REPORT

on the implementation of Directive 91/271/EEC on urban waste-water treatment
(2000/2318(INI))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: María Sornosa Martínez


At the sitting of 25 October 2001 the President of Parliament announced that the Conference of Presidents had delegated the power of decision to the Committee on the Environment, Public Health and Consumer Policy under Rule 62 of the Rules of Procedure.

At its meeting of 20-22 November 2001 the committee requested, pursuant to Rule 62(2) of the Rules of Procedure, that the power of decision be referred back to Parliament.

It considered the draft report at its meetings of 20 November and 18 December 2001.

At the last meeting it adopted the motion for a unanimously.

The following were present for the vote: Caroline F. Jackson, chairman; Guido Sacconi, Alexander de Roo and Ria G.H.C. Oomen-Ruijten, vice-chairmen; María Sornosa Martínez, rapporteur; María del Pilar Ayuso González, Jean-Louis Bernié, Hans Blokland, David Robert Bowe, John Bowis, Martin Callanan, Dorette Corbey, Chris Davies, Véronique De Keyser (for Anneli Hulthén), Avril Doyle, Carlo Fatuzzo (for Per-Arne Arvidsson), Anne Ferreira, Francesco Fiori (for Marialiese Flemming), Karl-Heinz Florenz, Michael Gahler (for Peter Liese), Cristina García-Orcoyen Tormo, Robert Goodwill, Françoise Grossetête, Cristina Gutiérrez Cortines, Jutta D. Haug (for Torben Lund), Mary Honeyball (for Béatrice Patrie), Marie Anne Isler Béguin, Christa Klaß, Eija-Riitta Anneli Korhola, Hans Kronberger, Bernd Lange, Paul A.A.J.G. Lannoye (for Hiltrud Breyer), Jules Maaten, Minerva Melpomeni Malliori, Jorge Moreira da Silva, Rosemarie Müller, Riitta Myller, Karl Erik Olsson, Marit Paulsen, Encarnación Redondo Jiménez (for Emilia Franziska Müller), Dagmar Roth-Behrendt, Giacomo Santini, Karin Scheele, Horst Schnellhardt, Inger Schörling, Jonas Sjöstedt, Renate Sommer (for Giuseppe Nisticò), Bart Staes (for Patricia McKenna), Charles Tannock (for Antonios Trakatellis), Nicole Thomas-Mauro, Kathleen Van Brempt (for Catherine Stihler) and Phillip Whitehead.

The report was tabled on 19 December 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.
MOTION FOR A RESOLUTION


The European Parliament,

– having regard to Article 175(1) of the Treaty,
– having regard to Directive 91/271/EEC on urban waste-water treatment ('the Urban Waste Water Directive')¹,
– having regard to Directive 76/160/EEC on the quality of bathing water ('the Bathing Water Directive')²,
– having regard to Directive 2000/60/EC on the framework for Community action in the field of water policy ('the Water Framework Directive')³,
– having regard to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive')⁴,
– having regard to Directive 79/409/EEC on the conservation of wild birds ('the Birds Directive')⁵,
– having regard to Directive 91/676/EEC on the protection of waters against pollution caused by nitrates from agricultural sources⁷,
– having regard to Rule 163 of its Rules of Procedure,
– having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0459/2001),

A. whereas the urban waste water Directive, when implemented, has led to significant improvements of the water quality of many European rivers, lakes and coastal waters,

B. whereas pollution due to non-existent or inadequate treatment of the waster water in one Member State has repercussions on the quality of bathing water and sources of drinking

water at national level and on the quality or water in other Member States, and in order to achieve the objectives proposed in Directive 91/271/EEC Community action is needed in all the Member States,

C. whereas a delay in compliance with the legislative, regulatory and administrative provisions of the Directive in one Member State has adverse effects on the others, causing a deterioration in the quality of water as a whole,

D. whereas there are major shortcomings in the implementation of the urban waste water Directive due to the failure of Member States to enforce the more than ten year-old Directive, whereas the urban waste water Directive is a cornerstone of European water legislation,

E. whereas the failure by certain Member States to implement the directive on urban waste water is not an isolated incident, since the European Court of Justice has already found nine Member States guilty of failing to comply with Community water legislation, in 42 cases relating to 17 directives,

F. whereas, in 1998, many agglomerations with more than 150,000 population equivalents discharged all their waste water into the environment without any treatment and too many discharged a large part of their wastewater without any, or with inadequate treatment,

G. whereas over 100 large agglomerations did not provide the Commission with complete information,

H. whereas several Member States have been restrictive and unhurried in their designation of sensitive areas and have not taken due account of the fact that discharged wastewater migrates and contributes to an increase in the pollution level of downstream waters, which leads to an underestimation of the impact of waste water and the treatment targets needed to minimise it,

I. whereas most Members States have been slow in reporting on implementation to the Commission, whilst some Member States have provided no or insufficient data to the Commission on the situation in their respective countries, thereby making a proper assessment impossible,

J. whereas the fact that Member States have not supplied the data and hence have not published the reports on the quality of their water, constitutes an infringement of citizens’ right to environmental information,

1. Underlines the importance of the legally binding timetable of the urban waste water Directive and stresses the importance of ensuring that the, in some cases, already considerable delay of the Member States in implementing the Directive is not further added to; underlines that it is the responsibility of Member States to transpose the rules of the urban waste water directive into national law and thereafter enforce and apply them in practice;

2. Underlines that several Member States have been restrictive and unhurried in their designation of sensitive areas, underestimating the impact of waste water and the
treatment targets to minimise it in accordance with the Directive;

