraph 2 – point b**

Text proposed by the Commission

(b) all their sources of domestic wastewater are connected to the collecting system.

Amendment

(b) all their sources of **urban** domestic wastewater are connected to the collecting system.

Or. en

Amendment 16

**Proposal for a directive
Article 6 – paragraph 2**

Text proposed by the Commission

2. For agglomerations of between **1 000** p.e. and 2 000 p.e., Member States shall ensure that urban wastewater entering collecting systems is subject to secondary treatment in accordance with paragraph 3 or an equivalent treatment before discharge by 31 December 2030.

Amendment

2. For agglomerations of between **500** p.e. and 2 000 p.e., Member States shall ensure that urban wastewater entering collecting systems is subject to secondary treatment in accordance with paragraph 3 or an equivalent treatment before discharge by 31 December 2030.

Or. en

Amendment 17

**Proposal for a directive
Article 6 – paragraph 4**

Text proposed by the Commission

Amendment

4. The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the urban wastewater treatment plant during the year, excluding unusual situations due to heavy rain.

4. The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the urban wastewater treatment plant during the year, excluding unusual *weather* situations, *such as* due to heavy rain.

Or. en

Justification

Unusual weather situations in the future will not only include heavy rain, but also droughts will impact the functioning of the wastewater treatment plants.

Amendment 18

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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.

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, *including with information on whether they are phosphorus-sensitive or nitrogen-sensitive areas.*

Or. en

Justification

As eutrophication can be due to phosphorus or nitrogen sensitivities in the receiving waters, obligations should be put in place to target the correct nutrient. Including the information in the lists of sensitive areas gives an indication of where action should be prioritised to tackle eutrophication.

Amendment 19

Proposal for a directive

Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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.

Amendment

The annual mean of the 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.

Or. en

Amendment 20

**Proposal for a directive
Article 7 – paragraph 5 – point a**

Text proposed by the Commission

(a) **82,5** % for total phosphorus and **80** % for total nitrogen by 31 December 2035;

Amendment

(a) **90** % for total phosphorus and **70** % for total nitrogen by 31 December 2035;

Or. en

Amendment 21

**Proposal for a directive
Article 7 – paragraph 5 – point b**

Text proposed by the Commission

(b) **90** % for total phosphorus and **85** % for total nitrogen by 31 December 2040.

Amendment

(b) **95** % for total phosphorus and **75** % for total nitrogen by 31 December 2040.

Or. en

Amendment 22

**Proposal for a directive
Article 9 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Amendment

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.

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.
That responsibility shall be shared in part with the public through national financing programmes that are set up for the purpose of the upgrade of urban wastewater treatment plants to include quaternary treatment. Those programmes shall be financed through contributions from national funding, municipal levies, existing water tariffs, and by those producers.

Or. en

Justification

Pharmaceuticals and PCPs have a societal added value. Society as a whole has a responsibility for the consumption and/ or usage of these products and should therefore contribute toward cleaning it up.

Amendment 23

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Such measures shall ensure that ***those producers*** cover:

Such measures shall ensure that ***the national financing programmes*** cover:

Or. en

Amendment 24

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the full costs for complying with the requirements set out in Article 8,

(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 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

including the costs for the quaternary treatment of urban wastewater to remove micro-pollutants resulting from the products and their residues **the producers** place on the market, for the monitoring of micro-pollutants referred to in Article 21(1), point (a); and

Or. en

Amendment 25

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

(c) other costs required to exercise **their** extended producer responsibility.

Amendment

(c) other costs required to exercise **the** extended producer responsibility.

Or. en

Amendment 26

Proposal for a directive

Article 9 – paragraph 2 – point a

Text proposed by the Commission

(a) the quantity of the product they place on the market is below 2 tonnes per year;

Amendment

(a) the quantity of the product they place on the **Union** market is below 2 tonnes per year;

Or. en

Justification

Clarifies that the two tonnes exemption is calculated for the Union market, not Member State market.

Amendment 27

Proposal for a directive

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers;

Amendment

(b) has the necessary financial and organisational means to meet the extended producer responsibility obligations of the producers ***laid down in Article 9***;

Or. en

Amendment 28

Proposal for a directive

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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 ***recovery and use of waste heat on site or via a district heating system***, 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:

Or. en

Amendment 29

Proposal for a directive

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. Member States shall ensure that the total annual energy from renewable sources, as defined in Article 2(1) of Directive (EU) 2018/2001, ***generated*** at national level ***on or off-site*** urban

treatment plants treating a load of 10 000 p.e. and above is equivalent to at least:

wastewater treatment plants treating a load of 10 000 p.e. and above **by their owners or their operators, or bought from external sources** is equivalent to at least:

Or. en

Justification

Flexibility for meeting the set out targets should be allowed. In some cases, treatment plants have contracts with external energy producers for the energy production, in other cases treatment plants have no space capacity for additional energy production. The purpose of the article is to incentivise energy production potential by treatment plants and should allow for different options to reach the targets.

