Council Directive of 21 May 1991 concerning urban waste water treatment (91/271/EEC)

COUNCIL DIRECTIVE

of 21 May 1991

concerning urban waste water treatment

(91/271/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular 130s thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the European Parliament[(2)],

Having regard to the opinion of the Economic and Social Committee[(3)],

Whereas the Council Resolution of 28 June 1988 on the protection of the North Sea and of other waters in the Community[(4)] invited the Commission to submit proposals for measures required at Community level for the treatment of urban waste water;

Whereas pollution due to insufficient treatment of waste water in one Member State often influences other Member States' waters; whereas in accordance with Article 130r, action at Community level is necessary;

Whereas to prevent the environment from being adversely affected by the disposal of insufficiently-treated urban waste water, there is a general need for secondary treatment of urban waste water;

Whereas it is necessary in sensitive areas to require more stringent treatment; whereas in some less sensitive areas a primary treatment could be considered appropriate;

Whereas industrial waste water entering collecting systems as well as the discharge of waste water and disposal of sludge from urban waste water treatment plants should be subject to general rules or regulations and/or specific authorizations;

Whereas discharges from certain industrial sectors of biodegradable industrial waste water not entering urban waste water treatment plants before discharge to receiving waters should be subject to appropriate requirements;

Whereas the recycling of sludge arising from waste water treatment should be encouraged; whereas the disposal of sludge to surface waters should be phased out;

Whereas it is necessary to monitor treatment plants, receiving waters and the disposal of sludge to ensure that the environment is protected from the adverse effects of the discharge of waste waters;

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Whereas it is important to ensure that information on the disposal of waste water and sludge is made available to the public in the form of periodic reports;

Whereas Member States should establish and present to the Commission national programmes for the implementation of this Directive;

Whereas a Committee should be established to assist the Commission on matters relating to the implementation of this Directive and to its adaptation to technical progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from certain industrial sectors.

The objective of the Directive is to protect the environment from the adverse effects of the abovementioned waste water discharges.

Article 2

For the purpose of this Directive:

1. ‘urban waste water’ means domestic waste water or the mixture of domestic waste water with industrial waste water and/or run-off rain water;

2. ‘domestic waste water’ means waste water from residential settlements and services which originates predominantly from the human metabolism and from household activities;

3. ‘industrial waste water’ means any waste water which is discharged from premises used for carrying on any trade or industry, other than domestic waste water and run-off rain water;

4. ‘agglomeration’ means an area where the population and/or economic activities are sufficiently concentrated for urban waste water to be collected and conducted to an urban waste water treatment plant or to a final discharge point;

5. ‘collecting system’ means a system of conduits which collects and conducts urban waste water;

6. ‘1 p.e. (population equivalent)’ means the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day;

7. ‘primary treatment’ means treatment of urban waste water by a physical and/or chemical process involving settlement of suspended solids, or other processes in which the BOD5 of the incoming waste water is reduced by at least 20 % before discharge and the total suspended solids of the incoming waste water are reduced by at least 50 %;

8. ‘secondary treatment’ means treatment of urban waste water by a process generally involving biological treatment with a secondary settlement or other process in which the requirements established in Table 1 of Annex I are respected;

9. ‘appropriate treatment’ means treatment of urban waste water by any process and/or disposal system which after discharge allows the receiving waters to meet the relevant quality objectives and the relevant provisions of this and other Community Directives;

10. ‘Sludge’ means residual sludge, whether treated or untreated, from urban waste water treatment plants;

11. ‘eutrophication’ means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;

12. ‘estuary’ means the transitional area at the mouth of a river between fresh-water and coastal waters. Member States shall establish the outer (seaward) limits of estuaries for the purposes of this Directive as part of the programme for implementation in accordance with the provisions of Article 17 (1) and (2);

13. ‘coastal waters’ means the waters outside the low-water line or the outer limit of an estuary.

Article 3

1 Member States shall ensure that all agglomerations are provided with collecting systems for urban waste water,

— at the latest by 31 December 2000 for those with a population equivalent (p.e.) of more than 15 000, and

— at the latest by 31 December 2005 for those with a p.e. of between 2 000 and 15 000.

For urban waste water discharging into receiving waters which are considered ‘sensitive areas’ as defined under Article 5, Member States shall ensure that collection systems are provided at the latest by 31 December 1998 for agglomerations of more than 10 000 p.e.

