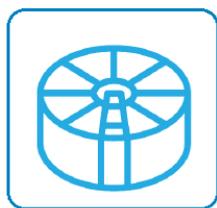
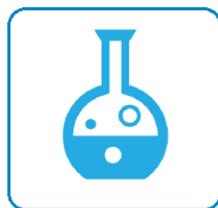




Synopsis of the Public Consultation Activities
for the
Evaluation of the Council Directive 91/271/EEC
of 21 May 1991, concerning urban waste-water
treatment

{SEC(2019) 448 final} - {SWD(2019) 701 final}



Stakeholder consultation

1. Introduction

The objective of the consultations was to gather further evidence to substantiate the analysis of relevance, effectiveness, efficiency, coherence and EU added value as required by the Better Regulation Guidelines for Fitness Checks and Evaluations. The activities were coordinated with the [Water Fitness Check](#). The consultation approach was set out in the [Consultation strategy](#) published in May 2018.

2. Stakeholder groups covered by the consultation activities

- Member State authorities (national, regional and local authorities);
- Public and private waste water operators, or associations representing experts;
- Businesses/business associations concerned by the Directive;
- Citizens;
- EU institutions;
- Academics/researchers and trade unions;
- International organisations;
- Non-Governmental Organisations and citizens' initiatives.

These stakeholders were consulted in different settings and all provided valuable input.

3. Consultation activities in chronological order

- Feedback mechanism to the roadmap of the UWWTD Evaluation,
- Key issue scoping interviews,
- Public consultation,
- Thematic expert workshops,
- Stakeholder conference,
- Written consultation of Member State experts on modelling aspects.

Feedback to the Evaluation Roadmap

The Evaluation [roadmap](#) was published in October 2017, at the same time as the roadmap for the Water Fitness Check. Both roadmaps were subject to a feedback mechanism. Apart from 3 anonymous contributions and 1 citizen reply, 8 NGOs, 4 research organisations, 1 public services association, 10 representatives from the water industry and 1 competent authority provided feedback during the consultation period.

Topics stressed as important included:

- Storm water managements;
- Pollutants of emerging concern;
- The need for sustainable long-term investments and application of the polluter pays principle;
- Assessment of the links with the Water Framework Directive and with the Sewage Sludge Directive;
- The links to the SDGs, particularly SDG 6.

This feedback fed into the development of the Terms of Reference for the Support Study and the development of the key issues.

Key issue interviews

In the initial phase of the Evaluation, scoping interviews with experts from industry associations, an environmental and a human rights NGO, and a water technology association were held. These interviews shaped the key issues and provided indications of available data.

Most immediate and prominent agreement was provided on storm water overflows (SWO), pollutants of emerging concern, individual and other appropriate systems (IAS) and energy efficiency. Mixed feedback was received on the key issues of monitoring and sizing of plants. These were kept as key issues as they had also been identified by the ECA as important topics.

Overall experts agreed that the UWWTD was crucial for ensuring the establishment of collection and treatment infrastructure. There was also strong agreement on the clarity and simplicity of the Directive. The investment that are needed for the implementation were stressed as high and sometimes as a hindering factor for implementation. Nevertheless, there was also agreement on the benefits outweighing the costs.

Public consultation

The [public consultation](#) was launched online in July 2018. The questionnaire was published in all 23 official EU languages on the Commission's website for consultations and remained open for 14 weeks. It consisted of a general part and an expert part that was structured along the Better Regulation Evaluation criteria.

In total 608 replies (606 via the online portal and two via e-mail due to technical problems) were received. **As none of the content questions was mandatory to be answered, the total number of respondents varies for each question.** Whereas main findings of the replies to the public consultation are discussed here, specific findings are included throughout the main text of the Evaluation.

More than half of the replies came from citizens (57%), and 17% from private or public WWTP operators. The remaining respondents represented public authorities, NGOs, academia, industry, private and public associations, and EU institutions. In terms of nationalities, almost all EU Member States were represented by stakeholders apart from Estonia, Latvia, Lithuania and Hungary. The largest share of respondents came from Germany (22%) and Spain (21%). One small campaign from WWTP operators in Spain was identified and their comments fed into the main analysis of the internal coherence of the Directive.

