



Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

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The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.



Urban waste water treatment

Formal references	
91/271/EEC (OJ L135 30.5.91)	Directive concerning urban waste water treatment
Proposed 9.11.89 – COM(89)518	
98/15/EC (OJ L67 07.03.98)	Amendment
OJ L139/34 2.6.1999	Corrigenda
Legal base	Article 225 TFEU (originally Article 192 TEC)
Binding dates	
Formal compliance	30 June 1993
Member States' implementation programmes to be drawn up	31 December 1993
Identification of sensitive and less-sensitive areas	31 December 1993
Implementation programmes be sent to the Commission	30 June 1994
Publication by Member States of 'situation report'	Every two years from 30 June 1995
Dumping of sewage sludge at sea to be ended	31 December 1998
Standards to be met	See Table 1

Purpose of the Directive

Directive 91/271/EEC seeks to reduce the pollution of freshwater, estuarial and coastal waters by domestic sewage, industrial waste water and rainwater run-off – collectively, 'urban waste water' ('municipal waste water' in earlier drafts). It sets minimum standards, and timetables for their achievement, for the collection, treatment and discharge of urban waste water. It introduces controls over the disposal of sewage sludge, and requires the ending of sewage sludge dumping at sea (agricultural use is covered by the Nitrates Directive [91/676/EEC](#)). The Directive therefore contributes to the achievement of the objectives of Directive [2006/7/EC](#) on the quality of bathing water, but is considerably wider than that Directive in its scope.

Summary of the Directive

All towns and villages ('agglomerations') with a population equivalent (p.e.) greater than 2,000 are required to have collecting (sewerage) systems by the end of either the year 2000 or 2005, depending on their size. Urban waste water entering these collecting systems is to be subject to treatment requirements that generally become more stringent the larger the agglomeration. Waste water is normally to be subject to a minimum of secondary treatment, a process generally involving biological treatment with a secondary settlement. Deadlines for the installation of secondary treatment systems vary with the size of the population served – thus all discharges from towns greater than 15,000 p.e. are to be subject to secondary treatment by the end of 2000, while for most discharges from towns between 2,000 and

10,000 p.e. the deadline is five years later. (Table 1 illustrates the detailed compliance timetable in a more easily understood form than is contained in the Directive.)

Table 1. Directive 91/271/EEC on Urban Waste Water Treatment: requirements of Articles 4–7

Treatment required:

A = Appropriate to meet quality objectives and requirements of relevant EC Directives.

P = Primary treatment in less-sensitive areas only.

S = Secondary treatment.

T = Tertiary, or more stringent, treatment in sensitive areas.

*Exceptional, where Member State provides prior proof that more stringent treatment will not produce any environmental benefit.

Size of urban area (p.e.) receiving less-sensitive (population equiv)	Nature of receiving water	Compliance deadlines			Eligible less-sensitive areas
		31 December 1998	31 December 2000	31 December 2005	
<2,000	Coastal			A	
	Estuarial			A	
	Freshwater			A	
2,000–10,000	Coastal			A	
	Estuarial			S	P
	Freshwater			S	
10,000–15,000	Coastal	T		S	P
	Estuarial	T		S	
	Freshwater	T		S	
15,000–150,000	Coastal	T	S		P
	Estuarial	T	S		
	Freshwater	T	S		
>150,000	Coastal	T	S		P*
	Estuarial	T	S		P*
	Freshwater	T	S		

Higher, or tertiary, standards of treatment are required for discharges to particularly sensitive areas. Such areas are to be determined by Member States on the basis of criteria set out in Annex II. They include waters subject to eutrophication (in which case significant reductions of nitrates and/or phosphates are required); surface waters with high nitrate levels intended for the abstraction of drinking water; and other waters where higher treatment standards are necessary to fulfil the requirements of other Community Directives. Discharges in such sensitive areas were to be subject to more stringent treatment by the end of 1998.

