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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council on minimum requirements for water reuse**

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2018) 337 final – 2018/0169 COD)	28 May 2018
Date the Committee of the Regions adopted its Opinion on the proposal	6 December 2018
Date the European Economic and Social Committee adopted its Opinion on the proposal	12 December 2018
Date of the position of the European Parliament, first reading:	12 February 2019
Date of Council agreement on a general approach	26 June 2019
Dates of the trilogues	10 October 2019 12 November 2019 2 December 2019
Date Committee of Permanent Representatives confirmed the compromise agreement	18 December 2019
Date the ENVI Committee of the European Parliament voted to endorse the compromise agreement	21 January 2020
Date of political agreement in the Committee of Permanent Representatives (I/A Item)	5 February 2020
Date of political agreement in Council (I/A Item)	18 February 2020
Date Committee of Permanent Representatives adopted the Position of the Council (I/A Item)	20 March 2020
Date of adoption of the Council first reading position	7 April 2020

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

Water is a limited resource in the EU, with one third of the EU territory experiencing water stress. The growing needs of populations, combined with climate change, will make the availability of water in sufficient quantity and quality even more of a challenge in Europe in the future.

The objective of the proposal on minimum requirements for water reuse is to contribute to alleviating water scarcity across the EU, in the context of adaptation to climate change, by increasing the uptake of the practice of water reuse in agricultural irrigation.

In addition to demand management and efficiency measures, water reuse is one important tool in the context of integrated water management. It should be encouraged wherever it is relevant and cost-effective, while safeguarding public health and ensuring environmental protection.

The proposal sets out harmonised minimum water quality requirements for the safe reuse of treated urban wastewaters in agricultural irrigation. To be suitable for use in agriculture, treated urban wastewater that has already undergone certain treatments under the rules of the Urban Wastewater Treatment Directive would need to undergo further treatment to meet the minimum quality parameters.

By setting minimum requirements, the proposal provides for a harmonised approach to water reuse for irrigation across the EU. This will ensure a level playing field for both the operators producing and supplying reclaimed waters and for farmers.

It is estimated that the proposed instrument could lead to approximately 6.6 billion m³ of water being reused per year in agricultural irrigation, as compared to 1.7 billion m³ per year in the absence of any EU legal framework. Reusing more than 50% of the total water volume theoretically available for irrigation from wastewater treatment plants in the EU would avoid more than 5% of direct abstraction from water bodies and groundwater. This would result in an over 5% reduction in water stress overall.

4. COMMENTS ON THE POSITION OF THE EUROPEAN PARLIAMENT

The European Parliament's first reading position, adopted on 12 February 2019, suggested amendments to the Commission proposal, notably:

- references to a future widening of the scope of the legislation;
- new responsibilities for actors in the water reuse system other than the reclamation plant operators; and
- a more prominent role for the competent authorities.

In addition, the European Parliament introduced specific provisions to address the potential risks of microplastics. As part of the agreement reached in trilogue, the Commission recognised microplastics as an issue of emerging concern and committed to further pursue its efforts to address the issue. To this effect, the Commission agreed to issue the following declaration: *“The Commission 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.”*

Following the Council's adoption of its first reading position, the European Parliament is expected to formally endorse the agreement reached in the trilogues.

5. COMMENTS ON THE POSITION OF THE COUNCIL

The Council's position reflects the agreement reached in the trilogues. The most important changes introduced compared to the Commission's proposal include:

- a discretionary clause enabling Member States to decide whether water reuse is to be allowed in their territory or part of their territory, subject to tight conditions and a need to justify and regularly review such decisions;
- the introduction of the concept of 'water reuse system', which can comprise several actors from the reclamation plant operator to the end user;
- a more prominent role for public authorities in risk management; and
- greater flexibility for the Member States in organising the risk management and permitting system.

In general the agreement reached preserves the objectives of the Commission's original proposal, maintaining the level of ambition of the minimum requirements but allowing the flexibility desired by the Member States in implementing the new rules.

6. CONCLUSION

The Commission accepts the position taken by the Council.