Amendment 30

Proposal for a directive Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The renewable energy generated by urban wastewater treatment plants shall be taken into account in assessing whether the percentage requirements referred to in paragraph 2 have been met irrespective of whether that energy is used directly by the urban wastewater treatment plants or is sold by those plants.

Or. en

Justification

The operators of the treatment plants or the energy producers designated to the role of producing renewable energy on behalf of the treatment plants should not be prohibited from selling the energy forward through, for instance, district heating systems or biogas for transport.

Amendment 31

Proposal for a directive Article 12 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The Member States concerned shall cooperate in order to identify the discharges in question and the measures to be taken at source to protect the waters that are affected in order to ensure conformity with this Directive.

Amendment

The Member States concerned shall cooperate in order to identify the discharges in question ***in line with the relevant water pollutants legislation*** and the measures to be taken at source to protect the waters that are affected in order to ensure conformity with this Directive.

Or. en

Justification

Linking the legislation with the revision of other water legislation, such as the work done through the Water Pollutants proposal from the Commission, is of importance to guaranteeing good water quality.

Amendment 32

**Proposal for a directive
Article 15 – paragraph 1**

Text proposed by the Commission

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 .

Amendment

1. Member States shall systematically promote the reuse of treated wastewater from all urban wastewater treatment plants, ***especially in water-stressed areas and in particular for industrial purposes***. Where treated wastewater is reused for agricultural irrigation, it shall comply with the requirements established under Regulation (EU) 2020/741.

Or. en

Amendment 33

**Proposal for a directive
Article 18 – paragraph 2 – point a**

Text proposed by the Commission

(a) establishing collecting systems in accordance with Article 3 for

Amendment

(a) establishing collecting systems in accordance with Article 3 for

agglomerations with a p.e. of less than **1 000**;

agglomerations with a p.e. of less than **500**;

Or. en

Amendment 34

Proposal for a directive

Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) applying secondary treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of less than **1 000**;

Amendment

(b) applying secondary treatment in accordance with Article 6 to discharges of urban wastewater from agglomerations with a p.e. of less than **500**;

Or. en

Amendment 35

Proposal for a directive

Article 30 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) an analyse of the possible need to adapt the list of products to be covered by extended producer responsibility to the evolution of the range of products placed on the market, improved knowledge on the presence of micro-pollutants in wastewaters and their impacts on public health and the environment, and data resulting from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants.

Amendment

(e) an analyse of the possible need to adapt the list of products to be covered by extended producer responsibility, ***in particular Per- and Polyfluoroalkyl Substances (PFAS)***, to the evolution of the range of products placed on the market, improved knowledge on the presence of micro-pollutants in wastewaters and their impacts on public health and the environment, and data resulting from the new monitoring obligations on micro-pollutants in the inlets and outlets of the urban wastewater treatment plants.

Or. en

Amendment 36

Proposal for a directive Article 31 – paragraph 1

Text proposed by the Commission

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

Amendment

By 1 January 2030 and every five years ***thereafter***, the Commission shall present a report to the European Parliament and the Council on the implementation of this Directive, accompanied, where the Commission finds it appropriate, by relevant legislative proposals. ***The Commission shall assess in particular the possible need to extend the scope of Extended Producer Responsibility to products containing Per- and Polyfluoroalkyl Substances (PFAS) placed on the market and taking into account any restrictions on PFAS.***

Or. en

Amendment 37

Proposal for a directive Annex I – Part A – paragraph 2 – introductory part

Text proposed by the Commission

The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs, notably regarding:

Amendment

The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge ***and using appropriate digital tools***, not entailing excessive costs, notably regarding:

Or. en

Justification

Digital tools can be of help during, for instance, leak detection or when detecting malfunctioning water pumps.

Amendment 38

Proposal for a directive

Annex I – Part D – Point 3 – Table - Row 1

Text proposed by the Commission

— 1000 to 9 999 p.e.:	. One sample per month
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Amendment

— 500 to 9 999 p.e.:	. One sample per month
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Or. en

Amendment 39

Proposal for a directive

Annex I – Part D – Point 3 – Table - Row 2

Text proposed by the Commission

— 10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per month
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Amendment

— 10 000 to 49 999 p. e.:	Two samples per month For micro-pollutants, one sample per two months
---------------------------	---

Or. en

Amendment 40

Proposal for a directive

Annex I – Part D – Point 3 – Table - Row 3

Text proposed by the Commission

— 50 000 to 99 999 p.e. :	One sample per week. For micro-pollutants, two samples per week
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Amendment

— 50 000 to 99 999 p.e. :	One sample per week. For micro-pollutants, one sample per two months
---------------------------	--

Or. en

Amendment 41

Proposal for a directive

Annex I – Part D – Point 3 – Table - Row 4

Text proposed by the Commission

— 100 000 p.e. or over:	One sample per day For micro-pollutants, two samples per week
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Amendment

— 100 000 p.e. or over:	One sample per <i>week</i> For micro-pollutants, one sample per month
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Or. en