Equally, Directive 91/271/EEC makes provision for Member States in some circumstances to identify less-sensitive coastal and estuarial areas, where standards of waste water treatment

can be lower. In such areas, the Directive requires a minimum of primary treatment (a physical and/or chemical process involving the settlement of suspended organic solids that produces a specified reduction in biological oxygen demand (BOD)), while ‘comprehensive studies’ must at the same time indicate that the environment is not adversely affected. The Commission may submit ‘appropriate proposals’ to the Council should these conditions not be met.

Those smaller towns or villages that are not obliged by Directive 91/271/EEC to install secondary treatment systems are nevertheless required to provide ‘appropriate’ treatment sufficient to ensure compliance with quality objectives or the requirements of other relevant Community legislation.

Annex I of Directive 91/271/EEC sets emission limit values and minimum percentage reductions that systems of secondary and tertiary treatment must meet, and sets out reference methods for monitoring and evaluating the results. It also sets emission limits for nitrogen and phosphorus discharges from treatment plants to designated sensitive areas. Directive 98/15/EC clarifies the discharge requirements for nitrogen and phosphates.

Directive 91/271/EEC makes provision for possible exceptions and derogations to these general requirements. Where the installation of sewerage systems involves ‘excessive costs’, alternative systems (such as septic tanks) giving the same degree of environmental protection may be used. Moreover, under Article 8, Member States may apply to the Commission for derogations from the requirement to install secondary treatment for larger towns over 150,000 p.e. The request must be justified on the basis of technical reasons only and be for geographically defined populations. Compliance in these circumstances had to be achieved at the latest by the end of 2005.

Commission Decision [2001/720/EC](#) granted Portugal a derogation regarding urban waste water treatment for the agglomeration of the Estoril coast. This allows less stringent waste water treatment than that prescribed in Article 4, i.e. outside the bathing season, the urban waste water from the agglomeration of the Estoril coast shall, prior to discharge, be at least subject to primary treatments defined by Article 2(7).

Directive 91/271/EEC requires that the disposal of sewage sludge arising from waste water treatment is to be subject to Regulation by the end of 1998. The dumping of sludge at sea, or in other surface waters, is to be ‘phased out’ by the same date.

As regards industrial waste water, discharges into collecting systems and treatment plants is to be subject to prior Regulation and/or specific authorization by the end of 1993, and subject to forms of pre-treatment specified in an Annex. These include the provision that the resulting sludge can be disposed of safely in an environmentally acceptable manner. Bio-degradable industrial waste water from specified sectors of the food and drink industry which is discharged direct to receiving waters is also to be subject to prior Regulation/authorization by the end of 2000.

A Committee of representatives of Member States and the Commission is established to consider future changes to the standards set in Directive 91/271/EEC.

Programmes for the implementation of Directive 91/271/EEC, which may be updated every two years, are to be drawn up by Member States by the end of 1993 in accordance with

Decision [93/481/EEC](#). Member States are also required to publish, and send to the Commission, biannual reports on the treatment and disposal of sewage and sewage sludge in their areas.

The Commission has published guidance¹ to assist in the implementation of the Directive. The aim of the guidance is to support reporting required by the Directive by providing guidance on key terms and concepts. It also aims to help those authorities responsible for implementing the Directive to understand better certain of its key provisions.

For many of the Member States that joined the EU in 2004 and 2006, transition periods were agreed for selected Directives. These transition periods are recorded in the respective Accession Treaties, which amend the relevant Community legislation. Table 2 sets out the transition periods agreed for Directive 91/271/EEC. Directive 91/271/EEC presents major challenges to these countries. These relate both to the establishment (or improvement) of waste water collection systems and to the development of the necessary levels of treatment to comply with the Directive. The majority of the population of the new Member States live in catchments that are considered to be sensitive areas (not least the entire Baltic Sea catchment). This means that the minimum level of treatment required includes nutrient removal.

