European Committee of the Regions

**ENVE-VI/034**

**132nd plenary session 5-6 December 2018**

# OPINION

## Proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse

THE EUROPEAN COMMITTEE OF THE REGIONS:

- notes that water reuse can be supported by means of various policy tools. At present, such tools exist in only six Member States;
- notes that the need for this regulation was triggered by the increasing water deficit in EU Member States, particularly with regard to agriculture, and efforts to save water. Ultimately, this regulation embodies the EU's efforts to create a circular economy in the water sector;
- points out that, based on the practical experience of those countries that already irrigate with reclaimed water, the investment costs necessary for the reclamation plants to obtain reclaimed water of class A quality will be greater than stated in the "impact assessment" section of the proposal for a regulation;
- considers it important to ensure that this regulation is consistent with other relevant legislation, not least the Control Regulation and other regulations governing food production;
- feels that general EU legislation should not restrict the concept of reusing waste water to agriculture alone; therefore proposes increasing the scope of the regulation to include the use of water for the irrigation of green spaces in urban areas, parks, gardens and grounds for public use (e.g. recreation, sport);
- considers that the main drawback of this structure lies in the fact that the end-user is treated as a mere consumer not responsible;
- calls for the introduction of appropriate standards for sampling and analysis;
- calls on the Commission to establish a definition of the term "outlet";
- Notes that a period of one year would not be sufficient to allow improvements in water treatment, equipment, operation, checks, risk assessment and regulatory alignment to be carried out.



Rue Belliard/Belliardstraat 101 | 1040 Bruxelles/Brussel | BELGIQUE/BELGIË | Tel. +32 22822211
www.cor.europa.eu | @EU_CoR | /european.committee.of.the.regions | /european-committee-of-the-regions

Rapporteur

Oldřich Vlasák (CZ/ECR), Councillor of Hradec Králové

Reference document

Proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse
COM(2018) 337 final

**Opinion of the Committee of the Regions –**
**Proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse**

## I. RECOMMENDATIONS FOR AMENDMENTS

**Amendment 1**
Article 4(1)

| *Text proposed by the European Commission* | *CoR amendment* |
|---|---|
| 1. Reclamation plant operators shall ensure that reclaimed water destined for a use specified in section 1 of Annex I, shall, ***at the outlet of the reclamation plant*** (point of compliance), comply with the following: | 1. Reclamation plant operators shall ensure that reclaimed water destined for a use specified in section 1 of Annex I, shall, ***when joining the end-user's system*** (point of compliance), comply with the following: |

| *Reason* |
|---|
| This is the last point at which reclamation plant operators can be held responsible for their product. Henceforth maintaining the quality of the reclaimed water, e.g. during accumulation and storage, is the responsibility of the end-user. |

**Amendment 2**
Article 6

| *Text proposed by the European Commission* | *CoR amendment* |
|---|---|
| *Article 6*<br><br>Application for a permit to supply reclaimed water<br>1. Any supply of reclaimed water destined for a use specified in section 1 of Annex I, shall be subject to a permit.<br>2. An operator 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.<br>3. The application shall include the following:<br>a) a Water Reuse Risk Management Plan drawn up in accordance with Article 5(2);<br>b) a description of how the reclamation plant operator will comply with the minimum requirements for water quality and monitoring set out in section 2 of Annex I; | *Article 6*<br><br>Application for a permit to supply reclaimed water<br>1. Any supply of reclaimed water destined for a use specified in section 1 of Annex I, shall be subject to a permit.<br>2. An operator 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.<br>3. The application shall include the following:<br>a) a Water Reuse Risk Management Plan drawn up in accordance with Article 5(2);<br>b) a description of how the reclamation plant operator will comply with the minimum requirements for water quality and monitoring set out in section 2 of |

| | |
|---|---|
| c) a description of how the reclamation plant operator will comply with the additional requirements proposed in the Water Reuse Risk Management Plan. | Annex I;<br>c) a description of how the reclamation plant operator will comply with the additional requirements proposed in the Water Reuse Risk Management Plan.<br>***4. The Member State shall require either a permit or a notification from the end-user when using reclaimed water as specified in section 1 of Annex I.***<br>***5. According to national law, the end-user must either submit an application for the permit referred to in paragraph 1, or for a modification of an existing permit, or notify the competent authority of the Member State in which the reclamation plant operates or is intended to operate.*** |

