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Proposal for a revised Urban Wastewater Treatment Directive

Information note for the EEA EFTA Forum of Local and Regional Authorities

23rd meeting of the EEA EFTA Forum

Brussels, 1 December 2022, 13.00-16.00

"EU rules have played a crucial role in improving the quality of the rivers, lakes and seas on our continent, with a beneficial impact on European citizens' health and quality of life. However, progress has not been even and in some EU Member States waste water infrastructure needs better planning and more financing. We will now do our utmost to drive innovation and new investments in environmental infrastructure everywhere in Europe"

Virginijus Sinkevičius, European Commissioner for the Environment, Oceans and Fisheries

1. CONTEXT

Despite many "do not flush anything except toilet paper" signs in public bathrooms around Europe, inadequately treated urban wastewater remains one of the continent's main sources of water pollution. The EU's Urban Wastewater Treatment Directive (UWWTD), designed to improve the quality of European rivers, lakes and seas, is more than 30 years old. Although it has greatly improved water quality, the Directive does not cover remains from pharmaceutical and cosmetic products – which together account for 92% of the toxic load in wastewaters. Technological progress and sustainability objectives also entail new uses for wastewater – such as re-use for irrigation in agriculture, watering of public green spaces, and recovery of sewage sludge. In order to modernise and address its shortcomings, on 26 October 2022 the Commission proposed a revision of the Directive. The text has been marked EEA-relevant by the European Commission.

2. CONTENT

In an evaluation from 2019, the Commission identified three challenges that the Directive had failed to tackle:

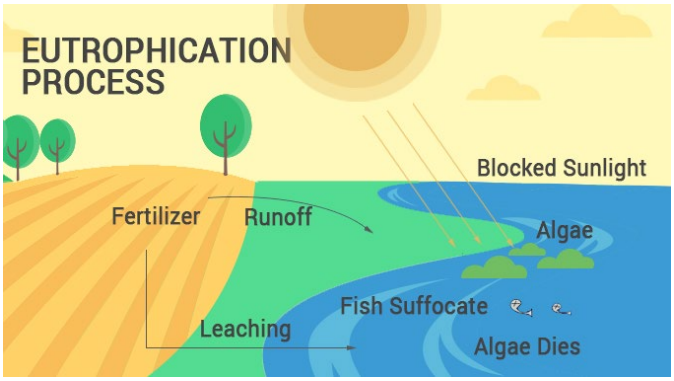
1) *Remaining pollution from urban sources*
2) *Alignment of the Directive with the European Green Deal*
3) *Insufficient and uneven level of governance*

The revised Directive's objective, in addition to environmental protection, the protection of human health, the reduction of greenhouse gas emissions, improving the governance and transparency of the sector, better access to sanitation and – in light of the COVID-19 crisis – the regular monitoring of parameters relevant to public health in urban wastewater.

Much like the older version of the proposal, the revised proposal is a **Directive**, meaning Member States can choose the most appropriate means of implementation as long as the measure's objectives are achieved. This gives them more freedom to implement the measure than a Regulation would. In the absence of action at EU level, the Commission argued, "Member States would have not progressed at the same pace in establishing collection and treatment infrastructure.

The UWWTD **in its original form** sets out EU-wide rules for the establishment of infrastructure, minimum treatment standards and requirements on monitoring, reporting and information sharing. Its provisions focus on the collection, treatment and discharge of urban wastewater and wastewater from certain industrial sectors. The Directive requires all municipalities with a population of more than 2,000 people to be connected to a **collecting system**, i.e. containing and separating wastewater from the surrounding environment, with the intention of further treatment. Municipalities with more than 10,000 people should ensure **secondary treatment** for discharges of treated water.

Based on the problems identified in the evaluation, a risk-based approach was applied. Such an approach entails that measures should be taken only where there is a risk for the environment or public health.