Table 2. Examples of transition periods agreed during the 2004 and 2006 accession process for Directive 91/271/EEC

Member State	Latest transition period
Bulgaria	2014
Cyprus	2012
Czech Republic	2010
Estonia	2010
Hungary	2015
Latvia	2009
Lithuania	2015
Malta	2007
Poland	2015
Romania	2018
Slovakia	2015
Slovenia	2015

Development of the Directive

Directive 91/271/EEC sprang from a growing concern at the detrimental effects evident in many of the Community's fresh and coastal waters of discharges of inadequately treated sewage. There are more discharges of urban waste water in the Community than of any other type, yet for the Community as a whole in the late 1980s only about 45 per cent of the total organic load received any treatment before discharge. In addition to public health implications, the growing problem of eutrophication through nitrate and phosphate enrichment of both inland and coastal waters had become of particular concern to some Member States, especially those bordering the southern and eastern North Sea.

Following a ministerial seminar on future Community water policy held in Frankfurt in June 1988, the Commission was invited to produce proposals for improving standards of sewage treatment. Securing agreement, however, was made difficult by the very wide variation in provision between Member States. On the one hand, in what was formerly West Germany, some 84 per cent of total treatment capacity was scheduled to be to tertiary standard by 1995, while in Portugal, sewage from some 80 per cent of the population was still discharged untreated – a figure that rose to over 90 per cent in rural areas. Nor was this a reflection simply of a ‘North–South’ divide, for in Belgium, some 70 per cent of urban waste water was untreated and in the United Kingdom, in 1989, while 80 per cent of sewage produced in England and Wales received at least secondary treatment, almost 90 per cent of sewage discharged to the sea received no significant treatment at all. The United Kingdom was also responsible for almost all the Community's sewage sludge dumped at the sea.

Directive 91/271/EEC as originally proposed would have required substantial investments over a very short timescale, especially for the southern Member States, Belgium and France. By the end of 1998, a minimum of secondary treatment was to be required for all discharges to freshwater and estuaries from towns above 2,000 p.e., and to coastal waters from towns greater than 10,000 p.e. The proposals were tightened even further in amendments later tabled by the Commission to reflect the opinion of the European Parliament: the proposed size thresholds were to be reduced to 1,000 p.e. and 5,000 p.e., respectively ([COM\(90\)522](#)). This was clearly unacceptable to those countries such as Greece, Portugal and Spain with many small rural and coastal settlements served by a poor (or even non-existent) sewage treatment infrastructure. On the other hand, Germany, Denmark and the Netherlands, all concerned with the eutrophication of inland waters and the eastern margins of the North Sea, and with high standards of domestic sewage treatment, pressed for more stringent standards, including a broader definition of sensitive areas. Discussion, however, shifted to a far less demanding draft produced by the Italian Presidency, in which compliance dates were postponed in some cases by as much as seven years. Negotiations in the Council loosened the draft still further. Requirements for smaller towns below 10,000 p.e. discharging into coastal waters were relaxed; some compliance dates were further postponed; provision was made for exceptions and derogations; and a number of definitions were made open to a greater degree of local interpretation. One UK official described the draft Directive as ‘a good example of subsidiarity – one of the few that has got the balance right’.

Implementation of the Directive

Directive 91/271/EEC has proved to be a major challenge for implementation in many Member States. As a result, its implementation has been the subject of a number of reports from the Commission since 1998 and has resulted in numerous infringements.

Information concerning national transposition measures can be found in the national [execution measures](#) communicated by the Member States.

In December 1998 the Commission published its first implementation report on Directive 91/271/EEC ([COM\(98\)775](#)). This concluded that most EU Member States were on track to meet the requirements of the Directive. However, the data analysed were those from 1992 and so compliance with requirements for sewage dumping and sensitive areas were not able to be assessed. The Commission explained its delay in publishing its first implementation report (which should be produced every two years) as being due to delays in receiving information from the Member States.

In March 2001 the Commission took Member States to task over the implementation of the Directive as part of a ‘name and shame’ campaign. The Commission followed up this pressure on Member States by a further implementation report in November 2001 ([COM\(2001\)685](#)).