Effectiveness

As part of the expert section of the questionnaire, stakeholders were asked to judge how effective the Directive has been regarding its key provisions. Feedback varied across the provisions, showing that most provisions are judged very or somewhat effective. Stakeholders do not think that the UWWTD has been very effective to ensure proper application of IAS or that Member States deal adequately with SWOs. Across all answers, no trend was visible in terms of replies from different stakeholder categories.

Objectives	Very effectiv	Somew hat	Somew hat	Very ineffect	Neither effectiv	I do not
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	Effective	Effective	Ineffective	Ineffective	Neither effective nor ineffective	Don't know
Protecting the environment from adverse effects of urban waste water discharges (N=345)	46%	42%	3%	1%	4%	4%
Protecting human health from adverse effects of urban waste water discharges (N=343)	31%	54%	3%	1%	6%	5%
Collecting waste waters (N=341)	46%	37%	3%	1%	8%	4%
Ensuring a proper application of IAS (Individual or other Appropriate System) (N=332)	7%	28%	14%	5%	25%	22%
Ensuring a proper use of CSO (Combined Sewer Overflow) (N=337)	6%	25%	20%	7%	23%	18%

Table 11 Replies across stakeholder categories regarding the effectiveness of a number of the Directive's provisions

Efficiency

In terms of proportionality of costs and benefits, stakeholders very or slightly familiar with the Directive strongly agree or agree that costs and benefits are proportionate, especially in the long-term. These stakeholders came from across all categories.



Figure 42 Stakeholders views on the proportionality of costs and benefits.

Overall 79% of all respondents agreed or strongly agreed that the costs are justified given the benefits, with a majority of respondents being citizens.

Coherence

The assessment of internal coherence led to mixed feedback with most agreeing that the Directive is to a large extent or to some extent internally coherent (27% and 53%, n=299). It

was pointed out that the Directive contains diverging thresholds when it comes to industrial waste water. Reviewing comments shows that many stakeholders included in their judgment external coherence aspects or the UWWTD’s partial insufficiency to address new societal needs. Regarding external coherence, stakeholders view the UWWTD to be to some extent coherent with other water law, with many pointing out coherence to a large or to some extent with the WFD (32% and 50%, n=293).

Regarding newer policies on energy and climate, stakeholders raised that the UWWTD does not integrate sufficiently.

Relevance

Stakeholders also assessed the UWWTD’s capacity to deal with new challenges and agreed across all stakeholder categories that there are problems that the Directive does not completely address. When cross-checking with the stakeholders’ familiarity with the Directive, it is visible that also those very familiar with the Directive do not believe that the Directive is sufficient to deal with new challenges.

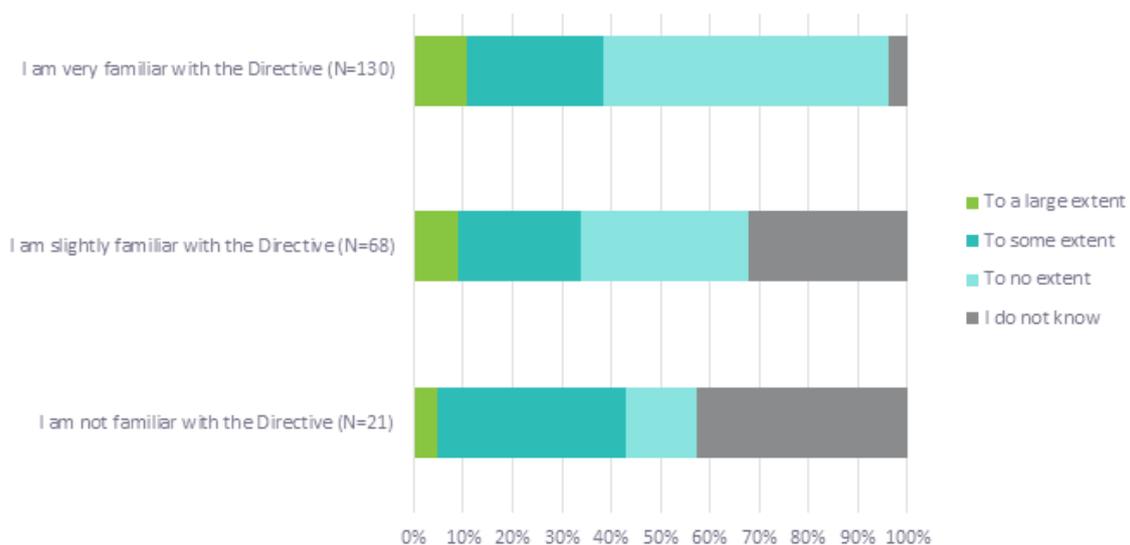


Figure 43 Stakeholders view on the capacity of the UWWTD to deal with new challenges by level of familiarity.