Where the establishment of a collecting system is not justified either because it would produce no environmental benefit or because it would involve excessive cost, individual systems or other appropriate systems which achieve the same level of environmental protection shall be used.

[[F1]1a By way of derogation from the first and second subparagraphs of paragraph 1, in respect of Mayotte as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (hereinafter ‘Mayotte’), France shall ensure that all agglomerations are provided with collecting systems for urban waste water:

— by 31 December 2020 at the latest for agglomerations of more than 10 000 p.e., which will cover at least 70 % of the load generated in Mayotte;

— by 31 December 2027 at the latest for agglomerations of more than 2 000 p.e.**]**

[[F2]2 Collecting systems described in paragraph 1 shall satisfy the requirements of section A of Annex I. The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).**]**

Textual Amendments

F1 Inserted by Council Directive 2013/64/EU of 17 December 2013 amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.

F2 Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251

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of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

Article 4

1 Member States shall ensure that urban waste water entering collecting systems shall before discharge be subject to secondary treatment or an equivalent treatment as follows:

— at the latest by 31 December 2000 for all discharges from agglomerations of more than 15 000 p.e.,

— at the latest by 31 December 2005 for all discharges from agglomerations ofbetween 10 000 and 15 000 p.e.,

— at the latest by 31 December 2005 for discharges to fresh-water and estuaries from agglomerations of between 2 000 and 10 000 p.e.

[F1 1a By way of derogation from paragraph 1, in respect of Mayotte, France shall ensure that urban waste water entering collecting systems is, before discharge, subject to secondary treatment or an equivalent treatment:

— by 31 December 2020 at the latest for agglomerations of more than 15 000 p.e., which, along with the agglomerations referred to in Article 5 (2a), will cover at least 70 % of the load generated in Mayotte;

— by 31 December 2027 at the latest for agglomerations of more than 2 000 p.e.**]**

2 Urban waste water discharges to waters situated in high mountain regions (over 1 500 m above sea level) where it is difficult to apply an effective biological treatment due to low temperatures may be subjected to treatment less stringent than that prescribed in paragraph 1, provided that detailed studies indicate that such discharges do not adversely affect the environment.

[F2 3 Discharges from urban waste water treatment plants described in paragraphs 1 and 2 shall satisfy the relevant requirements of section B of Annex I. The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).**]**

4 The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the treatment plant during the year, excluding unusual situations such as those due to heavy rain.

Textual Amendments

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F2 Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

Article 5

1 For the purposes of paragraph 2, Member States shall by 31 December 1993 identify sensitive areas according to the criteria laid down in Annex II.

2 Member States shall ensure that urban waste water entering collecting systems shall before discharge into sensitive areas be subject to more stringent treatment than that described in Article 4, by 31 December 1998 at the latest for all discharges from agglomerations of more than 10 000 p.e.

[[F1]2a By way of derogation from paragraph 2, in respect of Mayotte, France shall ensure that urban waste water entering collecting systems shall before discharge into sensitive areas be subject to more stringent treatment than that described in Article 4 by 31 December 2020 at the latest for agglomerations of more than 10 000 p.e., which, along with the agglomerations referred to in Article 4(1a), will cover at least 70 % of the load generated in Mayotte.**]**

[[F2]3 Discharges from urban waste water treatment plants described in paragraph 2 shall satisfy the relevant requirements of section B of Annex I. The Commission may amend those requirements. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).**]**

4 Alternatively, requirements for individual plants set out in paragraphs 2 and 3 above need not apply in sensitive areas where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area is at least 75 % for total phosphorus and at least 75 % for total nitrogen.

5 Discharges from urban waste water treatment plants which are situated in the relevant catchment areas of sensitive areas and which contribute to the pollution of these areas shall be subject to paragraphs 2, 3 and 4.

In cases where the above catchment areas are situated wholly or partly in another Member State Article 9 shall apply.

6 Member States shall ensure that the identification of sensitive areas is reviewed at intervals of no more than four years.

7 Member States shall ensure that areas identified as sensitive following review under paragraph 6 shall within seven years meet the above requirements.

8 A Member State does not have to identify sensitive areas for the purpose of this Directive if it implements the treatment established under paragraphs 2, 3 and 4 over all its territory.

Textual Amendments

F1 Inserted by Council Directive 2013/64/EU of 17 December 2013 amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.

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Article 6

1 For the purposes of paragraph 2, Member States may by 31 December 1993 identify less sensitive areas according to the criteria laid down in Annex II.