The Commission published a third implementation report in 2004 ([COM\(2004\)248](#)). It noted a number of positive trends since its last report, particularly in investment in additional waste water treatment. However, it noted that most Member States had still not fully met the deadlines in Directive 91/271/EEC and that eutrophication remained a problem in coastal waters. As a result, Member States were told to expect further legal action. The report noted some progress in the treatment for discharges to sensitive areas (to be met by the end of 1998), although much still remained to be done. Also of the 556 cities in the EU15 with populations over 150,000, the number without any treatment had been reduced from 37 to 26.

In 2007 the Commission published a further implementation report ([SEC\(2007\)363](#)). The report concluded²:

- Only Denmark, Germany and Austria demonstrated close to 100 per cent compliance, closely followed by the Netherlands.
- There was inadequate reporting (particularly for Italy and Spain).
- There was inadequate waste water treatment from agglomerations discharging into sensitive areas for discharges accounting for 10.3 per cent of the total load (in eight Member States).
- There was inadequate waste water treatment from agglomerations discharging into normal areas for discharges accounting for 8.9 per cent of the total load (in eight Member States).
- There was a lack of waste water treatment (or only preliminary treatment) for 283 agglomerations accounting for 4 per cent of the total load (in five Member States).
- The Commission considered that designation was inadequate and that a further 104 sites should be designated (in six Member States).

The Commission published its fifth implementation report in August 2009 (Commission Staff Working Document ([SEC\(2009\)1114](#))). Only 18 of the 27 Member States provided a complete dataset by the 30 November 2008 cut-off date: Austria, Belgium, Germany, Denmark, Finland, France, Luxembourg, Netherlands, Portugal and Sweden from EU-15 and Cyprus, Estonia, Hungary, Lithuania, Latvia, Romania, Slovenia and Slovakia from EU-12. The report noted that within the EU-27 overall there were more than 23,000 agglomerations larger than 2,000 p.e. These agglomerations produced a total waste water pollution load of about 600 million p.e. and 68 per cent of the EU-27 territory was considered as sensitive. For the 18 Member States that submitted reports, the following conclusions were noted:

- Two per cent of the agglomerations >150,000 p.e. (big cities) generated 40 per cent of the pollution load. Sixty-six per cent of the agglomerations were between 2,000 and 10,000 p.e. – they generated 13 per cent of the total pollution load.
- Collecting systems were in place for 93 per cent of the total pollution load. Secondary treatment was in place for 87 per cent of the load. More stringent treatment was in place for 72 per cent of the load. The secondary and more stringent treatment which was in place reached the required reduction levels for only approximately 90 per cent of the load.

- Around 300 big cities (agglomerations with more than 150,000 p.e.) were reported with a total generated load of 130 million p.e. More than 98 per cent of this load was collected. Ninety per cent of the pollution load received secondary treatment or more, but at least 8 per cent received less than secondary treatment (10 million p.e.). Ten big cities (5.2 million p.e.) did not have secondary treatment at all.
- Overall, 99 per cent of the load subject to compliance was collected, 86 per cent received secondary treatment and 85 per cent received more stringent treatment.

The sixth implementation report ([SEC\(2011\)1561](#), 7.12.2011) was published in December 2011 and provided information on the state of implementation in 2007 (or 2008 if data were available). Note that all Member States except the UK reported data in sufficient time to be included in the assessment. Assessment of compliance with the Directive was as follows:

