

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2018/0169(COD) Procedure completed
Minimum requirements for water reuse	
Subject 3.70.04 Water control and management, pollution of waterways, water pollution 3.70.20 Sustainable development	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety	 BONAFÈ Simona	12/09/2019
		Shadow rapporteur	
		 WEISS Pernille	
		 HUITEMA Jan	
		 O'SULLIVAN Grace	
		 LIMMER Sylvia	
		 FIOCCHI Pietro	
	Former committee responsible		
	 Environment, Public Health and Food Safety	 BONAFÈ Simona	29/05/2018
	Former committee for opinion		
	 Budgets	The committee decided not to give an opinion.	
	 Industry, Research and Energy	The committee decided not to give an opinion.	
	 Regional Development	The committee decided not to give an opinion.	
	 Agriculture and Rural Development		04/07/2018
		 PETIR Marijana	
	 Fisheries	The committee decided not to give an opinion.	

Council of the European Union	Council configuration Environment	Meeting 3705	Date 26/06/2019
European Commission	Commission DG Environment	Commissioner VELLA Karmenu	
European Economic and Social Committee European Committee of the Regions			

Key events			
28/05/2018	Legislative proposal published	COM(2018)0337	Summary
02/07/2018	Committee referral announced in Parliament, 1st reading		
22/01/2019	Vote in committee, 1st reading		
29/01/2019	Committee report tabled for plenary, 1st reading	A8-0044/2019	Summary
12/02/2019	Results of vote in Parliament		
12/02/2019	Debate in Parliament		
12/02/2019	Decision by Parliament, 1st reading	T8-0071/2019	Summary
25/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
21/01/2020	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	PE646.828 PE646.829	
08/04/2020	Council position published	15301/2019	Summary
17/04/2020	Committee referral announced in Parliament, 2nd reading		
04/05/2020	Vote in committee, 2nd reading		
05/05/2020	Committee recommendation tabled for plenary, 2nd reading	A9-0098/2020	
13/05/2020	Decision by Parliament, 2nd reading	T9-0056/2020	Summary
25/05/2020	Final act signed		
26/05/2020	End of procedure in Parliament		
05/06/2020	Final act published in Official Journal		

Technical information	
Procedure reference	2018/0169(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/01278

Documentation gateway

Legislative proposal		COM(2018)0337	28/05/2018	EC	Summary
Document attached to the procedure		SWD(2018)0249	28/05/2018	EC	
Document attached to the procedure		SWD(2018)0250	28/05/2018	EC	
Committee draft report		PE628.362	03/10/2018	EP	
Amendments tabled in committee		PE629.751	06/11/2018	EP	
Amendments tabled in committee		PE630.372	06/11/2018	EP	
Committee opinion	AGRI	PE626.778	05/12/2018	EP	
Committee of the Regions: opinion		CDR3645/2018	06/12/2018	CofR	
Economic and Social Committee: opinion, report		CES2925/2018	12/12/2018	ESC	
Committee report tabled for plenary, 1st reading/single reading		A8-0044/2019	29/01/2019	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0071/2019	12/02/2019	EP	Summary
Commission response to text adopted in plenary		SP(2019)354	16/04/2019	EC	
Text agreed during interinstitutional negotiations		PE646.828	21/01/2020	EP	
Committee letter confirming interinstitutional agreement		PE646.829	22/01/2020	EP	
Council statement on its position		01977/2020	07/04/2020	CSL	
Council position		15301/2/2019	08/04/2020	CSL	Summary
Commission communication on Council's position		COM(2020)0125	15/04/2020	EC	
Committee draft report		PE650.390	22/04/2020	EP	
Committee recommendation tabled for plenary, 2nd reading		A9-0098/2020	05/05/2020	EP	
Text adopted by Parliament, 2nd reading		T9-0056/2020	13/05/2020	EP	Summary
Draft final act		00012/2020/LEX	20/05/2020	CSL	

Additional information

Final act

[Regulation 2020/741](#)
[OJ L 177 05.06.2020, p. 0032](#)