| ***Reason*** |
|---|
| As is clear from the essence of the regulation, the EU does not regard reclaimed water as the same (safe) product as drinking water and therefore the end-user should be aware of this and should also take responsibility for its use. Therefore the Member state shall require from the end-user either a permit or a notification when using reclaimed water. To make up for this detriment to end-users, in periods of drought, when other regulations will limit the abstraction of surface water or groundwater, this product will at least enable them to maintain crop production (and in many cases the concomitant livestock production).<br>At the same time, the competent authorities have to know what reclaimed water is being used for, but a permit is not necessary. |

**Amendment 3**

Article 7

| ***Text proposed by the European Commission*** | ***CoR amendment*** |
|---|---|
| *Article 7*<br>Granting of the permit<br>1. For the purposes of assessing the application, the competent authority shall, if appropriate consult and exchange relevant information with the following:<br>(a) other relevant authorities of the same Member State, in particular the water authority, if different than the competent authority;<br>(b) contact points in potentially affected Member State(s) designated in accordance with Article 9(1). | *Article 7*<br>Granting of the permit<br>1. For the purposes of assessing the application, the competent authority shall, if appropriate consult and exchange relevant information with the following:<br>(a) other relevant authorities of the same Member State, in particular the water authority, if different than the competent authority;<br>(b) contact points in potentially affected Member State(s) designated in accordance with Article 9(1). |

| | |
|---|---|
| 2. The competent authority shall decide within 3 months from the receipt of the complete application as referred to in point (a) of Article 6(3) whether to grant the permit. Where the competent authority needs more time due to the complexity of the application, it shall inform the applicant thereof, indicate the expected date of granting the permit and provide reasons for the extension.<br>3. Where the competent authority decides to grant a permit, it shall determine the conditions applicable, which shall include the following, as applicable:<br>(a) conditions in relation to the minimum requirements for water quality and monitoring set out in section 2 of Annex I;<br>(b) conditions in relation to the additional requirements proposed in the Water Reuse Risk Management Plan;<br>(c) any other conditions necessary to further mitigate any unacceptable risks to the human and animal health or the environment.<br>4. The permit shall be reviewed regularly and at least every five years and, if necessary, modified. | 2. The competent authority shall decide within 3 months from the receipt of the complete application as referred to in point (a) of Article 6(3) whether to grant the permit. Where the competent authority needs more time due to the complexity of the application, it shall inform the applicant thereof, indicate the expected date of granting the permit and provide reasons for the extension.<br>3. Where the competent authority decides to grant a permit, it shall determine the conditions applicable, which shall include the following, as applicable:<br>(a) conditions in relation to the minimum requirements for water quality and monitoring set out in section 2 of Annex I;<br>(b) conditions in relation to the additional requirements proposed in the Water Reuse Risk Management Plan;<br>(c) any other conditions necessary to further mitigate any unacceptable risks to the human and animal health or the environment.<br>4. The permit shall be reviewed regularly and at least every five years and, if necessary, modified.<br>***5. The competent authority of the Member State to which the user has submitted the notification or the permit shall require end-users to use reclaimed water only in accordance with table 1 of section 2 of Annex I of the regulation*** |

| ***Reason*** |
|---|
| As is clear from the essence of the regulation, the EU does not regard reclaimed water as the same (safe) product as drinking water and therefore the end user should be aware of this and should also take responsibility for its use. Therefore the Member state shall require from the end-user either a permit or a notification when using reclaimed water**.** To make up for this detriment to end users, in periods of drought, when other regulations will limit the abstraction of surface water or groundwater, this product will at least enable them to maintain crop production (and in many cases the concomitant livestock production). |

