

Initial Appraisal of a European Commission Impact Assessment

Setting minimum requirements for water reuse

Impact assessment (SWD(2018) 249, SWD(2018) 250 (summary)) accompanying a Commission proposal for a regulation of the European Parliament and of the Council on minimum requirements for water reuse

This briefing provides an initial analysis of the strengths and weaknesses of the European Commission's [impact assessment](#) (IA) accompanying the above-mentioned [proposal](#), submitted on 28 May 2018 and referred to Parliament's Committee for Environment, Public Health and Food Safety.

According to the European Environment Agency (EEA), while the EU area affected by water stress decreased over the 2002-2014 period, hotspots for water stress are likely to remain given continued pressures such as climate change, population growth and urbanisation.¹ The 2007 [Commission communication on water scarcity and droughts](#) considered that water resources should be managed more efficiently. According to the proposal's IA, reusing water after treatment can constitute an effective and sustainable alternative water supply, and can therefore be a useful tool for managing water resources. Water reuse in the EU today falls far below its full potential (IA, p.1). The Water Framework [Directive 2000/60/EC](#) (WFD) and the Urban Waste Water Treatment [Directive 91/271/EEC](#) (UWWTD) already identify and encourage water reuse in their provisions, however, without specifying conditions for it (IA, p. 4). The Commission has been considering the issue of water reuse as part of the 2012 [blueprint to safeguard Europe's water resources](#) and its [IA](#), the 2012 [fitness check on EU freshwater policy](#) and the 2015 [EU action plan for the circular economy](#).² A possible regulatory instrument setting EU-wide standards for water reuse was envisaged among the 2012 blueprint's proposals for action. Since then, the European Parliament³ and the Committee of the Regions⁴ have encouraged the Commission to draw up a European legislative framework for water reuse. The current proposal, which aims to contribute to alleviating water scarcity across the EU by increasing the uptake of water reuse, was included in the [2017](#) and [2018](#) Commission work programmes (CWP) under the [new initiatives](#) designed to give a new boost to jobs, growth and [investment](#).⁵

Problem definition

The IA identifies the **problem as the limited uptake of water reuse compared to its potential, resulting in a suboptimal contribution to alleviating water scarcity** (IA, p. 6). Member States in which water reuse is being practised include Belgium, Cyprus, Denmark, France, Greece, Italy, Luxembourg, Malta, the Netherlands, Portugal, Spain, Sweden, and the UK (IA Annex 6, p. 84). In 2015, the total volume of reused treated waste water in the EU was estimated at 1 100 million m³ per year, while its potential is estimated to be much higher: a volume in the order of 6 000 million m³ per year by 2025 (IA, pp. 7-8). The scope of the IA includes waste water for agricultural irrigation and aquifer recharge, as they were identified as the main potential sources of demand for reclaimed⁶ water having the greatest potential uptake, scarcity alleviation and EU relevance. According to the IA, reusing the total volume of treated wastewater in Europe could provide for nearly 44 % of agricultural irrigation demand and avoid 13 % of abstraction from natural sources (p. 8, quoting Defra). The IA limits the source of water for such purposes to waste water covered by the UWWTD (IA, p. 8): domestic waste water or the mixture of domestic waste water with industrial waste water subject to the relevant pre-treatment and/or run-off water (IA, p. 10). There are **four factors** driving the problem (IA, pp. 11-19), these are summarised below.

1 Limited attractiveness of reused water compared with freshwater

Article 9 of the WFD provides the legal definition of pricing water services and stipulates the principle of cost recovery and the polluter pays principle. According to the IA, the available evidence suggests that water prices are frequently too low to provide an adequate incentive for the efficient use of both freshwater and reused water. Furthermore, freshwater use in agriculture is heavily subsidised, even in water-scarce Mediterranean countries (IA, p. 13). There are measures being undertaken to improve the implementation of Article 9 of the WFD so as to achieve better cost recovery, including enforcement actions launched by the Commission. Therefore, this underlying factor is not directly addressed by the proposed initiative and is outside the scope of the IA (p. 13).

