



European Commission DG Environment  
DG Environment  
B-1049-Brussel  
Belgium

Our reference no.: 23/01657-5  
Value/Code: 072  
Our reference name: Solfrid R.  
Kristoffersen  
Your reference no.:  
Document date: 13.03.2023

## Revision of EU Urban Wastewater Treatment Directive – consultation statement from KS

On 26 October 2022, the European Commission submitted for consultation a proposal for a revised **Urban Wastewater Treatment Directive**. The Commission's consultation deadline has been set at 14 March.

**KS** - The Norwegian Association of Local and Regional Authorities is the organisation for local governments in Norway, and we represent all 356 municipalities and 11 regions of Norway.

Norway is a full member of the EU's Internal Market in accordance with the Agreement on the European Economic Area (EEA). The EEA Agreement establishes a joint single market for the EU Member States and Iceland, Liechtenstein, and Norway as signatories to the EEA Agreement. The EEA Agreement guarantees equal rights and obligations in the Internal Market for individuals and economic operators within the EEA, and it provides for the inclusion of EU legislation covering the four freedoms throughout the 30 EEA States. The Agreement also covers cooperation in other important areas such as environment. The current directive on Urban Wastewater Treatment is transposed into Norwegian law and thus the Norwegian municipalities have a strong interest in the proposed revision of the directive.

KS, The Norwegian Association of Local and Regional Authorities, will hereby submit our evaluation of the proposed revision:

The proposal, which is expected to be adopted in 2024, will have major implications for the municipal sector.

The proposal arranges for new stricter requirements for the management of urban wastewater. The purpose of the Directive is still to protect the environment and health. In addition, the Directive is intended to take into account new considerations, such as the reduction of pollution from storm water and energy consumption and management and transparency in the wastewater treatment sector.

Under the principle of cost price, the increased economic burden in Norway will be passed on to the inhabitants. [The EEA EFTA Forum of Elected Representatives of Local and Regional Authorities](#) issued, at its meeting on 1 and 2 December 2022, an initial [statement](#) on the proposed directive. KS concurs with this statement.

In addition to this, KS has the following comments:

**KS supports** the work regarding the revised directive in order to meet the need to reduce the burden on the environment, particularly from urban areas. KS believes the existing, 30-year-old Urban Wastewater Treatment Directive has played a critical role in improving water quality in Europe's rivers, lakes and coastal areas. However, the existing Directive does not take into account current opportunities, challenges and newly-developed knowledge.

**KS believes** it is important that the requirements imposed in the Directive are based on the objective of achieving good water quality, which also means that the ability of the natural and aquatic environment to deal with wastewater without significant impairment of quality must be the basis for implementing measures. The frameworks of the Directive must, therefore, be goal-oriented, risk-based and flexible enough to adapt to widely different conditions among Member States with respect to natural and geographical conditions, population density and climate. The desire for a directive with simple, standardised requirements for treatment ("one-size-fits-all") must not get in the way of the best possible approach for achieving the goal of good water quality and also protecting human health and the environment.

**KS believes** that this is best solved by the imposed requirements being adapted to a water body's needs in order to achieve or maintain good conditions, as required by the Water Framework Directive. The minimum requirements in the Urban Wastewater Treatment Directive must therefore be flexible so that, for example, opportunities are provided for national authorities to impose stricter requirements for treatment where there is a need.

**KS believes** that the costs of the requirements imposed must be in proportion to the environmental gains achieved. This does not only mean the financial costs but also the environmental burdens that construction and operation of treatment plants will entail in order to meet the requirements in the proposed directive

**KS believes** the standardised and detailed requirements in the proposal for an amended directive will require solutions with disproportionately large costs, without achieving a clear environmental gain, in order to achieve good conditions in the water body in question. The fact that regional and local differences are not taken into account with respect to climate, population density and the condition and capacity of the water body as a recipient, will require investments that will have little or no environmental gain. If the carbon footprint for the construction and operation of treatment plants is included in the assessment, the total environmental gain will quickly become negative. KS refers to Swedish Water & Wastewater Association calculations's for Sweden and, in particular, the rural areas in the north where 90 per cent of the investments for satisfying the requirements in the Directive are not expected to provide any environmental gain. This will apply just as much to Norway.

**KS fears** that, if sufficient environmental gain cannot be documented and the measures appear to be unnecessary, it could contribute to weakening the Directive's general legitimacy. In addition, it might reduce the appreciation for environmental work in general and weaken trust in environmental management.

The fact that the requirements in the Directive have not been adapted to local and regional conditions makes them unsuited to meeting the needs of Norwegian aquatic environments. Nor are they sufficiently goal-oriented to solve existing challenges. There is a considerable risk that the proposal for a revised directive will result in unnecessary and costly investments without sufficient benefits. When we also know that the investments are normally recouped from the users, this will result in a substantial increase in subscription expenses and fees.

