

Brussels, 30 November 2018

Updated Position Paper on the European Commission proposal for a Regulation on Minimum Requirements for Water Reuse (COM(2018) 337 final) of 25 May 2018

Introduction

The European Irrigation Association (EIA)¹, which represents all professionals involved with the irrigation industry from the Agriculture, Golf and Turf sectors, organised on 6 November 2018 its biannual Irrigation Forum, entirely devoted to: “The proposal for an EU Water Reuse Regulation: a missed opportunity?”, with, as speakers, EU and international policy-makers and water experts.

The Forum provided an opportunity for EIA members to develop more detailed arguments on the Commission proposal tabled in May 2018. The EIA wishes to share these with the European Parliament and the EU Council while both Institutions are examining the text, with a view to improving it.

While fully supporting the original multiple objectives of the European Commission for developing a harmonised regulatory framework for water reuse for irrigation at EU level, EIA members participating in the Forum require a more balanced approach. Bad examples are given by some national legislations, which too stringent requirements lead to indirect or uncontrolled instead of direct or managed re-use of water.

The EIA supports that such a regulatory framework is set in the legal format of an EU Regulation, which guarantees a harmonised approach to planning, implementation and validation of water reuse projects on equal terms in all Member States.

The EIA’s contribution to the public consultation focused on proposing that the EU Institutions modify the Commission proposal by

- a) including non-food crop, urban green areas, golf courses and sport turf areas in the Regulation scope to facilitate a larger uptake of waste water reuse practice,
- b) moving away from explicitly prescribing stringent quality demands on water treatment system towards the regulatory framework which creates and controls the barriers to contamination throughout the entire process and
- c) prescribing in the Regulation the development of consolidated guidelines and Best Management Practices for implementation of water reuse for irrigation projects, which would help to cover the gap between Member States which already have a specific legislation on water re-use and the others.

Observations

Following its Forum, the EIA wants to add the following observations:

¹ The European Irrigation Association (EIA) is a not-for profit association of Belgian law, registered in the EU Transparency Register under n° 837818415965-04. The mission of the EIA is to improve the products, practices and services used to manage water resources and to contribute to the global improvement of the environment.

- At first, the EIA regrets the **lack of transparency** in the process, with the results of the initial consultation not considered and the content of the proposal not justified; as an example, the minimum standard to be applied listed in the guidelines edited in 2016 were not considered.
- The regulation proposal only refers to agricultural reuse, **but irrigation of turf and landscape are first targeted today**: if the regulation is applied as it is proposed, due to the cost it will be the only applications that could afford such a level of quality.
- A place for **irrigation actors** should be made: tertiary on purpose treatment at plot entrance, risk management according to the type of production and sensitivity of environment, BMP listed by ISO TC282 representing international consensus;
- **In general**, the impression is that the Commission proposal is based on the Australian regulatory framework, where all new projects development have stopped; that the proposal will not facilitate the uptake of reuse, hampering the creation in Europe and the global deployment of a market of treatment fit for reuse based on greener technologies; that most investments will be affected to urgent needs of maintenance (treatment plants and networks), meaning that direct reuse will be postponed, paving the way to indirect-uncontrolled reuse; and that the knowledge acquired in the last decade (thanks to EU financing in research) may be lost because it will not be applicable any longer. A counter example could have been the Israel example, where water tariff is 0.7\$/m³ for fresh water and 0.4\$/m³ for treated effluent, the regulation being based on the construction of successive barrier to contamination for agriculture and non-agriculture usage, with dedicated monitoring and best design and practices management;
- **Extra-cost of depuration**: Compliance with the Regulation as proposed would require an extra depuration cost estimated around 0.5 to 0.8€/m³. Part of the treatment could be supported by agriculture but not all. For example, for micro-pollutants, over-precautionary rules are made necessary by societal demand, that is the first level polluter. It may be more effective to forbid products and medicines that could not be removed by common waste water treatment methods. Such high costs would result in limiting water to high income activities (irrigation of golf, urban landscape...), not to agriculture. In addition, stringent rules require a more careful/costly administrative control that is not affordable.
- **Energy costs**: tertiary treatment as required by the draft regulation should increase energy cost by 50 to 200% from actual;
- **Risk analysis**: it is a good path to follow, if it is described, to manage the different barriers to contaminations. The World Health Organisation (WHO) method is the most balanced, keeping a treatment level that makes sense with the type of production and associated hazards. It remains that many of the pathogens that should be analysed are not properly known in terms of dose-response, making it necessary to apply to generalise pathogens management despite differences in contamination characteristics. The farmer should be involved in the management of the safety chain and not excluded from the chain of responsibilities.
- **Monitoring and practices** are keys of risk management chain, but they have to be feasible technically, financially and administratively. The questions around operation of such regulation are not addressed in the proposal as it stands. Monitoring for safety is based on rules that do not rely on proven epidemiology risks (e.g. based on Escherichia coli (E. coli) which is an indication, not a risk). Risk management: need to integrate the barriers made by soil and plant in addition to treatment, based on real data and adapted to local conditions;
- **Circular economy of water and nutrients** is in all policy makers minds and is justified in terms of energy balance. However, the proposal will cancel any nutrient benefits, and will result in

enhanced energy use for treatment, compared to disposal in the environment, and in fertilizers production instead of recovery.

- Regarding **micro-pollutants**, a lot of pressure is made to enlarge the list, but it is impossible to manage treatment for many of them at reasonable cost;
- Regarding **food safety**, instead of referring to source of water, in which heavy metals are not listed, it should refer to quality of water. And instead of asking monitoring pharmaceutical that could not be treated it should be asked to remove it from the market;

Conclusion

The EIA calls upon the European Parliament, particularly its Environment and Agriculture Committees, and the Council of Environment Ministers, to improve the current text of the Commission proposal in such a way that an EU regulatory regime is set up to fully support water reuse in the EU. With the perspective of urban population increase, combined with the pressure of climate change, this is the only way to ensure a proper management of effluent water and domestic water resource.