- For Article 3 (on collecting systems), compliance was reported as 100 per cent for Austria, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, Malta, Netherlands and Sweden. It was reported as between 97 to 70 per cent for Spain (97 per cent), Portugal (88 per cent), Italy (84 per cent) and Belgium (70 per cent) and there were lower compliance rates are reported for Poland (66 per cent) and Slovakia (43 per cent).
- For Article 4 (on secondary treatment), compliance was reported as more than 96 per cent of the load in Austria, Denmark, Finland, Germany, Greece, Netherlands and Sweden and between 83 and 56 per cent in Spain (83 per cent), Belgium (65 per cent), France (64 per cent), Italy (58 per cent) and Luxembourg (56 per cent), with lower compliance rates for Portugal (36 per cent) and Ireland (21 per cent). For the new Member States, compliance varied: Czech Republic (11 per cent), Lithuania (87 per cent), Malta (13 per cent), Poland (58 per cent), and Slovakia (23 per cent).
- For Article 5 (on more stringent treatment), compliance was reported as 100 per cent of the load in Austria, Finland, Germany and the Netherlands and between 94 and 74 per cent in Denmark (94 per cent), Greece (84 per cent) and Sweden (74 per cent). There were lower compliance rates in Belgium (48 per cent), France (56 per cent), Italy (66 per cent), Luxemburg (34 per cent), Portugal (15 per cent) and Spain (32 per cent). For the new Member States, compliance varied: Czech Republic (11 per cent) and Lithuania (61 per cent).

Recent and future Member State reports to the Commission on different aspects of the implementation of the Directive are to be delivered through platforms in the Reporting Obligations Database. Separate platforms are provided for reporting on [national implementation programmes](#), [emission standards under Article 15](#) and [situation reports](#) on disposal of urban waste water and sewage sludge under Article 16.

The role of Directive 91/271/EEC in improving the impact on Europe's waters has been the focus of a number of studies by the European Environment Agency^{3,4}. For example, it notes significant variation in percentage population connectivity to urban waste water treatment plants exists between European regions. Populations of Western Europe demonstrate a connectivity of over 90 per cent, Northern and Southern Europe 80 per cent, Eastern Europe 50 per cent and South Eastern Europe only 35 per cent. The majority of populations residing in Northern countries, and over half in Western Europe are connected to waste water treatment plants that utilize tertiary treatment. This is compared with 20 per cent in Southern and Eastern regions and <5 per cent in the South East. Furthermore, only around 50 per cent of wastewater in Southern Europe countries, 25 per cent in Eastern Europe and 20 per cent

South East Europe, receive secondary treatment. The issue of connectivity and the support from the European Structural Funds has also been the subject of a review by the European Court of Auditors⁵. This found significant improvements in three southern Member States (Table 3).

Despite the implementation problems characterized above, the nitrogen and phosphorous content of European wastewater entering surface waters has decreased over the past two decades⁶. The cumulative increase in tertiary treatment of wastewater across Europe coupled with the reduction of phosphate content of household utilities, such as detergents has been crucial to this observed trend.

Table 3. Change in percentage of the population of urban agglomerations served by treatment plants providing secondary treatment in three southern Member States.

Member State	Date 1	Date 2
Greece	<20 per cent (1994)	85 per cent (2005)
Portugal	32 per cent (1994)	80 per cent (2006)
Spain	41 per cent (1995)	77 per cent (2005) <i>Source: Court of Auditors.</i>

Enforcement and court cases

There have been a large number of cases concerning Directive 91/271/EEC. The following judgements concern the failure by Member States adequately to ensure transposition of the Directive:

- [C-161/95](#) 28.03.1996. This was a judgement against Greece for failure adequately to transpose the Directive, in particular that it could not rely on a draft ministerial order which is to be signed as transposition.
- [C-297/95](#) 12.12.1996. This was a judgement against Germany for failure adequately to transpose the Directive, in particular that it could not plead provisions, practices or circumstances existing in its internal legal system in order to justify a failure to comply with the obligations and time limits laid down in the Directive.
- [C-302/95](#) 12.12.1996. This was a judgement against Italy for failure adequately to transpose the Directive.
- [C-27/03](#) 08.07.2004. This was a judgement against Belgium for failure to adopt the laws, regulations or administrative provisions necessary to the full implementing of Articles 3, 5 and 17 of Directive 91/271/EEC and of Decision 93/481/EEC.

The following judgement concerns the failure by a Member State to fulfil its reporting obligations:

- [C-191/04](#) 16.06.2005. This was a judgement against France for failure to provide to the Commission, within six months of the request made on 18 December 2000, the information to be collected by 31 December 1999 as part of the monitoring of discharges and residual sludge under Article 15 of Directive 91/271/EEC.