When asked which challenges are not addressed sufficiently by the Directive, trade associations and WWTP operators raised that it does not sufficiently deal with resource recovery, especially sludge, and that there is a need to deal with emerging pollutants.

In terms of substances that might be found in waste water and that might be of concern to stakeholders’ endocrine disruptors were ranked highest (52% and 19% of all respondents are very strongly concerned and strongly concerned, and came from all stakeholder categories (220 citizens, 27 operators, 7 academics). Other substances mentioned were pharmaceuticals and industrial pollutants (48% very strongly concerned), pesticides (47% very strongly concerned), and microplastics (46% very strongly concerned) (n=608).

Asking who should pay for additional treatment to remove these substances there was a split between those saying that the initial polluter (e.g. industry) should pay (40%) and those saying that a price increase of the water bill is acceptable (25%) (n=608). Whereas only 3

replied “I do not know”, 16% did not provide an answer. Those in favour of the industry paying were largely citizens, NGOs and water companies.

EU-added value

Asking stakeholders whether there is a need to continue EU level action on waste water, most agreed to a large extent (63%) or to some extent (26%). The main stakeholder group in favour of continuing EU level intervention are citizens. Most stakeholders agree that withdrawing the UWWTD would have negative impacts (86%, N=307) with only 2% thinking that a withdrawal would have positive consequences. Stakeholders argued that a withdrawal would be negative for water quality and human health. It would also reduce incentives to develop the needed infrastructure to protect the environment.

The findings of the public consultation were substantially integrated in the analysis of the Evaluative support study and underpinned the Commission’s assessment.

In addition, a few position papers were received:

- **Swedish Environment Protection Agency:** Position paper provided further additions and clarifications to the EPA’s replies to the public consultation. The EPA identified as shortcomings of the UWWTD its inflexibility to adapt to local conditions and its lack of ambition with regard to phosphorus.
- **Danish Environment and Technology Association:** The position paper noted that progress on treatment technologies has been made over the past decades and that the UWWTD missed the opportunity of including aspects of energy efficiency, as well as to incentivising recovery and reuse of resources in waste water.
- **EurEau:** Position papers on micropollutants, microplastics in waste water explained the extent of this problem and the challenges to deal with them. Further, a position papers on energy efficiency, on the treatment terminology in the Directive and views on the waste water treatment opportunities and challenges in regards to single-use plastics were submitted.
- **World Green Infrastructure Network:** the position paper provided insights in how green infrastructure can help addressing storm water overflows. Further, it was noted that since adoption of the UWWTD external factors such as climate change and rise of pollutants of emerging concern have led to new societal needs.
- **Xylem:** The technology provider identified the ageing infrastructure and the lack of sufficient funding as a key challenge. It was suggested to further incentivise cost recovery, and to consider new cost-efficient solutions to deal with SWOs. Additionally, the promotion of resource recovery and energy efficiency was suggested.
- **Centre for Water Security and Cooperation:** The centre provided feedback on the potential tension between access to water and cost recovery, the new challenges coming with climate change (e.g. extreme weather events leading to new challenges for sewers and WWTPs), and non-connected dwellings, pharmaceuticals and EU-added value.

Thematic expert workshops¹

The information gathered during the workshops fed into the Evaluative study report and the Evaluation. Additionally, some of the workshops discussion served to confirm the JRC’s modelling approach and the assessment of costs and benefits. All workshops were attended

¹ Minutes and presentation can be found on circabc.

by experts representing Member States, academia, business association/industry, environmental NGOs and Commission staff.

Workshop on pollutants of emerging concern jointly with the Water Fitness Check (24th October)

Objective: Assessment of the impact of pollutants of emerging concern on the aquatic environment and the assessment of WWTPs' potential to reduce the impact.