Amendment 42

Proposal for a directive

Annex I – Part D – Table 2 - Row 2

Text proposed by the Commission

Total phosphorus	2 0,5 mg/L	90	Molecular absorption spectrophotometry
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Amendment

Total phosphorus	2 0,2 mg/L	95	Molecular absorption spectrophotometry
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Or. en

Amendment 43

Proposal for a directive

Annex I – Part D – Table 2 - Row 3

Text proposed by the Commission

Total nitrogen	6 mg/L	85	Molecular absorption spectrophotometry
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Amendment

Total nitrogen	12 mg/L^{79a}	75	Molecular absorption spectrophotometry
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^{79a} *These values for concentration are annual means as referred to in Annex I, paragraph D.4(c). However, the requirements for nitrogen may be checked using daily averages where it is proved, in accordance with Annex I, paragraph D.1, that the same level of protection is obtained. In this case, the daily average must not exceed 20 mg/l of total nitrogen for all the samples when the temperature from the effluent in the biological reactor is superior or equal to 12 °C. The conditions concerning temperature could be replaced by a limitation on the time of operation to take account of regional climatic conditions.*

Or. en

Amendment 44

Proposal for a directive Annex I – Part D – paragraph 6 - table 2 - note 1

Text proposed by the Commission

Amendment

Note 1: Natural nitrogen retention **shall not** be taken into account in the calculation of the minimum percentage reduction.

Note 1: Natural nitrogen retention **may** be taken into account in the calculation of the minimum percentage reduction.

Or. en

EXPLANATORY STATEMENT

The rapporteur generally welcomes the European Commission's Proposal for a Directive concerning urban wastewater treatment (recast). The existing Directive 91/271/EEC on urban wastewater treatment (UWWTD) has succeeded in reducing environmental pollution from wastewater and in enhancing the ecological and chemical status of the European water bodies as stated in the Commission's evaluation of the 1991 Directive. It has been successful in decreasing nitrogen and phosphorus emissions in most EU-27 countries. The current Directive is now 30 years old, and needs to be revised in order to deal with new challenges. The Commission proposal suggests stronger rules and more ambitious targets on additional micro-pollutants in order to progress towards the European Green Deal's zero pollution ambition of having an environment free of harmful pollution by 2050.

Small agglomerations

Small agglomerations are covered by the current Directive only in a very general manner and yet constitute a significant pressure on EU's surface water bodies. While some Member States have established in their legislation that all urban wastewater needs to be treated, some other Member States have set standards for smaller agglomerations going beyond the requirements set out in the current Directive. The rapporteur therefore considers the most ambitious approach assessed by the Commission in the impact assessment, namely 500p.e., appropriate for the next period.

Tertiary treatment

The rapporteur considers that removal of nutrients from the wastewater (Art 7) could be more ambitious given that phosphorus removal with iron salts/chemical solutions is relatively cheap and easily scalable. For nitrogen, removals are more difficult due to bacterial processes, requiring more space and warmer temperatures, therefore making it more difficult in an area where the water temperature is on average below 12 degrees. The rapporteur considers therefore necessary that Member States may offer a derogation to the treatment plants for not meeting the set out nitrogen reduction targets for the days when the temperatures are below 12 degrees.

Implementation of the Extended Producer Responsibility

Micro-pollutants are increasingly a concern and the rapporteur therefore in general welcomes the proposal for the introduction of the polluter pays principle for the water sector. The proposal from the Commission includes an extended producer responsibility for pharmaceutical and cosmetic products put on the market (Art 9 and 10). According to the Commission, 92% of micro pollutants found in receiving waters come from pharmaceuticals and cosmetics. Micro-pollutants are a serious concern and especially pharmaceuticals - the ones people ingest - are of concern. The rapporteur however has concerns about the proposed measures for the EPR scheme. Pharmaceuticals and PCPs have a societal added value. Society as a whole has a responsibility for the consumption and/or usage of these products and should therefore contribute toward cleaning it up. Member States should therefore ensure that national financing programmes are set up for the upgrade to quaternary treatment in addition to the EPR scheme.

Energy neutrality of UWWTPs

The rapporteur welcomes the principle of energy neutrality of UWWTPs (Art 11) while the article needs clarifications regarding by what means energy neutrality can be reached. It is important to incentivise the energy production potential of treatment plants while allowing different options to reach the target (on or off-site generation or bought from external sources).

Water reuse and dischargers of urban wastewater

The rapporteur believes that the promotion of water reuse of treated wastewater (Art 15) should be recognised for its great potential in particular for industrial purposes, such as heating and cooling and hydrogen production.

Per- and Polyfluoroalkyl Substances (PFAS)

The proposed Directive and the list of products to be covered by the EPR does not cover chemicals containing PFAS despite their damaging nature to environment and human health. The rapporteur therefore calls on the Commission to assess the possible need to extend the scope of the EPR to products containing Per- and Polyfluoroalkyl Substances (PFAS) taking into account any future restrictions.

The rapporteur is still considering some additional clarifications on questions such as micro-plastics at a later stage.