



# EurEau input for the Committee of the Region's ENVE committee report on the New Circular Economy Action Plan

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**EurEau is the European Federation of Water Services and represents drinking water and waste water operators from 29 countries covering both public and private management. Water services have a long track-record of contributing to the circular economy, as illustrated in our briefing note on the circular economy<sup>1</sup>.**

The new Circular Economy Action Plan (CEAP) published on 11 March 2020 offered a unique opportunity to unleash the water sector's potential. While the European Commission presented a lot of good intentions and the will to "scale up the circular economy from front-runners to the mainstream economic players", a number of question marks remain and **the potential of the water sector is not sufficiently exploited**. In this context, we wish to make the following comments.

## 1. The Circular Economy requires a toxic-free environment

Enhancing the circular economy must go hand in hand with the aim for zero-pollution and a toxic-free environment. The **circular economy needs an environmentally sound regulatory framework to avoid possible negative toxic effects on aquatic ecosystems**. The best approach for a safe and toxic-free environment is to avoid that harmful substances or particles enter the environment in the first place, by a strict control of their authorisation, use and release through strong legislation.

This is especially the case for **persistent, toxic and bio-accumulative substances** ('forever chemicals'), for which restrictions are necessary to prevent permanent deterioration of European drinking water resources. Also the risk of **combination toxicity** should be taken into account due to the presence of many different substances in the environment. In addition to the Chemical Strategy for Sustainability we look forward to seeing concrete follow-up measures in the actions announced in the CEAP:

- ~ To "develop methodologies to minimise the presence of substances that pose problems to health or the environment in recycled materials and articles made

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<sup>1</sup> <http://www.eureau.org/resources/briefing-notes/3010-briefing-note-on-water-and-the-circular-economy-package/file>.



thereof”

- ~ To “develop harmonised systems to track and manage information on substances identified as being of very high concern and other relevant substances, in particular those with chronic effects, and substances posing technical problems for recovery operations present along supply chains”
- ~ To “mobilise the potential of digitalisation of product information, including solutions such as digital passports, tagging and watermarks in order to monitor chemical substances throughout the production chain”.

## 2. Control-at-source must be the guiding principle<sup>2</sup>

We welcome the Commission’s intention to protect the environment and water resources through increased source control, by e.g. the restriction of intentionally added microplastics, the development of a comprehensive EU Strategy for Textiles, and enhancing circularity in a toxic-free environment through the chemical strategy for sustainability.

### *Example 1 - PFAS*

Due to the large number of PFAS chemicals, **a substance-by-substance risk assessment and management approach is not the way forward to efficiently prevent risks to the environment and human health from a single PFAS or mixtures of them.** Taking precautionary risk management actions for groups of chemicals and promoting the use of chemicals that are ‘safe-and-circular-by-design’ is the only viable way to limit future pollution. The Netherlands announced at the December 2019 Environment Council the intention to prepare a comprehensive proposal to restrict all uses of and products with PFAS except where essential. The competent authorities in Denmark, Germany, Sweden and Norway, and the ECHA, have indicated their willingness to cooperate.

**EurEau supports this initiative and calls on the European Commission to present an action plan announcing the swift ban of all non-essential use of PFAS.**

### *Example 2 – Textile fibres*

Good practices for the industry like pre-washing of synthetic textiles, collection of the released fibres and recycling them should be part of the EU Strategy for Textiles. This would avoid the release of plastic fibres into sewers and protect the quality of the waste water treatment sludge.

**Clearly, better quality sludge offers more circular economy potential.** Additionally, widening the scope of the Eco-design Directive, by making the EU internal market comply with the ‘safe by design’ principle, will help to better protect aquatic ecosystems and drinking water resources and, at the same time, improve the quality of

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<sup>2</sup> EurEau position paper [The holistic approach to addressing micropollutants; 2019 update of source control](#).



the influent of waste water treatment plants. Ultimately, these are both measures of improved source control.

This principle should be implemented for all products that can release harmful substances or particles through their normal wear and tear. If this is not possible, **extended producer responsibility must apply**<sup>3</sup> for the collection of the waste substance, the treatment of waste water containing the substance and the sludge disposal route in application of the polluter pays principle.

### 3. Water reuse regulation is close to final approval

We notice good intentions by mentioning the new regulation on water reuse for irrigation in agriculture. However, as this regulation is already close to final approval by the co-legislators, the CEAP does not offer any additional elements. EurEau looks forward to supporting the Commission in the development of related guidance documents.

EurEau can **support the Commission's intention to facilitate water reuse and efficiency, including in industrial processes**. This will reduce the pressure on the resource and contribute to the protection of water resources available for drinking water production. Simultaneously, risk assessment must ensure that reused water **does not lead to the contamination of drinking water resources**.

### 4. Waste water legislation offers opportunities if well designed

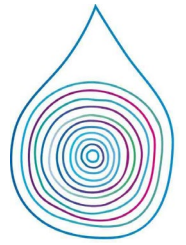
We acknowledge that the Commission will consider the revision of the **Directives on waste water treatment and sewage sludge**, both are essential directives for the sector. However, there is no clear indication how these actions will be put forward as there is no reference in the action list in the Annex.