**Amendment 4**

Article 8(1)

| *Text proposed by the European Commission* | *CoR amendment* |
|---|---|
| *Article 8*<br>*Compliance check* | *Article 8*<br>*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:<br>(a) ***on-spot*** checks;<br>(b) ***use of monitoring data obtained pursuant to this Regulation and Directives 91/271/EEC and 2000/60/EC;***<br>***(c)*** any other adequate means. | 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:<br>(a) ***compliance*** checks ***at the supplier's or end-user's premises, as provided for by the relevant permit. These checks shall be carried out in accordance with the standards and norms of the relevant state in terms of sampling and analysis. Reference should also be made to ISO standards for the quality of reclaimed water for irrigation, in different classes depending on the categories of irrigated crop. Each Member State shall determine the frequency of checks on the basis of a risk analysis, with a higher risk entailing more frequent checks;***<br>(b) any other adequate means ***so as to ensure that the quality of the reclaimed waste water is guaranteed not only by the supplier but also by the end-user.*** |
| 2. In the event of non-compliance, the competent authority shall require the reclamation plant operator to take any necessary measures to restore compliance without delay. | 2. In the event of non-compliance, the competent authority shall require the reclamation plant operator 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 reclamation plant operator shall immediately suspend any further supply of the reclaimed water until the competent authority determines that compliance has been restored. | 3. Where non-compliance causes a significant risk to the environment or to human health, the reclamation plant operator shall immediately suspend any further supply 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 reclamation plant operator shall immediately inform the competent authority and the end-user(s) which may be potentially affected, and communicate to the competent authority the information necessary for assessing the impacts of such an incident. | 4. If an incident affecting compliance with the permit's conditions occurs, the reclamation plant operator shall immediately inform the competent authority and the end-user(s) |

| | |
|---|---|
| | which may be potentially affected, and communicate to the competent authority the information necessary for assessing the impacts of such an incident.<br>***5. The end-user shall ensure that regular checks of his products are carried out by the relevant national authorities responsible for agricultural and food production.*** |

| ***Reason*** |
|---|
| This article is key to the success of the regulation as a whole, yet the wording of paragraph 1 is extremely vague and unfeasible with regard to the practical implementation of the regulation.<br>Concerning (a)<br>There is no clear guidance here on what specifically will be monitored and where. Here there should at least be a reference to the relevant sampling and analysis standards, as well as to the ISO standard for the quality of reclaimed water for irrigation in specific classes depending on the plants being watered. The frequency of checks must be based on the risks involved. In order to encourage the re-use of water, a simplified administrative arrangement must be found for small plants with low risks.<br>Concerning (b)<br>We see no link here with the cited EU directives (91/271/EEC and 2000/60/EC). The data obtained under these directives are data on the quality of treated waste water, which has nothing to do with the quality of reclaimed waste water, as the latter will (with rare exceptions) undergo further refining operations in the reclamation plant.<br>Concerning (5) The whole of Article 8 in general lacks any provisions on the safety monitoring of its own agricultural products or areas irrigated with reclaimed water. This obligation should be imposed on the end user, and the competent (food) inspection authority or sanitary service should ask for checks to be carried out. |

**Amendment 5**

Article 10 – Modify

| ***Text proposed by the European Commission*** | ***CoR amendment*** |
|---|---|
| Information to the public | Information to the public |
| 1. Without prejudice to Directives 2003/4/EC and 2007/2/EC, Member States shall ensure that adequate and up-to-date information on reuse of water is available online to the public. That information shall include the following:<br>(a) the quantity and the quality of the reclaimed water supplied in accordance with this Regulation;<br>(b) the percentage of the reclaimed water in the Member State supplied in accordance with this Regulation | 1. Without prejudice to Directives 2003/4/EC and 2007/2/EC, Member States shall ensure that adequate and up-to-date information on reuse of water is available online to the public. That information shall include the following:<br>(a) the quantity and the quality of the reclaimed water supplied in accordance with this Regulation;<br>(b) the percentage of the reclaimed water in the Member State supplied in accordance with this Regulation |

| | |
|---|---|
| compared to the total amount of treated urban waste water;<br>(c) permits granted or modified in accordance with this Regulation, including conditions set by competent authorities in accordance with Article 7(3);<br>(d) outcome of the compliance check performed in accordance with Article 8(1);<br>(e) contact points designated in accordance with Article 9(1). | compared to the total amount of treated urban waste water;<br>(c) permits granted or modified in accordance with this Regulation, including conditions set by competent authorities in accordance with Article 7(3);<br>(d) outcome of the compliance check performed in accordance with Article 8(1);<br>(e) contact points designated in accordance with Article 9(1). |
| 2. The information referred to in paragraph 1 shall be updated at least once a year. | 2. The information referred to in paragraph 1 shall be updated at least once a year. |
| 3. The Commission ***may***, by means of implementing acts, lay down detailed rules regarding the format and presentation of the information to be provided under paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15. | 3. The Commission ***shall***, by means of implementing acts, lay down detailed rules regarding the format and presentation of the information to be provided under paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15. |

| ***Reason*** |
|---|
| We propose changing "may" to "shall" to make clear the unequivocal nature of the obligations arising from the regulation. |