The following judgements concern the failure by Member States (except in one case that was dismissed) to ensure adequate levels of waste water treatment as required by the different obligations of the Directive:

- [C-236/99](#) 06.07.2000. This was a judgement against Belgium regarding the Brussels Region. The Commission argued that the Brussels agglomeration had a p.e. greater than 10,000 and that the Belgian authorities, pursuant to Article 5, identified the Senne basin as a sensitive area, and that, pursuant to Article 3, that an urban waste water collection system be installed at the latest by 31 December 1998 in the Brussels Region. This it had failed to do.
- [C-396/00](#) 25.04.2002. This was a judgement against Italy for failure, by 31 December 1998 at the latest, to ensure the discharges of urban waste water of the city of Milan, within a catchment area draining into the areas of the delta of the River Po and the north-west coast of the Adriatic Sea defined by Decree-Law No 152 of the Italian Republic of 11 May 1999, enacting provisions on the prevention of water pollution and implementing Directive 91/271/EEC, as sensitive within the meaning of Article 5, were subjected to more stringent treatment than secondary treatment or an equivalent treatment prescribed by Article 4.
- [C-419/01](#) 15.05.2003. This was a judgement against Spain for failure to identify sensitive areas in the intracommunal catchment area of the Autonomous Community of Catalonia and the coastal waters of the Autonomous Communities of the Basque Country, Catalonia, Valencia, the Balearic Islands and the Canary Islands, and of the autonomous city of Ceuta, as required by Article 5 of Directive 91/271/EEC.
- [C-119/02](#) 24.06.2004. This was a judgement against Greece for failing to take the measures necessary for the installation of a collecting system for urban waste water from the area of Thriasio Pedio and not subjecting it to treatment more stringent than secondary treatment before its discharge into the sensitive area of the Gulf of Elefsina. The area of Thriasio Pedio has a p.e. of more than 10,000 and no collecting system of urban waste had been set up for treatment. Greece argued that waste waters were not going into the area of Thriasio Pedio, but were removed via pipelines to a nearby treatment centre. The Commission did not consider it was possible to dispose of all of that waste water by means of such a process. The area had a p.e. of 120,000 and produced approximately 25,000 cubic metres of urban waste water per day, but that the Greek authorities stated that tankers could drain 2,500–3,000 cubic metres of waste water from the tanks per day. This left a significant quantity of waste water unaccounted for.
- [C-280/02](#) 23.09.2004. This was a judgement against France for failure to identify the Seine bay, the Seine downstream of its confluence with the Andelle, the coastal waters of the Artois-Picardy basin, Vilaine bay, the Lorient roadstead, Elorn estuary, Douarnenez bay, Concarneau bay, the Gulf of Morbihan, the Vistre downstream from Nîmes and Thau lagoon as sensitive areas with respect to eutrophication, and to subject to more stringent treatment discharges of urban waste water from a number of agglomerations.
- [C-416/02](#) 08.09.2005. This was a judgement against Spain for failure to ensure that urban waste water from the agglomeration of Vera was subjected to such treatment as is required by Article 5(2) of Directive 91/271/EEC.
- [C-452/05](#) 23.11.2006. This was a judgement against Luxembourg as it was unable to prove that the minimum percentage of reduction of the overall load entering all water-treatment plants was at least 75 per cent for total nitrogen, so that Luxembourg had failed to fulfil its obligations under Article 5(4) of Directive 91/271/EEC.