2 Perceived environmental and health risks due to varying or insufficient legal frameworks

A range of potential risks is associated with reused water that is likely to contain pollutants and pathogens. These risks entail contamination of the environment and people. Health risks in particular are addressed partially by [Regulation \(EC\) 852/2004](#) on the hygiene of foodstuffs, however, this legislation does not specify the requirements for treated waste water used for irrigation of agricultural products (IA, p. 13). The guidance available for this regulation contains some standards for waste water used for irrigation, but does not address all the risks and is voluntary. Currently only five Member States (Cyprus, Greece, Spain, France and Italy) have developed legislation that sets specific requirements on the reuse of waste water and one Member State (Portugal) has developed non-regulatory water quality standards. The requirements vary significantly in their level of stringency in the six Member States, e.g. Italy requires water quality similar to drinking water whatever the sensitivity of the crop and associated risks. In the Member States where no quality requirements for water reuse are in place, there is a lack of clarity in the regulatory framework to manage health and environmental risks that need to be taken into account when issuing permits for water reuse projects. However, even in the Member States that have set such requirements, in practice the conditions are difficult to implement or too stringent considering the intended use. The diverging legal frameworks create market uncertainties for investors and discourage investment in water reuse (IA, p. 15).

3 Possible trade barriers for food products irrigated with reclaimed water

In 2015, EU internal trade flows for fruit and vegetables were seven times bigger in terms of value than for external trade: €33.4 billion vs €4.7 billion. Farmers that depend crucially on intra-EU trade do not use reclaimed water as a source for irrigation unless they know they will be able to sell their products on the internal market. The current regulatory framework does not provide a way of demonstrating credibly that risks are properly managed across the internal market. The most extreme form of such a trade barrier is a trade ban, when a Member State bans the imports from another Member State of a certain agricultural product irrigated with reclaimed water, as was the case with the possibly contaminated cucumbers from Spain in 2011 (IA, p. 16).

4 The perceived risks of water reuse outweigh the benefits

No evidence so far could be found of significant pollution/contamination on a large scale resulting from present practices of wastewater reuse in the EU. Nevertheless, there is low public acceptance of reuse solutions and even strong opposition to allowing reclaimed water as a source for drinking water. This is attributed to misconceptions on what reclaimed water means and a lack of knowledge about actual health and environmental risks. This lack of knowledge leads to reluctance to consider reuse as an alternative water supply option when relevant and cost-efficient. The absence of a clear regulatory framework is also seen as a cause for a lack of confidence in the health and environmental safety of water reuse practices. According to the IA, the lack of knowledge will not be addressed by the proposed initiative, apart from providing the public with information on water reuse. However, varying or inadequate legal frameworks (factor 2), which are partially the reason why water reuse is perceived as more risky than beneficial, will be addressed (IA, p. 19).

The IA provides a schematic overview of the problems, their drivers and consequences (p. 12). This overview reveals that factor 2 actually contributes to factors 1, 3 and 4 (of which 1 and 4 are outside the scope of the initiative, as explained in the IA). The interrelatedness of the factors could be explained more clearly, as in

its current overview the IA seems to suggest that the part played by factor 2, varying or lacking legal frameworks and different quality requirements for water reuse in the EU, in driving the main problem is rather significant. The discussion of the problem and its drivers is supported by the EEA data, literature and stakeholder consultation results.

Objectives of the initiative

The **general objective** of the Commission proposal is to contribute to alleviating water scarcity across the EU, in the context of adaptation to climate change, by increasing the uptake of water reuse for agricultural irrigation wherever this is relevant and cost-effective while ensuring the maintenance of a high level of public health and environmental protection (IA, p. 23). To achieve the general objective, the following **specific objectives** have been developed (IA, p. 24):

- to ensure that water reuse practices in the EU are safe for both health and the environment;
- to promote water reuse as a way of providing a secure source of water for irrigation where it is economically advantageous to do so;
- to provide to market operators who wish to invest in treated wastewater reuse in the EU under comparable regulatory conditions with clarity, coherence and predictability;
- to stimulate business and innovation in water reuse by EU companies for internal and external markets;
- to provide consumers clarity and confidence regarding safety of agricultural products irrigated with reclaimed water within the EU;
- to prevent trade barriers for agricultural primary products irrigated with reclaimed water within the EU thereby facilitating the free flow of agricultural goods.

The IA claims that the specific objectives relate to factors 2 and 3 that together drive the overall problem (p. 24). However, the lack of investment in treated wastewater reuse is discussed in the IA more as the consequence of the problem than its driving factor. Therefore, not all the specific objectives correspond to the problem drivers identified. The IA sets the operational objectives (p. 25), but these are not accompanied by indicators that would enable the subsequent monitoring and evaluation of the proposal. The objectives are therefore not measurable, nor time-bound, thus not fully meeting the 'SMART' requirements of the [Better Regulation \(BR\) Guidelines](#).