Minimum requirements for water reuse

PURPOSE: to contribute to alleviating water scarcity across the EU, in particular by increasing the uptake of water reuse, in particular for agricultural irrigation.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: a third of the EU's land suffers from water stress all year round and water scarcity remains an important concern for many EU Member States. Increasingly unpredictable weather patterns, including severe droughts, are also likely to have negative consequences on both the quantity and quality of freshwater resources. Between 1976 and 2006, the number of areas and people affected by droughts went up by almost 20% and the total costs of droughts amounted to EUR 100 billion (EC, 2012).

Agricultural irrigation by far is the largest application of reused water worldwide and in Europe and a significant use of water in Europe, overall accounting for around a quarter of total freshwater abstracted.

By encouraging the reuse of treated wastewater for agricultural irrigation, the EU could therefore improve its capacity to respond to increasing pressures on water resources.

The need to address the problem at EU level has been acknowledged in the 2012 Commission [Communication](#) A Blueprint to Safeguard Europe's Water Resources. A Fitness check of EU Freshwater policy published in November 2012 as a building block of the Blueprint, concluded that alternative water supply options with low environmental impact need to be further relied upon in order to address water scarcity.

Furthermore, the European Parliament, in its September 2015 [Resolution](#) on the follow-up to the European Citizens Initiative Right2Water encouraged the Commission to draw up a legislative framework on water reuse. Two instruments in force in the Union encourage the reuse of water, without however specifying the conditions in this respect. These are the Water Framework Directive ([2000/60/EC](#)) and the Urban Waste Water Treatment Directive ([91/271/EEC](#)).

IMPACT ASSESSMENT: the preferred option for agricultural irrigation is a legal instrument with a fit for purpose approach (minimum requirements set depending on the food crop category and irrigation technique) and protection of local public health and of the environment (the key risk management tasks). It is estimated that the proposed instrument could lead to 6.6 billion m³ of water per year being reused for agricultural irrigation, compared to 1.7 billion m³ if the EU did not establish a legal framework.

CONTENT: the Regulation proposed by the Commission aims to mitigate water shortages in the EU, in the context of adaptation to climate change. It would ensure that treated waste water for agricultural irrigation is safe, protecting people and the environment.

More specifically, the proposal:

- defines the minimum water quality and monitoring requirements to be met and the obligation to perform certain essential risk management tasks in order to enable the safe reuse of urban waste water as part of integrated water management. These requirements should consist of a minimum of parameters for reclaimed water and other stricter or additional quality requirements, imposed, if necessary, by the competent authorities together with appropriate preventive measures;
- defines the process of risk management that should be carried out by the operator of a reclamation plant in cooperation with relevant parties (the end-user of the reclaimed water, the urban waste water treatment plant supplying water to the reclamation plant, etc.). The reclamation plant operator shall elaborate a water reuse risk management plan identifying additional requirements to further mitigate risks, which would be part of a permit issued by the competent authority;
- ensure transparency and access to information in order to increase user and public confidence in the safety of reused water: the public will have access to information online about water reuse practice in their Member States. With regard to access to justice, it should be possible for citizens and NGOs to legally review the decisions taken by Member States under this Regulation.

The proposed Regulation sets the date of entry into force and the date of application, i.e. one year after the date of entry into force in order to provide sufficient time to the Member States to adapt to the Regulation, as well as to elaborate an implementing act ensuring the uniform application of the risk management.

Minimum requirements for water reuse

The Committee on the Environment, Public Health and Food Safety adopted the report by Simona BONAFÈ (S&D, IT) on the proposal for a regulation of the European Parliament and of the Council on minimum requirements for water reuse.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Purpose

The proposed Regulation lays down minimum requirements for reclaimed water quality and monitoring, and the obligation to carry out

specified key risk management tasks, for the safe reuse of treated urban waste water in the context of integrated water management.

