



**EUROPEAN ASSOCIATION
OF PUBLIC WATER OPERATORS**

APE Position on the European Commission's Proposal for a Water Reuse Regulation

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ABOUT AQUA PUBLICA EUROPEA

Aqua Publica Europea (APE) is the European Association of Public Water Operators.

It unites publicly owned water and sanitation services and other stakeholders working to promote public water management at both European and international level.

APE is an operator-led association that looks for efficient solutions that serve the public rather than corporate interests.

INTRODUCTION

Aqua Publica Europea, the European Association of Public Water Operators, welcomes the Commission's proposal for a Regulation on Water Reuse as it provides a clear legal framework for the operators involved in water reuse activities. APE members agree with the Commission's approach that water reuse should not be made mandatory but only encouraged in regions where water scarcity can be dealt with through water reuse measures.

APE considers that water reuse can be a solution in regions where agriculture activities are suffering from drought. However, we regret that some potential environmental implications of water reuse activity are partially neglected. In the context of a society moving towards an increasingly circular economy, it is key to guarantee that reuse activities are done in accordance with environmental principles and do not negatively affect the ecological flows. Further, it should be public authorities' responsibility to assess environmental impact and arbitrate between competing water needs. Similarly, it should be within the public authority's mandate to promote stakeholders engagement for risk management, to define relevant quality classes for reclaimed water and to decide on the distribution of costs. Finally, to be applicable, the Water Reuse Regulation must avoid institutional uncertainty as regards the granting of permits and ensure that the articulation of quality requirements according to the agriculture use are coherent and fit-for-purpose.

ENVIRONMENTAL IMPACT

As Europe is transitioning towards a circular economy model, it is key to take into account how water reuse can play a role in this process but also how it could imply negative effects on the environment. In regions where water scarcity pressures agriculture, water reuse has the potential to provide the amounts of water necessary, as long as the need to efficiently use water is carefully considered to avoid overconsumption. Further, water reuse necessarily implies a reduction of water discharge back to the natural environment which risks affecting ecological flows.

- Water reuse must be part of an **integrated planning which assesses the environmental benefits and risks of the activity, keeping the need for a sustainable use of water resources as the main objective**. The public authority should be responsible for performing this environmental assessment and for finding a balance between water demand and water savings.
- The Regulation must include a **clear reference to article 1.b and to the obligations set in articles 5.1 and 8.1.i. of the Water Framework Directive** to ensure that the environmental impacts of water reuse are taken into account.

RISK MANAGEMENT

Article 5 (*Risk management*) of the proposal requires reclamation plant operators to undertake risk management in cooperation with the relevant actors. Whilst the requirement to draw a Risk Management Plan for the supply of water reuse is appropriate, some of the responsibilities outlined in the proposal related to the development and implementation of the plan are, in reality, not in the hands of water operators.

Firstly, article 5 spells out the water operator's responsibility to provide a description of the "entire water reuse system", identify potential hazards, identify the environments, populations and individuals at risk and conduct a risk assessment covering environmental and human and animal health risks. Whilst water operators can ensure that they comply with the quality requirements and identify the potential hazards present within their own plants, they do not have the competence to carry out a risk assessment on the external human health and environmental impacts of water reuse (identified within points 3., 4. & 8 of Annex II of the proposal). Moreover, the risks may derive from the way water is reused in agriculture, e.g. risky exposure to pigs of the fodder irrigated with reclaimed water, and it is not the role of the water operator to impose safety rules to the farmers (identified within point 5., 6., & 9. of Annex II of the proposal) Therefore, public authorities should be responsible for coordinating the realisation of the risk assessments for the entire water reuse system and, in addition, be in charge of defining awareness campaigns that contribute to risk reduction.

Similarly, only public authorities have the legitimacy to conduct engagement with stakeholders and to gather all relevant actors in the institutional dialogue that should underpin the elaboration of the risk management plan. In any case, convening health authorities cannot be the responsibility of the controlled entity (i.e. the water operators).

Secondly, the Risk Management Plan should assess which water quality class is needed for which purposes. Further, the proposal should indicate the body in charge of specifying the class to be applied and when this decision should be made, as the water operators do not always know what the final use of the treated water will be.

This is even strengthened by the fact that water reuse also implies the question of the recovery of costs of the investments needed to comply with quality standards and reuse operations. More generally, the distribution of costs among different type of users and the decision about potential competing needs are political choices which go beyond the responsibility of the water operator.

- The decision to reuse water for specific purposes (and the amount of water to be supplied) should always respond to a general interest, as determined by the public authority. The implementation of water reuse activities needs to take into account a whole range of consequences, from environmental impacts to balancing different water needs and the question of cost distribution. **All these aspects should be integrated in a planning document drawn by the public authority who holds its legitimacy through its pursuit of the general interest.**
- The elaboration of the **Risk Management Plan should be coordinated by a public authority**, with the support of the water operator. This document should: **include an overall environmental and human health risk assessment; ensure stakeholder engagement; define the relevant quality class to be applied and the appropriate distribution of costs.**

AUTHORISATION PERMITS

The provisions related to the permit regime should be easily applicable at national level. Member States should have the possibility to incorporate the new permit for reuse within already existing systems for granting environmental permits. The proposal should provide the possibility to adapt and use the authorities and procedures already existing in Member States for the granting of water reuse permits, to avoid duplications and institutional uncertainty.

- **The regime for granting reuse permits should be easily incorporated into already existing national systems.**

PARAMETERS AND MINIMUM REQUIREMENTS

High quality requirements as set in the Commission's proposal will ensure better water safety and will increase consumers' trust in reused water. APE welcomes the suggested subdivision of the minimum requirements into classes and the application by crop category and by irrigation method which enables a pragmatic and fit-for-purpose approach. It is therefore crucial that the European Commission ensures that the provisions are fully applied and that these minimum quality requirements are effectively proportionate to their specific purpose. Moreover, monitoring frequency obligations should be defined not only according to the quality class but also to the amount of water treated, in line with the risk-based approach.

- **Minimum quality requirements must be fit-for-purpose.**
- **Monitoring frequency must be defined in function to the amount of water treated.**