Range of options considered

The options considered in the IA do not set any mandatory waste water reuse targets, but aim to develop an instrument that would enable the uptake of treated waste water reuse across the Member States if and when they decide to adopt such a practice. The options address two categories of risk that are different in nature, according to the IA (p. 26): 1) the health risks to consumers posed by agricultural products irrigated with reclaimed water, and 2) the risks to the local environment and to humans exposed to reclaimed water. Both types of risk are addressed by setting minimum quality requirements for the reuse of water for agricultural irrigation, in the form of standards for type 1 risks and a risk management framework (RMF) for type 2 risks. The reason for using an RMF is that type 2 risks cannot be addressed with a generic set of standards, but require a site-specific assessment and the selection of the most appropriate mitigation measures based on this assessment (IA, p. 30). The RMF would harmonise the methodology for deriving site-specific requirements at EU level, thus ensuring a consistent approach in the EU. Aquifer recharge has been discarded based on the subsidiarity assessment (see in this briefing below) and is therefore not one of the options. Besides the baseline, the IA identifies three options, which vary in terms of the level of stringency of the requirements and the legislative nature of the proposal (pp. 25-31):

- **Baseline** – no new EU action

Under this option, the current state of a mix of absent and un-coordinated national legislation would persist. However, a number of actions to improve the implementation and enforcement of existing legislation on water reuse are expected to be taken independently of the proposed initiative. They include [guidelines on integrating water reuse into water planning and management in the context of the WFD](#),

improved consideration for water reuse in the industry in relevant [Best Available Techniques reference documents](#), and increased visibility for support to innovation (through European Framework Programmes and research and innovation networks) and investments (through European Structural and Investment Funds). A number of actions regarding water pricing and control of abstractions will also take place.

- **Option 1** – legal instrument: 'one-size-fits-all' approach with the most stringent minimum quality requirements regardless of the food crop category and irrigation technique, and a methodology for risk management (RMF)

This option would require the same quality for all reclaimed water to be used for irrigation of agricultural products. The required water quality would have to be the most stringent in order to prevent contamination even in the worst-case scenario, as adopted in the Italian legislation. The quality requirements would be based on the Joint Research Centre (JRC) technical report, quality class A (Annex 7 of the IA).⁷ Key RMF principles would be made compulsory for operators and other relevant parties involved in water reuse for agricultural irrigation (e.g. competent authorities in Member States, treatment plant operators, farmers). The Commission would develop guidance to translate the key principles into practice and to assist Member States in sharing experiences and best practices, in the existing framework of the common implementation strategy for the WFD. These key principles would be part of the authorisation procedure that would grant permits to any water reuse project in the EU. Before such a permit can be authorised, its applicant would have to perform a thorough identification and assessment of the risks specific to the project and its environment. Key requirements for this risk assessment would be laid down based on the JRC technical report (Annex 7 of the IA, p. 29 – tolerable risks for human health).

- **Option 2** – legal instrument: 'fit-for-purpose' approach with minimum quality requirements depending on the food crop category and irrigation technique, and a methodology for risk management (RMF)

This option would consider contamination pathways from irrigation water to the agricultural products, which differ according to crop types and irrigation methods. In particular, food crops consumed raw (e.g. tomatoes, strawberries) require a more stringent water quality to avoid microbial contamination than food crops that will be cooked (e.g. potatoes) or crops that are not intended for human consumption (e.g. pastures or energy crops). Similarly, irrigation methods interfere in the contamination pathway as e.g. drip irrigation in orchards does not entail a direct contact of irrigation water with fruits in contrast to sprinkling irrigation. This approach is the one adopted in Spain, Cyprus and under international guidelines. The minimum quality requirements would be based on the JRC technical report (Annex 7 of the IA) and would differentiate between crop categories and irrigation methods. The methodology for risk management would be the same as under option 1.

- **Option 3** – guidance document: 'fit-for-purpose' approach with minimum quality requirements depending on the food crop category and irrigation technique, and a methodology for risk management (RMF)

This option covers a guidance document recommending minimum requirements for water reuse for irrigation based on the JRC technical report (Annex 7 of the IA) that would suggest a 'fit-for-purpose' approach on a voluntary basis. The guidance document would build on the international guidelines and experience developed outside the EU (e.g. Australia, Israel, USA), and would be adapted to the specific context of the EU in terms of environmental and social conditions and legislation. In particular, it would take stock of experience and best practices developed in the Member States. This guidance document would be developed directly by the Commission, in consultation with Member States and stakeholders. Part of the guidance document would cover the implementation of the fully-fledged risk management framework, based on key RMF principles.