**Amendment 6**

Article 12(3)

| ***Text proposed by the European Commission*** | ***CoR amendment*** |
|---|---|
| 3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.<br>To that end, the interest of any non-governmental organisation promoting environmental protection and meeting the requirements under national law shall be deemed sufficient for the purposes of paragraph 1(a).<br>Such organisations shall also be deemed to have rights capable of being impaired for the purposes of paragraph 1(b). | 3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.<br>To that end, the interest of any non-governmental organisation ***that specialises in*** promoting environmental protection and meeting the requirements under national law shall be deemed sufficient for the purposes of paragraph 1(a).<br>Such organisations shall also be deemed to have rights capable of being impaired for the purposes of paragraph 1(b). |

| ***Reason*** |
|---|
| The Committee of the Regions feels that the Regulation on minimum requirements for water reuse should not explicitly address the issue of non-governmental organisations. On the other hand, the Committee of the Regions is not interested in restricting the rights of non-governmental organisations that are active in the field of the environment. The proposed amendment clarifies which non-governmental organisations may make use of these rights. |

**Amendment 7**

Article 17

| ***Text proposed by the European Commission*** | ***CoR amendment*** |
|---|---|
| *Entry into force and application* | *Entry into force and application* |
| This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. |
| It shall apply from ... [***one year*** after the date of entry into force of this Regulation]. | It shall apply from ... [***three years*** after the date of entry into force of this Regulation]. |
| This Regulation shall be binding in its entirety and directly applicable in all Member States. | This Regulation shall be binding in its entirety and directly applicable in all Member States. |

| ***Reason*** |
|---|
| A period of one year would not be sufficient to allow improvements in water treatment, equipment, operation, checks, risk assessment and regulatory alignment to be carried out. |

**ANNEXES**

**Amendment 8**

**ANNEX I**

Section 1

| ***Text proposed by the European Commission*** | ***CoR amendment*** |
|---|---|
| ANNEX I | ANNEX I |
| USES AND MINIMUM REQUIREMENTS | USES AND MINIMUM REQUIREMENTS |
| Section 1. Uses of reclaimed water as referred to in Article 2 | Section 1. Uses of reclaimed water as referred to in Article 2 |
| (a) Agricultural irrigation | (a) Agricultural irrigation |
| Agricultural irrigation means irrigation of the following types of crops: | Agricultural irrigation means irrigation of the following types of crops: |
| • food crops consumed raw, meaning crops which are intended for human consumption to be eaten raw or unprocessed; | • food crops consumed raw, meaning crops which are intended for human consumption to be eaten raw or unprocessed; |
| • processed food crops, meaning crops which are intended for human consumption not to be eaten raw but after | • processed food crops, meaning crops which are intended for human consumption not to be eaten raw but after |

| | |
|---|---|
| a treatment process (i.e. cooked, industrially processed);<br>• non-food crops, meaning crops which are not intended for human consumption (e.g. pastures, forage, fiber, ornamental, seed, energy and turf crops). | a treatment process (i.e. cooked, industrially processed);<br>• non-food crops, meaning crops which are not intended for human consumption (e.g. pastures, forage, fiber, ornamental, seed, energy and turf crops).<br>***(b) Irrigation of urban green spaces, parks and gardens for public use (for example for recreational and sporting purposes)*** |

| ***Reason*** |
|---|
| We propose to increase the scope – while still restricting it to irrigation – to use both in agricultural irrigation and in the irrigation of green spaces, parks and gardens in urban areas. This is because the same approaches and minimum requirements for the quality of reclaimed water can be applied as in the case of agricultural irrigation. The use of recycled water for these purposes in urban water management would also be of considerable help in solving the problem of significantly warmer city centres during dry periods. |