When it comes to **environmental measures**, the scope of the revised Directive was extended to include all municipalities of more than 1,000 people, given that small municipalities constitute 11% of the significant pressure on surface water bodies in the Union. Most other measures apply to all municipalities above a population of 100,000 and those above 10,000 in cases where the relevant problem remains an issue. One such issue is **eutrophication**, which is what happens when a body of water has too many nutrients, mainly phosphorus and nitrogen, resulting in major accumulation of algae. For this reason, relevant

municipalities will have to apply stricter criteria to treat high values of nitrogen and phosphorus in their water systems. Moreover, a major issue in recent years has been the emergence of **micro-pollutants** such as pharmaceuticals and micro-plastics. A limit will be set on desirable levels of micro-pollutants, above which will require additional treatment. Lastly, an objective of **energy neutrality by 2040** has been set for larger wastewater facilities, which is also the time at which the required investments of the Directive will have ideally taken place.

To improve the governance of the sector, wastewater operators will be requested to monitor and publish transparent **key performance indicators**. They will be utilised to better use the possibilities offered by digitalisation. Cooperation between health and wastewater authorities will be increased, in order to better identify harmful viruses such as SARS-Covid-2.

Given the costs associated with the Directive's requirements (see Case study 1), the Commission has come up with new ways of financing the proposal. Those include a system of **producer responsibility**, operating on the "polluter pays" principle, making producers of pharmaceutical and personal care products financially responsible for treating the pollution generated by their products. Polluters are expected to finance 27% of the proposal, whereas the rest will come from water tariffs (51%), mainly borne by citizens; and public budgets (22%), borne by local actors and national budgets. However, the increase in water tariffs will not affect the affordability of water services in any Member State.

Case study 1: *Commission v France*

The Directive has been laborious for Member States when it comes to implementation, the reason being it requiring large investments by most municipalities. While some countries, such as Germany and the Netherlands, have satisfactorily implemented the Directive's requirements, others have struggled. France for example was found to be in breach of the Directive in 2013 and 2016.

3. STATE OF PLAY

Legislative procedures

The UWWTD is a legislative file under the Ordinary Legislative Procedure (OLP). Through the OLP, the Commission submits a legislative proposal to The Council of the European Union (the Council) and the European Parliament (EP) for review. The two institutions will then have to adopt it, amend it, or reject it. Only with the consent of both institutions can the legislation be adopted.

As of November 2022, the file was in preparatory phases in both the EP and the Council. In the EP, the file has been assigned to the Committee on Environment, Public Health and Food Safety (ENVI), although a rapporteur has not yet been designated. The Council has recently begun to discuss the proposal.

Legislative politics

The EP and Council have not yet formulated positions on the proposal. However, an Irish MEP of the Greens/EFA stated in a written question that only 44% of sewage in Ireland was being treated in line with EU legislation, calling for the Commission to clarify what steps states could take to ensure full compliance. MEPs from several right-wing groups have asked whether the Commission was intended to enable research on the topic of reducing micropollutants, as some wastewater plants were not equipped to eliminate certain substances.

EEA Relevance

The Commission has marked it EEA relevant, as the original Directive from 1991 had already been considered relevant for the EEA EFTA States. However, a formal decision concerning EEA relevance will have to made in cooperation with the EEA EFTA side and this only happens once the Act has been agreed upon in Council and the EP and entered into force.

Other stakeholder opinions

The European Environment Bureau (EEB) recommended the inclusion of a climate change adaptation tool, obliging actors to anticipate and report on overflows of water, for example during storms. The EEB supported the polluter pays principle and suggested producers of harmful substances should also be held accountable for remediation costs. EurEau – representing Europe's water sector – called for the involvement of treatment plant operators in ensuring clean drinking water, and the right of access to up-to-date information. Experts at the University of Stockholm have, based on their research on micro-pollutants near wastewater treatment plans, recommended to establish more policy coherence with other EU legislation – notably the overarching legislation on EU water policy, the Water Framework Directive. Coherence could example be strengthened by expanding the criteria used in environmental risk assessments to cover micro-pollutants that are typically not used in conventional wastewater treatment.