The overall presentation of the options is clear, although their content could have been outlined in more depth. The range of options appears sufficiently broad and includes a non-regulatory option as recommended by the BR guidelines. **The preferred option is option 2: a legal instrument applying a 'fit-for-purpose' approach and an RMF.**

Scope of the impact assessment

The IA provides an assessment of the economic, environmental and social impacts of the options (pp. 32-48). Health impacts are discussed briefly under social impacts and focus on the differences for Member States with and without national legislation. Although the assessment is mostly qualitative, quantitative estimates of costs, benefits and environmental impacts were provided where possible. The options are compared in terms of effectiveness, efficiency and coherence. The proportionality of the options is not part of the assessment, which is contrary to the recommendations of the BR Guidelines. According to the territorial IA (Annex 9), the development of minimum quality requirements for reused water in agriculture would have a positive effect on the overall economic growth of all EU regions, especially the eastern and southern European regions, as well as a positive impact on government effectiveness in these regions (by filling the existing gap in the national legal system with EU standards). A minor positive impact would be experienced by 75 % of the regions, while 24 % would experience a moderate positive impact and 1 % a highly positive impact (IA, p. 44). The preferred option implies an investment of less than €700 billion in water reuse system infrastructure for the treatment and transport of reclaimed water, to be borne by businesses (plant operators) (IA, p. 35 and Annex 3, p. 47). This investment would enable over 6.6 billion m³ to be treated a year under the cost threshold of 50 cents per m³ of reclaimed water (IA, p. 33). The cost threshold is based on the whole volume of water reused under the baseline scenario, based on estimates for Spain (IA, p. 32). The preferred option would enable more than 50 % of the total water volume theoretically available for irrigation from wastewater treatment plants in the EU to be reused and would avoid more than 5 % of direct abstraction from water bodies and groundwater, thereby reducing overall water stress by more than 5 % (IA, p. 54). The analysis of impacts on research and innovation concluded that mandatory measures would have overall positive effects if defined in a balanced and appropriate way, e.g. excessively stringent requirements could be counterproductive (Annex 8). Additionally, the IA contains an overview of the internal trade dimension (Annex 10) and the comparison of impacts per policy option and per group of Member States (Annex 12).

Subsidiarity / proportionality

The Commission proposal is based on Articles 192 TFEU (protection of the environment) and is also expected to contribute to the functioning of the internal market. According to the IA (pp. 22-23), EU-level action is justified because 60 % of EU river basins are international, therefore action taken by a single or few Member States would not be sufficient. Furthermore, EU action is justified to prevent differing requirements in individual jurisdictions from having negative effects on the level playing field for farmers, for investments in innovation and in water reuse, and cause obstacles to the internal market for agricultural products. On the choice of legal instrument, the IA concludes that both a directive and a regulation may be chosen, each with certain advantages and disadvantages (p. 54). The flexibility of a directive is necessary in order to address the risks to local public health and to the local environment adequately. However, the rather uniform approach of a regulation is needed for relevant health risks for food products placed on the internal market. According to Annex 11, aquifer recharge does not directly entail any issue linked with the internal market and the associated risks are very much dependent on the nature of the project and the characteristics of the local environment. Therefore the IA found it impossible to derive science-based minimum quality requirements for water reuse for aquifer recharge that could apply to every project in the EU. On this basis, the IA concludes that an EU intervention on aquifer recharge would not be proportionate. The development of EU guidance is proposed, however, legally binding intervention in this area should remain the competence of the Member States (IA, p. 23). At the time of writing, no national parliament has submitted a reasoned opinion on this proposal. The deadline for doing so is 13 September 2018.⁸

Budgetary or public finance implications

According to the IA, additional costs of around €2.24 million might be expected for public authorities in Member States with no national legislation (p. 37). Member States with existing national standards would not require significant administrative adjustments. According to the proposal's explanatory memorandum, a limited impact on the resources of the European Environmental Agency may occur.