**Amendment 9**
**ANNEX I**
Section 2
Table 1

<table>
<tr><th>Text proposed by the Commission</th><th>CoR amendment</th></tr>
<tr><td>Table 1 Classes of reclaimed water quality and allowed agricultural use and irrigation method<br><br><table><tr><th>Minimum reclaimed water quality class</th><th>Crop category</th><th>Irrigation method</th></tr><tr><td>A</td><td>All food crops, including root crops consumed raw and food crops where the edible part is in direct contact with reclaimed water</td><td>All irrigation methods</td></tr></table></td><td>Table 1 Classes of reclaimed water quality and allowed agricultural use, irrigation of urban green spaces, parks and gardens for public use and irrigation method<br><br><table><tr><th>Minimum reclaimed water quality class</th><th>Crop category</th><th>Irrigation method</th></tr><tr><td>A</td><td>All food crops, including root crops consumed raw and food crops where the edible part is in direct contact with reclaimed water; irrigation of urban green spaces, parks and gardens for</td><td>All irrigation methods</td></tr></table></td></tr>
</table>

| | | | | | |
|---|---|---|---|---|---|
| | | | | ***public use*** | |
| B | Food crops consumed raw where the edible part is produced above ground and is not in direct contact with reclaimed water, processed food crops and non-food crops including crops to feed milk- or meat-producing animals | All irrigation methods | B | Food crops consumed raw where the edible part is produced above ground and is not in direct contact with reclaimed water, processed food crops and non-food crops including crops to feed milk- or meat-producing animals | All irrigation methods |
| C | | Drip irrigation (*) only | C | | Drip irrigation (*) only |
| D | Industrial, energy, and seeded crops | All irrigation methods | D | Industrial, energy, and seeded crops | All irrigation methods |

(*) Drip irrigation (also called trickle irrigation) is a micro-irrigation system capable of delivering water drops or tiny streams to the plants and involves dripping water onto the soil or directly under its surface at very low rates (2-20 litres hour) from a system of small diameter plastic pipes fitted with outlets called emitters or drippers.

(*) Drip irrigation (also called trickle irrigation) is a micro-irrigation system capable of delivering water drops or tiny streams to the plants and involves dripping water onto the soil or directly under its surface at very low rates (2-20 litres hour) from a system of small diameter plastic pipes fitted with outlets called emitters or drippers.

| ***Reason*** |
|---|
| The opinion extends the scope of the proposal for a Regulation, as set out in Article 2 and as defined in Annex 1, Section 1, by adding a point (b) regarding irrigation of urban green spaces, parks and gardens. |

**Amendment 10**

**ANNEX I**

Section 2

Table 4

Table 4 Validation monitoring of reclaimed water for agricultural irrigation

| ***Text proposed by the Commission*** | | | ***CoR amendment*** | | |
|---|---|---|---|---|---|
| Reclaimed water quality | Indicator microorganisms | Performance targets for | Reclaimed water quality | Indicator microorganisms | Performance targets for |

| class | (*) | the treatment chain ($log_{10}$ reduction) |
|---|---|---|
| A | *E. coli* | ≥ 5.0 |
| | Total coliphages/ F-specific coliphages/somatic coliphages/coliphages (**) | ≥ 6.0 |
| | Clostridium perfringens spores/spore-forming sulfate-reducing bacteria (***) | ≥ 5.0 |

(*) The reference pathogens Campylobacter, Rotavirus and Cryptosporidium can also be used for validation monitoring purposes instead of the proposed indicator microorganisms. The following $log_{10}$ reduction performance targets should then apply: Campylobacter (≥ 5.0), Rotavirus (≥ 6.0) and Cryptosporidium (≥ 5.0).

(**) Total coliphages is selected as the most appropriate viral indicator. However, if analysis of total coliphages is not feasible, at least one of them (F-specific or somatic coliphages) has to be analyzed.

(***) Clostridium perfringens spores is selected as the most appropriate protozoa indicator. However sporeforming sulfate-reducing bacteria is an alternative if the concentration of Clostridium perfringens spores does not allow to validate the requested $log_{10}$ removal.