3. Calls on the Commission to admonish without delay those Member States which have failed in their duty to notify the Commission and to ensure that they submit the relevant information promptly;

4. Urges the Commission to initiate infringement procedures in cases where criteria for designating sensitive areas have not been respected or ignored and to make sure that it also takes legal steps in the event of non-communication of information by the Member States;

5. Calls on the Member States which have not yet designated sensitive areas to provide the Commission, without delay, with comprehensive information on the implementation of the Directive in order to make a full assessment of the situation in the Community possible;

6. Calls on the Commission to submit as soon as possible a report on the extent to which the Member States succeeded in implementing the urban waste-water directive within the implementation deadlines which have already expired;

7. Considers it scandalous that the Member States generally fulfil their obligations to provide information so inadequately that even in 2001 it is not possible to verify compliance with the first deadline (the end of 1998), and calls on the dilatory Member States to fulfil immediately all information obligations imposed under the directive, particularly in view of the fact that the deadline for the second stage (the end of 2000) has also in the meantime expired without any worthwhile information having been made available;

8. Calls on the Commission to continue, without hesitation, to use appropriate legal enforcement means within its powers to ensure proper implementation of the waste water Directive and follow-up whenever it detects a breach of the obligations of the Member States;

9. Calls on the Commission to produce, in a clear and comprehensive format, ongoing European Court of Justice cases on a country-by-country basis as well as on a directive-by-directive basis, and to make this information available to the general public on the Internet, as soon as it is available;

10. Acknowledges the efforts made by the Commission to ensure that the directive is transposed and, unlike in the past, to enforce transposition thereof;

11. Commends the Commission's initiative to link the granting of financial aid to stringent compliance with the urban wastewater Directive;

12. Calls on the Commission to make more internal sources available for transposing the directive;

13. Welcomes the Commission's initiative to organise a 'name, fame and shame' seminar on the implementation of the urban waste water Directive; believes that this seminar could serve as an example for pinpointing problems and improving implementation of other
selected environmental directives; calls on the Commission therefore to organise, together with the European Parliament on a regular basis, further seminars on directives with bad implementation records;

14. Calls on the Commission, with the support of the European Environment Agency, to improve the gathering of data and information on the pressure, situation and trends in the different basins and to draw up assessments and forecasts of the environmental improvements in them which will result from the gradual and comprehensive application of the Directive; asks the Commission to take some concrete measures to help candidate countries with the future implementation of the urban waste-water directive;

15. Calls on the Commission to carry out a thorough, detailed study in the Member States of the circumstances which are responsible for the high degree of non-compliance with the directive, so as to provide a better understanding of the exact causes of this situation;

16. Instructs its President to forward this resolution to the Council and Commission and the parliaments of the Member States.
EXPLANATORY STATEMENT

The urban waste water directive – adopted in 1991 – aims at protecting the environment from the effects of the discharge of urban wastewater and biodegradable wastewater from the food-processing industry. The main obligation for Member States is the establishment of wastewater collection and treatment systems. The directive's provisions will affect around 20,000 cities and agglomerations. The directive contains four major deadlines:

1. by the end of 1993, when Member States should have identified 'sensitive areas'- such as eutrophic estuaries and coastal waters - in need of special protection measures and where more stringent treatment criteria would apply,

2. by the end of 1998 when all agglomerations with more than 10,000 population equivalent (p.e.)\(^1\) discharging their effluent into or upstream of an area regarded as sensitive should have been equipped with a an efficient collection and treatment system,

3. by the end of 2000, when Member States should have established secondary collection and treatment systems in agglomerations with more than 15,000 p.e.,

4. by the end of 2005, when appropriate secondary treatment shall be established in small agglomerations.

The identification of sensitive areas was a essential condition for the practical application of the Directive. The Directive specifies that Member States does not have to identify sensitive areas if it applies tertiary treatment all over its territory. Denmark, Luxembourg, Holland, Finland and Sweden chose this option. Nine other Member States have identified sensitive areas within their territory. Austria considered that no water body could be classified as a sensitive area within its territory. Member States have in many cases been rather restrictive and unhurried in their designation of sensitive areas and have not taken due account of the fact that discharged wastewater migrates and contributes to an increase in the pollution-level of downstream water. The incomplete assessment of sensitive areas results in an underestimation of wastewater and treatment targets for many cities.

On 19 March 2001, the Commission organised a 'name, fame and shame' seminar on the implementation of the Directive's second deadline. The Commission's assessment – attached in annex 1 and 2 of this report - gave a rather morose picture of the implementation of the wastewater Directive. Out of the 527 European agglomerations with more than 150,000 p.e., 37 discharged all their wastewater into the environment without any treatment, 57 discharged

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\(^1\) Population equivalent (p.e.) is a unit of measurement of biodegradable organic pollution representing the average load of such pollution produced per person per day. It is specified in the Directive as 60 g BOD5 (biochemical oxygen demand in five days) per day. The size of the agglomeration, expressed in p.e., corresponds to the organic load produced in the agglomeration during an average day during the week of the year with maximum production. It is calculated from the sum of the organic load produced during that day by permanent and seasonal residential establishments and services and the organic load produced on the same day by the industrial waste water which must be collected by a collecting system.
a large part of their wastewater without any, or with inadequate treatment. Another 134 larger agglomerations did not provide the Commission with complete information.

The Commission is at present assessing and compiling the information provided by Member States concerning the Directive's third deadline. This report will therefore only consider the implementation of the Directive's first two deadlines.