- [C-293/05](#) 30.11.2006. This was a judgement against Italy for failure to ensure that, as from 31 December 1998, urban waste water from the agglomeration of several communes of the Province of Varese situated in the basin of the River Olona were subject to more stringent treatment than the secondary treatment required by Article 4 of Directive 91/271/EEC.
- [C-405/05](#) 25.01.2007. This was a judgement against the United Kingdom for failure to ensure adequate treatment was provided for urban waste waters from the agglomerations in Northern Ireland of Bangor, Brighton, Broadstairs, Carrickfergus, Coleraine, Donaghadee, Larne, Lerwick, Londonderry, Margate, Newtownabbey, Omagh and Portrush by 31 December 2000.
- [C-219/05](#) 19.04.2007. This was a judgement against Spain for failure to ensure that, by 31 December 1998, the urban waste water of the agglomeration of Sueca, its coastal districts (El Perelló, Les Palmeres, Mareny de Barrequetes, Playa del Rey and Boga de Mar) and also certain municipalities of the region of La Ribera (Benifaió, Sollano and Almussafes) was treated appropriately before being discharged in sensitive areas.
- [C-440/06](#) 25.10.2007. This was a judgement against Greece for failing to ensure that the agglomerations of Artemida, Chrysoupoli, Igoumenitsa, Heraklion (Crete), Katerini, Koropi, Lefkimmi, Litochoro (Pieria), Malia, Markopoulo, Megara, Nea Kidonia (Crete), Navpaktos, Nea Makri, Parikia (Paros), Poros-Galatas, Rafina, Thessaloniki (tourist zone), Tripoli, Zakynthos, Alexandria (Imathia), Edessa and Kalymnos were, where appropriate, provided with collecting systems for urban waste water meeting the requirements of Article 3 of Directive 91/271/EEC and/or urban waste water treatment systems satisfying the requirements of Article 4.
- [C-233/07](#) 08.05.2008. This was a judgement against Portugal for failure to fulfil its obligations under Articles 2, 3 and 5 of Decision [2001/720/EC](#) granting Portugal a derogation regarding urban waste water treatment for the agglomeration of the Estoril coast, by failing to subject, during the bathing season, the urban waste water from the agglomeration of the Estoril coast, prior to discharge into the sea, to at least advanced primary treatment and to a disinfection system in accordance with Article 2 of that Decision, by failing to subject, outside the bathing season, the waste water, prior to discharge, to at least primary treatments, in accordance with Article 3 of that Decision, and, therefore, causing adverse effects on the environment.
- [C-316/06](#) 11.09.2008. This was a judgement against Ireland for failing, first, in respect of discharges from the agglomerations known as IE22, Bray, IE31, Howth, IE34, Letterkenny, IE40, Shanganagh, IE41, Sligo and IE45, Tramore, County Waterford, to ensure that, before discharge, waste water entering collecting systems were made subject to secondary treatment or an equivalent treatment by 31 December 2000 and by failing, second, to ensure that the discharge of that waste water satisfied the relevant requirements of Annex I.B to Council Directive 91/271/EEC.
- [C-530/07](#) 07.05.2009. This was a judgement against Portugal for failure to provide, in accordance with the provisions of Article 3 of Directive 91/271/EEC, the agglomerations of Bacia do Rio Uima (Fiães S. Jorge), Costa de Aveiro, Covilhã, Espinho/Feira, Ponta Delgada, Póvoa de Varzim/Vila do Conde and Santa Cita with collection systems, and by failing to subject to secondary treatment or an equivalent treatment, in accordance with Article 4, the urban waste water from the agglomerations of Alverca, Bacio do Rio Uima (Fiães S. Jorge), Carvoeiro, Costa de Aveiro, Costa Oeste, Covilhã, Lisbon, Matosinhos, Milfontes, Nazaré/Famalicão, Ponta Delgada, Póvoa de Varzim/Vila do Conde, Santa Cita, Vila Franca de Xira and Vila Real de Santo António.