Methods of analysis for monitoring shall be


| class | (*) | the treatment chain ($log_{10}$ reduction) |
|---|---|---|
| A | *E. coli* | ≥ 5.0 |
| | Total coliphages/ F-specific coliphages/somatic coliphages/coliphages (**) | ≥ 6.0 |
| | Clostridium perfringens spores/spore-forming sulfate-reducing bacteria(***) | ≥ 5.0 |

(*) The reference pathogens Campylobacter, Rotavirus and Cryptosporidium can also be used for validation monitoring purposes instead of the proposed indicator microorganisms. The following $log_{10}$ reduction performance targets should then apply: Campylobacter (≥ 5.0), Rotavirus (≥ 6.0) and Cryptosporidium (≥ 5.0).

(**) Total coliphages is selected as the most appropriate viral indicator. However, if analysis of total coliphages is not feasible, at least one of them (F-specific or somatic coliphages) has to be analyzed.

(***) Clostridium perfringens spores is selected as the most appropriate protozoa indicator. However sporeforming sulfate-reducing bacteria is an alternative if the concentration of Clostridium perfringens spores does not allow to validate the requested $log_{10}$ removal.

Methods of analysis for monitoring shall be

| | |
|---|---|
| validated and documented by the operator in accordance with EN ISO/IEC-17025 or other national or international standards which ensure an equivalent quality. | validated and documented by the operator in accordance with EN ISO/IEC-17025 or other national or international standards which ensure an equivalent quality.<br><br>***If the $log_{10}$ reduction values cannot be met due to the low concentration of indicator organisms in the treated waste water entering the water reclamation plant, the validation target may be considered as having been met if the indicator organism is not present in the reclaimed water.*** |

| ***Reason*** |
|---|
| In practice, these requirements will be impossible to fulfil if the outflow from the treatment plant entering the reclamation plant is for some reason (e.g. the proportion of industrial waste water at the inflow into the urban wastewater treatment plant) lower when compared with standard sewage. |

## II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS,

***Overview of the current situation***

1. notes that water reuse can be supported by means of various policy tools. These include binding standards or guidelines that define minimum requirements for reclaimed water before it can be reused for irrigation in agriculture, for example. At present, such tools exist in only six Member States;

2. considers that the main barrier to the limited uptake of water reclaiming lies in concerns about food security when using agricultural produce grown in soils that are irrigated by treated urban waste water;

3. expresses concern that water reuse in the EU is still limited and there is little quantitative information on the percentage of water that is reclaimed and its use in different Member States. This is partly due to a different understanding of what "water reuse" involves as well as different ways of obtaining and providing data;

***Need for legal regulation***

4. notes that the need for this regulation was triggered by the increasing water deficit in EU Member States, particularly with regard to agriculture, and efforts to save water. The amount of water that can potentially be saved in the EU has also been established. The regulation is also prompted by the need to create the same conditions for agricultural businesses in all Member States. Ultimately, this regulation embodies the EU's efforts to create a circular economy in the water sector;

5. believes that support for this method of wastewater management ought to benefit Member States, in that this form of support will keep agricultural businesses running even during periods of drought. During these periods of drought, where other regulations restrict the abstraction of groundwater or surface water, this new product could enable agricultural enterprises to maintain their overall crop production (and in many cases, the animal production that depends on it);

6. agrees that the reasons given by the European Commission for submitting a proposal for a regulation are justified, but since the entire regulation actually centres around the obligations imposed on the operators of the reclamation plants, there is no analysis (in particular economic) of what would motivate a wastewater treatment plant operator to become a reclamation plant operator;

7. points out that, based on the practical experience of those countries that already irrigate with reclaimed water, the investment costs necessary for the reclamation plants to obtain reclaimed water of class A quality will be greater than stated in the "impact assessment" section of the proposal for a regulation;

8. notes that this regulation will ultimately lead to an increase in the cost of wastewater treatment, because the agricultural sector will not be obliged to buy treated water throughout the year. It is important to ensure that these additional burdens are not disproportionately shifted onto municipalities, farmers and the general public;

9. considers it important to ensure that this regulation is consistent with other relevant legislation, not least the Control Regulation and other regulations governing food production;