Its aim is to guarantee that reclaimed water is safe for its intended use, thereby ensuring a high level of protection of human and animal health and the environment. Member States shall ensure that water resources used for drinking water purposes are not contaminated with reclaimed water.

Obligations of reclamation facility operators as regards water quality

Reclamation facility operators shall also ensure that at least the risk management measures set out in the Water Reuse Risk Management Plan are fully implemented within the reclamation facility. After the point of compliance, the quality of water shall no longer be the responsibility of the reclamation facility operator, and shall become the responsibility of the next actor in the chain.

Obligations of reclaimed water distribution operators, reclaimed water storage operators and end-users

Reclaimed water (i.e. urban wastewater that has undergone treatment in a reclamation facility) shall be used to irrigate food crops, processed food crops and non-food crops. Member States may allow reclaimed water to be used in other ways, such as industrial water reuse and for amenity-related and environmental purposes, provided that human health, animals and the environment are thoroughly protected.

The Commission shall establish guidance documents to assist the competent authorities in the implementation of the requirements relating to control and monitoring of the production, distribution, storage and use of the reclaimed water.

Risk management

For the purpose of ensuring safe production, distribution, storage and use of reclaimed water, the competent authority shall oversee risk management in consultation with the following actors: (i) the reclamation facility operator; (ii) the reclaimed water distribution operator; (iii) the reclaimed water storage operator.

Risk management methods used by the reclamation facility operator, the reclaimed water distribution operator and the reclaimed water storage operator shall be based on internationally recognised methodologies.

Application for a permit to produce, distribute and store reclaimed water

Any production, distribution or storage of reclaimed water destined for a use specified in section 1 of Annex I, shall be subject to a permit.

A reclamation facility operator shall submit an application for the permit, or for a modification of an existing permit, to the competent authority of the Member State in which the reclamation facility operates or is planned to operate.

Compliance check

In the event of non-compliance, the competent authority shall require the reclamation facility operator, the reclaimed water distribution operator, or the reclaimed water storage operator, as applicable, to take any necessary measures to promptly restore compliance and immediately inform the end-users affected.

Information awareness-raising campaigns

Member States shall set up information and awareness raising campaigns targeting potential end-users, including citizens, and concerning the safety of water reuse and the savings of water resources resulting from water reuse. Information campaigns shall be set up for farmers to ensure that they use reclaimed water on crops in an optimal manner, and thereby avoid any adverse health or environmental effects from such use.

Evaluation

The Commission shall, by five years after the date of entry into force of this Regulation, carry out an evaluation of this Regulation. It shall assess the feasibility of:

- extending the scope of this Regulation to reclaimed water intended for further specific uses, including reuse for industrial purposes;
- expanding the requirements of this Regulation to cover the indirect use of treated waste water;
- laying down minimum requirements applicable to the quality of treated waste water for the purpose of aquifer recharge.

Minimum requirements for water reuse

The European Parliament adopted by 588 votes to 23 with 66 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the proposal for a regulation of the European Parliament and of the Council on minimum requirements for water reuse.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Purpose

The proposed regulation lays down minimum requirements for reclaimed water quality and monitoring, and the obligation to carry out specified key risk management tasks, for the safe reuse of treated urban waste water in the context of integrated water management.

Its aim is to guarantee that reclaimed water is safe for its intended use in such a way as to protect human and animal health and the environment while reducing the adverse effects of water resource use and responding in a coordinated manner at EU level to water scarcity and climate change problems.

Member States should ensure that water resources intended for drinking are not contaminated by reused water.

Obligations of reclamation facility operators as regards water quality

Members specified that reclamation facility operators should also ensure that at least the risk management measures set out in the Water Reuse Risk Management Plan are fully implemented within the reclamation facility.

After the point of compliance (i.e. the point where a reclamation facility operator delivers the reclaimed water to the next actor in the chain), water quality would no longer be the responsibility of the operator of the recovery facility and becomes the responsibility of the next actor in the chain.