**KS believes** that an opportunity for national, regional and local adaptation is critically important. Norway's western coast, from Lindesnes in the south to Grense Jakobselv and the border with Russia in the north, is just as long as the coastline from the French/Spanish border to the border between Germany and Poland. The recipients are mostly deep fjords with good water exchange to which very little organic material is added. Nearly 70 per cent of the fjords have a good or very good ecological condition, with large inflows and outflows between the fjords and the ocean beyond.

For semi-enclosed fjords and shallow sill fjords with low levels of water exchange with ocean water that are naturally hypoxic, stringent regulation of wastewater discharges is required. However, this constitutes less than 2 per cent of the total fjord area. The population in coastal and fjord areas is sparse, with many small agglomerations where the distance between them may be considerable. For most of these places, it will be difficult to explain (and defend) investing in expensive secondary treatment without being able to demonstrate a satisfactory environmental effect beyond that of the current requirements. In addition, such plants will have few subscribers to allocate the costs to. In many of the coastal areas it is also difficult to find areas suitable for spreading stabilised sludge from such treatment. The sludge will therefore need to be transported to areas where proper handling and final disposal or destruction can take place. This means long transports, with difficult logistics from many small plants, resulting in obvious burdens on the environment.

**KS believes** that the Directive must incorporate exemption provisions that also make it possible to expand already efficient treatment plants. This, as a result of the Weser Ruling (C-461/13), which has led to a strict interpretation of the provisions on deterioration and risk of exceeding environmental quality standards.

There is a contradiction between the Water Framework Directive, which can prevent development if the limit values are exceeded, and the Urban Wastewater Treatment Directive, which imposes requirements for wastewater treatment in cities and towns and other agglomerations. No treatment plant can treat 100 per cent of all pollution, which means that there will always be a certain amount of pollution from such plants. This means that new treatment plants, or upgrading of existing treatment plants, cannot be permitted if there is a risk of exceedance.

The municipalities must have the opportunity to expand treatment capacity in accordance with population growth. If necessary exemptions are not granted, so that necessary connections to sewer systems can be made, this could prevent residential construction and the general development of society and industry. It is therefore necessary that these contradictions be resolved.

**KS believes** it is right to impose requirements for comprehensive plans for urban water in order to reduce pollution from overflows and storm water, but it believes that a requirement to reduce discharges via overflows to a maximum of 1 per cent of the annual dry weather quantity for plants >10,000 pe by 2040 is unrealistic. The requirement should therefore not be included in a new directive.

**KS advises against** including small sewer systems in the Directive. It is proposed to include small sewer systems (IAS – Individual or Appropriate Systems) in the Directive so that extensive requirements are imposed if there is sufficient population concentration. This means that small sewer systems, corresponding to 10 pe within an area of one hectare, will be covered by the Directive even if they lie in an area with less than 1000 pe, if the area is affected by wastewater discharges. Such a general requirement, with consequent costs, cannot be based on expected environmental gain. On the other hand, such a requirement could hinder necessary village development in rural districts. Variations in the burden to the environment, in which some areas are more exposed and vulnerable to pollution, can be attended to through national legislation and by the local supervisory authority.

**KS welcomes** the proposal to introduce producer responsibility for the pharmaceutical and cosmetics industries. This conforms to key guidelines in the Green Deal regarding stopping pollution at source and the Polluter Pays Principle, PPP. There may be a need to adjust the proposed provisions in this area to avoid loopholes in the regulations for the affected industries. Among other things, the exemptions should be related to the quantity of products marketed and not to individual companies. In accordance with the applicable principle, it is important that it is the producers, and not the water and sewer sectors, who pay the price for the necessary treatment.

**KS believes** that, with respect to requirements for the reduction of micro pollution, it is most important to implement measures at source. Only by reducing society's use of toxic and environmentally-harmful substances can we protect both public health and the aquatic environment. Solitary "end-of-pipe" solutions are therefore not sustainable but must be included as a plan for phasing out or regulating the substances.

**KS believes** that the costs described in connection with the Directive will be far higher for Norway. As a general rule, the costs have been underestimated and, unlike many other countries, Norway has indoor sewage plants. In addition, as a result of the agglomerations pattern, many more (than today) densely populated areas in Norway will be covered by the provisions.

**KS believes** that the many deadlines proposed in the Directive appear to be unrealistic. There are already major challenges with respect to both expertise and capacity. It is impossible to convert all mechanical and chemical wastewater treatment plants, in all built-up areas with more than 10,000 pe, to secondary treatment by 2030. Unrealistic construction pressures can drive up prices as well as increase the risk of ill-advised investments.

With regards,

Helge Eide

Torild Fagerbekk

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