***Extension of the scope of the regulation***

10. notes that the EU's key legislation in the field of wastewater management is found in Directive 91/271/EEC and Directive 2000/60/EC, but that the connection between these directives and the proposal for a regulation is very loose. Both directives make no more than declarations about the reuse of waste water, and then mostly with the emphasis on environmental protection:

11. feels that general EU legislation should not restrict the concept of reusing waste water to agriculture alone; is aware, however, that extending it to areas such as industry or energy would mean completely changing the structure of the text;

12. therefore proposes increasing the scope of the regulation to include the use of water not just for agricultural irrigation, but also for the irrigation of green spaces in urban areas, parks, gardens and grounds for public use (e.g. recreation, sport). This is because the same approaches and minimum requirements for the quality of reclaimed water can be applied as in the case of agricultural irrigation. The use of reclaimed water for these purposes in urban water management would also be of considerable help in solving the problem of city centres becoming warmer during periods of drought;

***Responsibility of the end-user***

13. considers that the main drawback of this structure lies in the fact that the end-user is treated as a mere consumer who only passively uses reclaimed waste water but is not responsible for anything, not even for possible changes to the quality of the water once they have taken over its management from the reclamation plant operator, or for the way it is used (e.g. the method of applying it to the soil);

14. calls for the introduction of appropriate standards for sampling and analysis, taking into account ISO standards for the quality of reclaimed water for irrigation in the different classes according to crop categories. As is clear from the essence of the regulation, the EU does not regard reclaimed water as the same (safe) product as drinking water and therefore the end user should be aware of this and should also take responsibility for its use. The competent (food) inspection authority or sanitary service should ask for checks to be carried out. The site chosen for these checks must be representative of the entire area irrigated with reclaimed water from the reclamation plant;

***Outlet of the reclamation plant***

15. calls on the Commission to establish a definition of the term "outlet". This term is not defined in the current proposal, which will lead to ambiguous interpretations. The term "outlet" can variously be understood as drainage from reclamation plants, a storage tank in which the necessary supply to cover the fluctuating consumption of end users will accumulate, or in some cases irrigation equipment delivering the product of the reclamation plant to the place where it will ultimately be used;

***The subsidiarity principle***

16. is of the opinion that the proposed regulation is compatible with the subsidiarity principle (Article 5 TEU). Although from the point of view of subsidiarity it is correct to say that the specific use of reclaimed waste water will be determined by the relevant local water authority in each Member State, a legal instrument at EU level is still necessary given the nature of the EU single market for agricultural products.

Brussels, 6 December 2018

The President
of the European Committee of the Regions

Karl-Heinz Lambertz

The Secretary-General
of the European Committee of the Regions

Jiří Buriánek

## III. PROCEDURE

| | |
|---|---|
| **Title** | Proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse |
| **Reference** | Proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse<br>COM(2018) 337 final |
| **Legal basis** | Mandatory referral: Article 192 TFEU |
| **Procedural basis** | Article 41(a) CoR Rules of Procedure |
| **Date of Commission letter** | 28 May 2018 |
| **Date of EP referral** | 2 July 2018 |
| **President's decision** | 6 June 2018 |
| **Commission responsible** | Commission for the Environment, Climate Change and Energy (ENVE) |
| **Rapporteur** | Oldřich Vlasák (CZ/ECR), Councillor, Hradec Králové |
| **Analysis** | 28 August 2018 |
| **Discussed in commission** | 27 September 2018 |
| **Date adopted by commission** | 15 November 2018 |
| **Result of vote in commission (majority, unanimity)** | Majority |
| **Date adopted in plenary** | 6 December 2018 |
| **Result of vote in plenary (majority, unanimity)** | Majority |
| **Previous Committee opinions** | Effective water management system: an approach to innovative solutions<br>Rapporteur: Cees Loggen (NL/ALDE)<br>ENVE-VI/014<br>COR-2016-03691-00-00-AC-TRA<br><br>The role of regional and local authorities in promoting sustainable water management<br>Rapporteur: Nichi Vendola (IT/PES)<br>ENVE-V-008<br>CdR 5/2011 fin<br><br>Addressing the challenge of water scarcity and droughts in the European Union<br>Rapporteur: Francisco Camps Ortiz (ES/EPP)<br>DEVE-IV/20<br>CdR 313/2007 fin |
| **Date of subsidiarity monitoring consultation** | - |