**A large spectrum of resources can be recovered from waste water, ranging from cellulose via bioplastics to nutrients and energy**. The recovery of these resources requires investments that are often made for decades and compete with the ones needed to comply with the Urban Waste Water Treatment Directive.

**Reviewing both the Urban Waste Water Treatment Directive and the Sewage Sludge Directive will only be sensible if they complement each other and give a clear direction for investments in the sector**. There is a tangible risk that new requirements on the waste water treatment side result in more problems to reuse sewage sludge due to increased concentrations of contaminants. To avoid counterproductive investment requirements, **any holistic approach must start from the control-at-source principle** as stipulated in the Treaty (TFEU art. 191.2). A clear legislative framework needs to be established to support the sector on its efforts to invest in both the protection of public health and the environment, and to allow water

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<sup>3</sup> [Deloitte study on applying Extended Producer Responsibility for micropollutants and microplastics \(2020\)](#).



services to fully engage in the circular economy.

## 5. A market for secondary materials and recovered nutrients is urgently needed

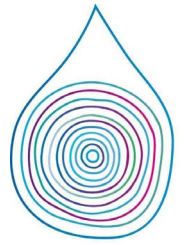
The materials and nutrients extracted from waste water need a market to foster these investments and **make the business model viable in the long term**. This is not the case today, as **secondary materials and nutrients are often more expensive than products made from virgin raw materials**. Therefore, we support the intention of the European Commission to ensure “a well-functioning internal market for high quality secondary raw materials”. Some key principles must be observed:

- ~ EurEau supports the Commission’s announcement that they would investigate the **development of end of waste criteria from 2021**. These criteria are urgently needed to create markets for the recovered products of the water sector.
- ~ **End-of-waste criteria must protect** water resources and the urban water cycle from **substances that are harmful for human health or the environment**. In this context, the CEAP should have confirmed the Commission’s intention to clarify the definition of waste in the Waste Framework Directive.
- ~ The European Commission should propose initiatives like **minimum share of recovered materials / nutrients in final products** using product-specific legislation (such as the Fertiliser regulation) or the Ecodesign directive. A similar approach was taken with the minimum share of 5% ethanol in fossil gasoline to promote the market uptake of non-fossil fuels.

## 6. Water sector must be involved in the Nutrient Management Plan

Better nutrient management is urgently needed to decrease the current excessive amounts of nutrients in our water bodies and drinking water resources. Hence, we may support the idea of creating a Nutrient Management Plan but wish to point at a number of challenges that need addressing:

- ~ The plan, to be useful, **must integrate with the waste water sector** and the nutrient streams it manages (and other stakeholders who also manage nutrient streams e.g. agriculture), and **build the links from those who manage nutrient streams to end-users of nutrients**.
- ~ The practical implementation of this plan **must be embedded in a consistent and coherent legislation framework**. As for the waste water sector, the Urban Waste Water Treatment Directive, the Sewage Sludge Directive, the Fertiliser Regulation, the Industrial Emissions Directive, as well as the EU acquis



for plant protection products and the Nitrates Directive are particularly relevant in this context.

- ~ The plan should recognise that **nutrient streams are closely integrated with carbon streams** and, thus, they need to be considered simultaneously. Utilising the value of carbon, for example, through carbon farming is a notable opportunity.
- ~ Again, keeping contaminants away from the urban water cycle through **strict control-at-source is paramount**.
- ~ As outlined above, the plan would have to address specific challenges (e.g. **no current market value in phosphorous from sewage**) and find a way to resolve these.
- ~ The plan would have to **build on solid life cycle analyses** in order to ensure that proposed solutions **do not clash with other Green Deal goals such as climate neutrality**.

## 7. Climate change considerations are important

Finally the cross-cutting actions are very welcome, especially regarding climate change mitigation. **Water services suffer from the consequences of climate change**, both for the availability of the resource for producing drinking water but also for the management of more intensive and frequent rain events on the waste water side<sup>4</sup>. Actions to improve control at source will allow to promote the use of sludge on land and avoid incineration. Reusing water, reusing sludge, recovering resources from sludge and waste water, recover heat and producing renewable biogas for heat and electricity production or vehicle fuel will contribute to increased resource autonomy in Europe and **reduce import dependency. Acting to promote the circular economy of water services will help to reduce the carbon footprint of European economy.**

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### About EurEau

EurEau is the voice of Europe's water sector. We represent drinking water and waste water operators from 29 countries in Europe, from both the private and the public sectors.

Our members are 32 national associations of water services. At EurEau, we bring national water professionals together to agree European water sector positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses. The EurEau secretariat is based in Brussels.

With a direct employment of around 476,000 people, the European water sector makes a significant contribution to the European economy.



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<sup>4</sup> EurEau [Briefing Note on Climate Change](#).