- [C-438/07](#) 06.10.2009. This was a judgement against Sweden for failure to ensure that, by 31 December 1998, discharges from a number of agglomerations of more than 10,000 p.e., which enter directly into sensitive areas or their catchment areas fulfil the relevant requirements of Annex I of Directive 91/271/EEC.
- [C-335/07](#) 06.10.2009. This case was brought by the Commission against Finland, arguing that Finland did not ensure appropriate treatment for waste water discharges to sensitive areas (Finland having designated its whole territory as sensitive). The Court considered that Finland did comply with the requirements of the Directive and dismissed the case.
- [C-390/07](#) 10.12.2009. This was a judgement against the United Kingdom for failure to identify specific sensitive areas in Northern Ireland and to require more advanced waste water treatment as a result.
- [C-526/09](#) 02.12.2010. This was a judgement against Portugal for permitting the discharge of industrial waste water without adequate authorisation, thus failing to meet its obligations under Article 11(1) and (2) of Directive 91/271/EEC.
- [C-343/10](#) 14.04.2011. This was a judgement against Spain for failure to ensure adequate waste water treatment in more than 30 agglomerations across many regions of the country.
- [C-220/10](#) 08.09.2011. This was a judgement against Portugal for failure to implement three different aspects of the Directive. Firstly in identifying as less sensitive areas all the coastal waters of the Island of Madeira and all the coastal waters of the Island of Porto Santo and requiring less stringent treatment it failed to meet the requirements of the Directive. Secondly, it failed sufficiently to collect waste water according to Article 3 for the agglomeration of Quinta do Conde on the estuary of the River Tagu. Thirdly, it failed to provide more stringent treatment for eight agglomerations.

The following case was referred from a Member State seeking an interpretation of Directive 91/271/EEC and its interaction with other EU law:

- [C-252/05](#) 10.05.2007. The European Court of Justice held that sewage that has escaped from sewers should be classified as waste within the scope of the Waste Framework Directive [75/442/EEC](#). In this judgement, which resulted from a request for a preliminary ruling made by the High Court of Justice of England and Wales, the ECJ also stated that the sewage need nevertheless not be classed as waste if the national law contains explicit provisions on the management of such escaped sewage providing an equal level of environmental protection to that guaranteed by the Directive 75/442/EEC.

Related Legislation

Directive 91/271/EEC seeks to control pollution from domestic and industrial sewage sources. It is, therefore, focused on one particular pollution pressure on water. This pressure is critical in achieving the broader water objectives of the Water and Marine Strategy Framework Directives and, therefore, there is a strong interaction between these and Directive 91/271/EEC:

- Water Framework Directive [2000/60/EC](#).
- Marine Strategy Framework Directive [2008/56/EC](#).

The sewage treatment works and industrial sources addressed by Directive 91/271/EEC are also largely subject to Regulation under the IPPC Directive. Sewage discharges are also a major problem for compliance with bathing water standards, which form another major driver for different levels of sewage treatment. Also Community financing has been important in assisting some Member States in making the investment needed to meet the sewage collection and treatment obligations of Directive 91/271/EEC. Therefore, the following legislation has a strong interaction with Directive 91/271/EEC:

- Bathing Waters Directive [2006/7/EC](#).
- The Integrated Pollution Prevention and Control Directive [2008/1/EC](#).
- The Industrial Emissions Directive ([2010/75/EU](#)).
- Structural Fund Regulation (EC) No [1083/2006](#).

Operators of installations regulated under the Directive are required to report emissions data according to:

- Regulation (EC) No 166/2006 concerning the establishment of a [European Pollutant Release and Transfer Register](#).

References

1 European Commission 2007. Terms and Definitions of the Urban Waste Water Treatment Directive 91/271/EEC [[link](#)].

2 Also see: EC (Jan 2007) Informal Background Document to the Communication from the Commission. Towards Sustainable Water Management in the European Union, *Fourth Commission Report on the Implementation of the Urban Waste Water Treatment Directive: Status of Implementation in Each Member State*.

3 European Environment Agency, Copenhagen (2005) Effectiveness of urban wastewater treatment policies in selected countries: an EEA pilot study, *EEA Report No 2/2005*.

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5 European Court of Auditors (2009) The effectiveness of structural measures spending on waste water treatment for the 1994–99 and 2000–06 programme periods, *Special Report No 3*.

6 European Environment Agency (EEA) (2005) Source appointment of nitrogen and phosphorous inputs into the aquatic environment, *EEA Report No 7/2005*.