Obligations of reclaimed water distribution operators, reclaimed water storage operators and end-users

Operators would be required to maintain the level of quality of reclaimed water within the reclaimed water distribution infrastructure at least at the same level of quality as that laid down Annex I to the regulation.

When granting a permit, the competent authority may require further risk management measures to be taken as regards tasks to be carried out by the operators and specify the additional requirements and necessary preventive measures.

Where the end-user suspects that the stored water does not meet the minimum requirements laid down in the regulation, he would be required: (i) to immediately inform the health authority concerned, providing, where appropriate, all available evidence; (ii) to cooperate with the competent authority concerned in order to verify and determine the grounds for the suspicion and the possible presence of unauthorised substances or values.

Reclaimed water (i.e. treated waste water which results from further treatment in a reclamation facility) would be used for irrigation of food crops, processed food crops and non-food crops. Member States could allow reclaimed water for other uses such as industrial water reuse and for recreational and environmental purposes, provided that a high level of protection of human health, animals and the environment is ensured.

No later than one year after the date of entry into force of the regulation, the Commission should adopt delegated acts by introducing a method for measuring the presence of microplastics in reused waters that may be subject to additional requirements.

Compliance check

In the event of non-compliance, the competent authority shall require the reclamation facility operator, the reclaimed water distribution operator, or the reclaimed water storage operator, as applicable, to take any necessary measures to promptly restore compliance and immediately inform the end-users affected.

Information awareness-raising campaigns

Member States shall set up information and awareness raising campaigns targeting potential end-users, including citizens, and concerning the safety of water reuse and the savings of water resources resulting from water reuse. Information campaigns shall be set up for farmers to ensure that they use reclaimed water on crops in an optimal manner, and thereby avoid any adverse health or environmental effects from such use.

Evaluation

The Commission shall, by five years after the date of entry into force of this regulation, carry out an evaluation of this regulation. It shall assess the feasibility of:

- extending the scope of this regulation to reclaimed water intended for further specific uses, including reuse for industrial purposes;
- expanding the requirements of this regulation to cover the indirect use of treated waste water;
- laying down minimum requirements applicable to the quality of treated waste water for the purpose of aquifer recharge.

Minimum requirements for water reuse

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on minimum requirements for water reuse.

The proposed Regulation aims to ensure that reclaimed water is safe for agricultural irrigation, thereby:

- ensuring a high level of protection of the environment and of human and animal health,
- promoting the circular economy,
- supporting adaptation to climate change, and
- contributing to addressing water scarcity and the resulting pressure on water resources, in a coordinated way throughout the Union, thus also contributing to the efficient functioning of the internal market.

The Council's position at first reading reflects the compromise reached in the negotiations between the Council and the European Parliament. It includes the following main elements:

Scope of application

The Council's position stipulates that the minimum water quality and monitoring requirements laid down in the Regulation concern only the use of treated urban waste water for agricultural irrigation.

However, Annex I of the Regulation provides that, without prejudice to the relevant provisions of Union law in the fields of environment and health, Member States may use reclaimed water for other purposes, including industrial, environmental and amenity related purposes.

In addition, the Council's position:

- allows Member States to decide that it is not appropriate to reuse water for agricultural irrigation in one or more of their river basin districts or parts thereof. Member States shall justify their decisions, review them as necessary, at least every six years, and submit them to the

Commission. Their decisions shall be made available to the public, online or by other means;

- provides that, under certain conditions, research and pilot projects may be exempted from the application of the Regulation;
- emphasises that the water reuse Regulation applies without prejudice to the legislative framework on food hygiene established by Regulation 852/2004;
- takes into account the multi-barrier approach by specifying that the Regulation on water reuse does not preclude food business operators from obtaining the water quality required to comply with Regulation 852/2004 by applying at a subsequent stage several water treatment options alone or in combination with other non-treatment options or from using other alternative water sources for agricultural irrigation.

Risk management plan

It is clarified that the risk management plan for water reuse shall in particular identify additional barriers in the water reuse system and set out any additional requirements after the point of compliance, necessary to ensure the safety of the water reuse system, including conditions related to distribution, storage and use where relevant, and identify the parties responsible for meeting those requirements.