SME test / Competitiveness

According to the IA (p. 39), an economic safeguard exists in terms of water reuse being voluntary. A wastewater treatment plant would only develop the practice (separate treatment unit and piping infrastructure) if it can sell the water to farmers for irrigation. On their side, farmers would only be willing to pay for the water for irrigation if it is competitive in pricing terms (also taking into account the fact that the security of supply may be higher). As such, the preferred option is expected to have positive financial impacts for farmers and it is this economic attractiveness that will decide the ultimate level of water reuse (IA, p. 39). None of the options would disproportionately affect SMEs according to the IA (IA, p. 35). The SME test in Annex 3a concludes that the IA's assumption of an overall willingness to pay by farmers and society the cost of €0.5 per cubic meter for reclaimed water in areas of high water stress is reasonable. This is found to be a competitive price given the fact that prices for conventional water are in the same order of magnitude and would therefore not raise irrigation costs significantly compared with total intermediate consumption. The assumption is based on the literature and the Commission estimates that by 2030 spring and summer droughts are expected in southern and central Europe. This is expected to drive competition for water among sectors and raise water prices. As a result, farmers might be interested in paying a higher price to save crops at risk of total or partial loss (Annex 3, pp. 49-51).

Simplification and other regulatory implications

According to the IA (p. 29), proposed quality requirements would complement those laid down by the UWWTD, relevant European case-law⁹ regarding the quality of discharge effluents and the Food Hygiene Regulation. The water at the outlet of the treatment plant would need to respect the criteria of 'clean water' as defined by the Food Hygiene Regulation, an urban waste water treatment plant would still be subject to the application of the UWWTD and Member States competent authorities would be responsible for enforcing the permit and carrying out inspections as necessary. Given its nutrient content, application of reclaimed water as a fertiliser would still be subject to the provisions of the Nitrates [Directive \(91/676/EEC\)](#). The IA provides a figure illustrating the context of the proposed instrument and the existing water legislation (Annex 3, p. 45).

Quality of data, research and analysis

The IA is informed by the results of the preceding [IA](#) prepared for the 2012 [Blueprint to safeguard Europe's water resources](#), which identified as the preferred option for the Commission to pursue appropriate health and environment protection standards for reuse of water and, subsequently, to propose a new regulation containing these, subject to a specific IA. The analysis in the IA is based on a JRC hydro-economic model, a United States Department of Agriculture agronomic model and available literature (Annex 4 of the IA). Furthermore, several supporting studies were prepared by external contractors.¹⁰ The IA openly states the assumptions applied in the analysis and highlights the limitations of both the data and the models. Thus, potential cost savings due to more energy efficient water management could not be quantified and were assumed to be the same for all three options (IA, p. 45); the valuation of water used to reduce water stress and the willingness to pay for it was highly case-specific (IA, p. 43) and the territorial assessment did not take into account the likely aggravation of water scarcity due to climate change (IA, p. 44). The overall analysis seems to be reasonable, although quantification remains limited. The data and analysis appear to be extensive.

Stakeholder consultation

The IA identifies stakeholders affected by the limited uptake of water reuse as: the environment, industries (agriculture, food, water technology, power generation, tourism and recreation, chemical, textile, pulp, paper and mining), national, regional and local public authorities, European citizens, and society at large (IA, p. 20-21). The consultation process began in 2012 and continued until July 2017. It covered the following groups of stakeholders: scientific committees (European Food Safety Authority and the Scientific Committee on Health, Environmental and Emerging Risks), Member States and public authorities, water users (in particular farmers), the water industry, NGOs, academia and experts, the general public, and the

EU institutions (Annex 2, p. 29). Their views were collected through conference exchanges, written contributions, meetings, expert groups, and two open public consultations (IA, pp. 34-35):

- an open public consultation in 2014 to gather wider feedback from the interested public and expert practitioners (12 weeks, 506 respondents);
- an open public consultation in 2016 and 2017 on more detailed policy options, to set minimum requirements for reused water (12 weeks, 344 respondents).

While both open public consultations demonstrated broad support for a binding approach, several comments from respondents in the second consultation expressed a preference for a directive, in view of its binding character together with its flexibility, allowing adaptation to local contexts (IA, p. 54 and Annex 2, p. 38). There was overall consensus within and across the key categories of stakeholders regarding microbiological contaminants, other chemicals and monitoring to be covered by minimum quality requirements for water reuse in irrigation. The stakeholders' views were reflected in the problem definition, subsidiarity, objectives, options and social impacts sections of the main IA report. A synopsis of the stakeholder consultations is included in the IA (Annex 2), in line with the BR Guidelines. The synopsis includes an overview of consultation results by stakeholder group. The analyses of the [2014](#) and the [2016 to 2017](#) open public consultation results are available online.

