

## **Water policy: Commission takes legal action against 13 Member States**

*The European Commission is taking legal action against 13 Member States for non-compliance with two important EU laws on water. These laws seek to improve the quality of all waters in Europe, from lakes and rivers to coastal waters, for the benefit of Europe's citizens and environment. Nine Member States - Belgium, Finland, Germany, Italy, Luxembourg, the Netherlands, Portugal, the United Kingdom and Sweden - have received final written warnings, which call on them to urgently put in place all the necessary national legislation to comply with the EU Water Framework Directive. This milestone law is aimed at ensuring good quality of all water resources in the EU through a new, integrated cross-border approach to water management. It had to be transposed into national law by December 2003. The Commission has also sent first written warnings to France, Greece, Ireland, Italy, Portugal, Spain and the United Kingdom for failing to meet a December 2000 deadline for installing proper treatment for waste-water discharges from cities and towns with more than 15,000 inhabitants. Inadequate waste-water treatment is a major cause of water pollution and represents a serious risk to human health and the environment. Through its action, the Commission helps ensuring citizens a high level of water quality across the EU.*

Commenting on the decisions, Environment Commissioner Margot Wallström said: "Water is a fragile resource, and most of our water systems in Europe are threatened with pollution and overexploitation. The Water Framework Directive is one of the most ambitious pieces of water legislation in the world. It will improve the quality of our waters and protect them – but only if it is implemented correctly. The correct treatment of urban waste water is also crucial for water quality by making sure that our waters are not polluted by badly treated sewage."

### **Non-transposition of Water Framework Directive**

The Water Framework Directive<sup>1</sup> establishes a European framework for the protection of all water bodies in the European Union - rivers, lakes, coastal waters, groundwater and inland surface water. Its objective is to reach a good quality of water resources by 2015. This objective is to be reached through integrated management based on river basins as water systems do not stop at administrative borders. The Water Framework Directive operates with clear deadlines for various steps that are required to move toward sustainable, integrated water management in Europe. The national legislation necessary to implement the Directive became due in December 2003.

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<sup>1</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

Belgium, Germany, Italy, Finland, Luxembourg, the Netherlands, Portugal, the United Kingdom and Sweden have not yet completed the process of adopting and notifying the necessary national legislation to the Commission. This is why the Commission has sent them final written warnings. By not implementing this important Directive the nine Member States are not giving their citizens the improved water quality in lakes, rivers and coastal waters that they are entitled to.

### **Lack of waste-water treatment**

The Commission has sent first written warnings to France, Greece, Ireland, Italy, Portugal, Spain and the United Kingdom as a Commission investigation found that many cities and towns in these Member States fail to properly treat their waste water discharged from towns of more than 15,000 inhabitants. The EU's Urban Wastewater Directive sets the deadline of 31st of December 2000 for so-called secondary treatment<sup>2</sup> to be in place before water is discharged from towns and cities of this size.

The Urban Wastewater Treatment Directive<sup>3</sup> addresses nutrient-based, bacterial and viral pollution caused by urban waste water. Urban waste water that discharges excessive levels of nutrients, in particular phosphorous and nitrogen, into rivers and seas promotes excessive growth of algae and other forms of aquatic plants. This process known as "eutrophication" in turn leads to a lowering of oxygen levels, threatening the survival of fish, which depend on oxygen. It can also make the water unsafe for drinking. By introducing potentially harmful bacteria and viruses, the discharges also pose human health risks in waters that are used for bathing or shellfish culture.

The Directive requires that urban centres (cities, towns and settlements) meet minimum waste water collection and treatment standards within deadlines fixed by the Directive. These deadlines are fixed according to the sensitivity of the affected waters and to the size of the urban population concerned.

### **Legal Process**

Article 226 of the Treaty gives the Commission powers to take legal action against a Member State that is not respecting its obligations.

If the Commission considers that there may be an infringement of EU law that warrants the opening of an infringement procedure, it addresses a "Letter of Formal Notice" (first written warning) to the Member State concerned, requesting it to submit its observations by a specified date, usually two months.

In the light of the reply or absence of a reply from the Member State concerned, the Commission may decide to address a "Reasoned Opinion" (final written warning) to the Member State. This clearly and definitively sets out the reasons why it considers there to have been an infringement of EU law, and calls upon the Member State to comply within a specified period, usually two months.

If the Member State fails to comply with the Reasoned Opinion, the Commission may decide to bring the case before the Court of Justice. Where the Court of Justice finds that the Treaty has been infringed, the offending Member State is required to take the measures necessary to conform.

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<sup>2</sup> "Secondary treatment" means a treatment making it possible to eliminate suspended solids and dissolve pollutants by a process generally involving biological treatment.

<sup>3</sup> Council Directive 91/271/EEC concerning urban waste water treatment

Article 228 of the Treaty gives the Commission power to act against a Member State that does not comply with a previous judgement of the European Court of Justice. The article also allows the Commission to ask the Court to impose a financial penalty on the Member State concerned.

For current statistics on infringements in general see:

[http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/index\\_en.htm#infractions](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm#infractions)