Summary: Pollutants of emerging concern cover a broad range of substances, and WWTPs are recognized as on the one hand reducing some of them through the treatment already in place and on the other hand to be considered by some as the point of release into the environment. There is not yet one individual treatment technique that could ensure that all pollutants of emerging concern are removed. For some pollutants of emerging concern their impact on the environment has been noted (e.g. Diclofenac) whereas for others it is unclear how they behave in the environment and what kind of cumulative effects they might have with other substances.

In some countries, first steps towards addressing pollutants of emerging concern have been taken. For instance, in Switzerland it was to install the fourth treatment stage in a number of priority plants.

Workshop on storm water overflows and individual or other appropriate systems (25th October 2018)

Objective: Discussion on legal and environmental aspects of storm water overflows (with strong focus on combined sewer overflows) and IAS. The JRC presented its draft modelling results on the impacts of these two topics. Stakeholders had the opportunity to discuss and validate this approach.

Summary: Storm Water Overflows: These are covered only by a footnote in the UWWTD, which some participants found to be insufficient. The terminology covers both, overflows in combined and separate systems. However, there is no definition of what constitutes a 'spill', or an 'overflow event'. The first 15 minutes of an overflow contain the 'first flush' which might contain the most pollutants. Another important problem is the content of urban runoff, which mixes additional pollutants into the waste water when it enters the sewers. Member States use different approaches to deal with overflows, including monitoring, investing in separate sewers or making use of green infrastructure/nature-based solutions, such as wetlands.

Individual and other appropriate systems: IAS are in use in agglomerations < and > 2 000 p.e., with only the latter being covered by the UWWTD. Member State experts explained different frameworks for dealing with IAS in their countries. Even with advanced frameworks in place, it is difficult to ensure the well-functioning and the adequate handling of IAS.

Workshop on costs and benefits (8th November 2018)

Objective: In this workshop results from the UWWTD Evaluation support study were compared to similar studies conducted by the World Bank (2018), by the OECD (ongoing, jointly with DG ENV) and [Blue2](#) (ongoing, commissioned by DG ENV).

Summary: The costs functions used for the assessment of costs related to the UWWTD are known to the stakeholder community and they are considered to be fairly stable though also very data intensive. Given the costs involved with the UWWTD, a discussion on affordability, cost recovery and EU-funding cannot be missed in the Evaluation. Discussions on the benefits showed that a damage costs approach was favoured. Overall, there was strong agreement that it is difficult to capture, quantify and monetise all benefits brought by the UWWTD. The World Bank in its study on 8 Member States accounted for different benefits as was done in the Evaluative support study, and the difference in approach leads in some scenarios to the costs outweighing the benefits in the World Bank study.

Stakeholder conference

Objective: On 16th November 2018, a stakeholder conference was held at the premises of the Committee of the Regions and was attended by around 90 participants, including Member States representatives, waste water services representatives, NGOs, international organisation and academia. The objective of this conference was to share the preliminary findings of the support study and first results from the analysis of the replies to the public consultation.

Summary: Overall stakeholders see clear progress regarding the collection and treatment of waste water in the EU. This progress is attributed to the UWWTD. SWOs and dealing with IAS are a known problem and the JRC's modelling results clearly show their environmental impact. Presentation from Member State experts confirmed that implementing the UWWTD is possible in a short amount of time and leads to improved water quality.

Regarding benefits assessment, the stakeholders agreed that the benefits are substantial and outweigh the costs. There was strong support that the UWWTD led to benefits beyond protection of the aquatic environment, as well as health and well-being benefits. It is also well known that it is difficult to assess these benefits.

Stakeholders noted as future challenges: micropollutants, reaching energy efficiency, reducing the impact of overflows and IAS as well as dealing with water and sludge reuse.

Stakeholders generally confirmed that the UWWTD aligns well with other law and is important for reaching other Directive's objectives. Considering EU law more broadly, stakeholders identified that more alignment with energy and climate policies could be beneficial.

Written consultation

Representatives from the UWWTD Expert Group were consulted in written form on information related to: 1) IAS, 2) SWOs and 3) costs and benefits. In total 20 out of 28 Member States reacted and either validated information or provided further data. This information was used to feed into the JRC's modelling and the analysis in the Evaluative support study.