Monitoring and evaluation

According to the IA, the existing reporting obligations under the WFD and the UWWTD would be sufficient to measure the success of the proposed initiative and only limited additional monitoring and reporting requirements will be developed (p. 56). These are included in Article 11 of the proposal. The monitoring requirements would primarily be imposed on the operators of the water reclamation plants to monitor the quality of reclaimed water and on the Member States to verify compliance with the permit conditions. According to the IA and the proposal, the legal instrument shall be reviewed within six years of its entry into force.

Commission Regulatory Scrutiny Board

The Regulatory Scrutiny Board (RSB) issued a negative [opinion](#) on a draft version of the IA on 27 October 2017. Its main criticisms were that the report 1) did not clearly document the scale, geographical scope or likely evolution of water scarcity; 2) provided weak justification for intervention at the EU level; 3) lacked a clear analysis of the different situations across Member States and of how the initiative would affect these; and 4) did not adequately show how the initiative would be effective.

In its second, positive [opinion](#) with reservations, issued on 19 January 2018, the RSB acknowledged that the revised IA addressed the RSB's concerns. Its main observations were that the context section of the report did not sufficiently reflect the shift in emphasis from water management to environmental standards for trade in agricultural goods. Information about parallel EU initiatives and alternatives in this area had not been sufficiently detailed in the problem definition of the initiative. Annex 1 of the IA gives a detailed account of the modifications made to its text following the RSB's recommendations. Overall, the IA seems to have responded to the comments expressed in the RSB opinions.

Coherence between the Commission's legislative proposal and IA

The proposal appears to follow the IA's recommendations, in that it is based on the preferred option 2.

Conclusions

This IA of the minimum requirements for water reuse is based on extensive data and analysis. The overall presentation of the IA's options is clear, the range of options is sufficiently broad and the analysis of the impacts appears to be reasonable. Although the assessment of economic, environmental and social impacts is mostly qualitative, quantitative estimates of costs, benefits and environmental impacts were provided wherever possible. The scope of the assessment is broad, as it includes the impacts on research and innovation, a territorial IA and an SME test. The stakeholder consultation appears to have covered a broad range of stakeholders. However, the interrelatedness of the factors driving the problem as presented

in the IA makes the overall problem definition somewhat confusing. Furthermore, not all the specific objectives correspond to the problem drivers identified and the IA seems to confuse the consequences of the problem and its driving factors. The objectives set in the IA are not accompanied by indicators that would enable the subsequent monitoring and evaluation of the proposal. Therefore, the objectives are neither time-bound nor measurable. Lastly, the proportionality of options is not expressly part of the assessment, which is not in line with the recommendations of the Better Regulation Guidelines.

ENDNOTES

¹ [Freshwater use](#), EEA website. Water stress occurs when demand for water exceeds the available amount during a certain period or when poor quality restricts its use.

² For further information, see D. Bourguignon, [Closing the loop – New circular economy package](#), EPRS, European Parliament, January 2016; T. Zandstra, [Water Legislation – Cost of non-Europe report](#), EPRS, European Parliament, May 2015.

³ [Resolution](#) of 8 September 2015 on the follow-up to the European Citizens' Initiative Right2Water, European Parliament.

⁴ [Opinion](#), Effective water management system: an approach to innovative solutions, European Committee of the Regions, February 2017.

⁵ For further information, see D. Bourguignon, [Water reuse – setting minimum requirements](#), EPRS, European Parliament, September 2018.

⁶ According to the proposal, reclaimed water means urban waste water that has been treated in compliance with the requirements of the UWWTD and which results from further treatment in a reclamation plant; the terminology in this briefing follows the terminology of the IA.

⁷ The JRC technical report (Annex 7 of the IA) defines technical parameters of water quality that need to be respected to a certain minimum level in cases where treated water is reused for the purposes of agricultural irrigation. According to the IA (p. 27), these minimum requirements were developed in a comprehensive and inclusive process involving Member States, stakeholder experts and the scientific community, including World Health Organisation (WHO). See also endnote 5.

⁸ See the [Platform for EU Interparliamentary Exchange](#) (IPEX).

⁹ Judgments in [Case C-119/02 – Commission v. Greece](#), European Court of Justice, June 2004; and [Case C-335/07 – Commission v. Finland](#), European Court of Justice, October 2009.

¹⁰ A 2013 [report](#) on waste water reuse in the EU, a 2015 [report](#) on optimising water reuse in the EU, a 2016 [report](#) on EU level instruments on water reuse, and a 2017 [report](#) on the characterisation of unplanned water reuse.

This briefing, prepared for the ENVI committee, analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

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