Minimum requirements for water quality and monitoring

The proposed Regulation aims to protect human and animal health and the environment by setting minimum requirements for both the quality of reclaimed water and for monitoring compliance in combination with harmonisation of key elements of risk management. Those minimum requirements are set out respectively in Annex I and Annex II to the Regulation.

The Councils position:

- adds a footnote to Table 1 of Annex I stating that If the same type of irrigated crops falls under multiple categories in Table 1, the requirements of the most stringent category shall apply;
- introduces a provision for validation monitoring. This provision states that validation monitoring must be performed in all cases where equipment is upgraded and when new equipment processes are added. In addition, validation monitoring shall only be carried out for the most stringent reclaimed water quality class;
- specifies in Annex II that micropollutants and microplastics are substances of concern with regard to water quality, and that they shall be given particular consideration in a risk assessment. Substances of emerging concern are mentioned as an aspect that the Commission should pay particular attention in the evaluation.

Possibility to take into account the differences between water reuse systems in the EU

The Councils position provides flexibility for Member States that practise water reuse for agricultural irrigation as regards the organisation of their water reuse systems. At the same time, it leaves Member States flexibility as regards the responsibilities of the different actors in the water reuse system. It also provides flexibility as it specifies that it is the responsibility of the competent authority in the Member State to determine that compliance of water reuse is restored following procedures defined in the Water Reuse Risk Management Plan.

Furthermore, in order to provide the necessary possibility to adapt to local circumstances, the Council: (i) defines the point of compliance as the point where a reclamation facility operator delivers the reclaimed water to the next actor in the chain and (ii) sets out that the exact point of compliance can be determined in the permit.

In addition, the Council's position:

- provides that the Commission shall, in consultation with the Member States, establish guidelines to support the practical application of the Regulation. It shall present these guidelines within two years of the date of entry into force of the Regulation;
- provides that the competent authorities shall notify the applicant for a permit of the expected date of a decision on the application within 12 months;
- obliges Member States which practise water reuse for agricultural purposes to lay down rules on penalties applicable to infringements of the provisions of the Regulation and to take all measures necessary to ensure that they are implemented;
- obliges Member States in which reclaimed water is used for agricultural irrigation purposes to organise general information and awareness campaigns on the savings in water resources resulting from the reuse of water for agricultural irrigation purposes.

The power conferred on the Commission to adopt delegated acts for the purpose of adapting essential elements of risk management to technical and scientific progress and delegated acts to supplement the Regulation in order to establish technical specifications for risk management ensures that the Regulation remains up to date.

Minimum requirements for water reuse

The European Parliament adopted at second reading, in accordance with the ordinary legislative procedure, a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on minimum requirements for water reuse.

Following the recommendation for second reading by its Committee on the Environment, Public Health and Food Safety, Parliament approved the Council position at first reading without amendment. The Council position at first reading reflects the agreement reached between Parliament and the Council in the framework of the interinstitutional negotiations at the early second reading stage.

The proposed Regulation aims to ensure that reclaimed water is safe for agricultural irrigation, thereby:

- ensuring a high level of protection of the environment and human and animal health,
- promoting the circular economy,
- supporting adaptation to climate change and

- contributing to a coordinated response across the Union to the problems of water scarcity and the resulting pressure on water resources and thus contribute to the proper functioning of the internal market.

The proposal defines harmonised minimum requirements for water quality to ensure the safe reuse of treated urban waste water in agricultural irrigation. In order to be used in agriculture, such water, which has already undergone some treatment under the rules of the Urban Waste Water Treatment Directive, would need to undergo additional treatment to meet the minimum quality parameters.

Parliament took note of a Commission statement (annexed to the legislative proposal) in which it acknowledges that microplastics are substances of emerging concern in relation to water quality. In the light hereof and considering that this is a general issue not limited to reclaimed water only, the Commission undertakes to pursue its efforts to further address this important issue.