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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the delegation conferred on the Commission pursuant to Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (the Water Reuse Regulation)

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1. INTRODUCTION

Regulation 2020/741 on minimum requirements for water reuse[1] (the Water Reuse Regulation) sets out harmonised minimum water quality requirements for the safe reuse of treated urban wastewaters for agricultural irrigation. It also sets out minimum monitoring requirements, risk management provisions, permitting requirements and provisions on transparency, which state that key information on water reuse projects must be made available to the public.

Under the Water Reuse Regulation, the production and supply of reclaimed water is subject to a permit. Permits must be based on a thorough risk management plan that covers all the key elements set out in Annex II to the Regulation. Following an analysis based on the Annex II key elements, a risk management plan should identify any additional water quality requirements necessary to provide sufficient protection of human and animal health and the environment.

Recognising that risk management is central to ensuring the safety of water reuse, the Water Reuse Regulation empowers the Commission to adopt delegated acts to amend the Regulation to adapt the key elements of risk management set out in Annex II to technical and scientific progress. The Commission may also adopt delegated acts to supplement the Regulation with technical specifications for these same key elements.

The Water Reuse Regulation requires that the Commission draws up a report on how it has used this delegation of power. This report focuses on Delegated Regulation (EU) 2024/1765 supplementing Regulation 2020/741 with regard to technical specifications of the key elements of risk management[2].

2. LEGAL BASIS

Under Article 13(2) of the Water Reuse Regulation, the delegation of powers is conferred on the Commission for five years starting on 25 June 2020. The Commission is required to draw up a report on how it has used this delegation of power no later than nine months before the end of the five-year period, that is no later than 24 September 2024.

The delegation of power is automatically extended for periods of an identical duration, unless the European Parliament or the Council oppose this extension in accordance with Article 13(2).

[1] Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse, (OJ L 177, 5.6.2020, p. 32, ELI: http://data.europa.eu/eli/reg/2020/741/oj).
[2] Commission Delegated Regulation (EU) 2024/1765 of 11 March 2024 supplementing Regulation (EU) 2020/741 of the European Parliament and of the Council with regard to technical specifications of the key elements of risk management, (OJ L, 2024/1765, 20.6.2024, ELI: http://data.europa.eu/eli/reg_del/2024/1765/oj).

3. EXERCISE OF THE DELEGATION

Under Article 5(5) of the Water Reuse Regulation, the Commission is empowered to adopt delegated acts amending the Regulation in order to adapt to technical and scientific progress the key elements of risk management set out in Annex II to that Regulation. Since the entry into force of the Water Reuse Regulation, no scientific or technical developments that require updating Annex II have emerged. Therefore, the Commission has not exercised its delegated power to amend the Regulation during the five-year period since 25 June 2020.

Under the same Article, in its second subparagraph, Commission may adopt delegated acts supplementing the Regulation in order to lay down technical specifications of the key elements of risk management set out in Annex II. The Commission adopted one delegated act, Commission Delegated Regulation 2024/1765 of 11 March 2024 supplementing Regulation (EU) 2020/741 of the European Parliament and of the Council with regard to technical specifications of the key elements of risk management[3]. The Commission exercised this empowerment due to the need to ensure that the water reuse risk management plans are robust, of high quality, and based on a systematic approach, notably at times that call for greater water resilience.

3.1 Delegated Regulation 2024/1765 supplementing Regulation 2020/741

Risk management is central to the safety of water reuse, requiring the identification and management of risks in a proactive manner. This process can be complex and requires a multidisciplinary approach involving several bodies. For this reason, technical specifications were drawn up to ensure that the water reuse risk management plans are of the appropriate quality and in line with international guidelines and standards, such as those produced by the World Health Organization and the International Organization for Standardization.

The Delegated Regulation was drawn up on the basis of robust technical studies, and with the involvement of technical experts representing national authorities, water treatment companies and other stakeholders, working together in the Water Reuse Working Group[4].

The Delegated Regulation built on the work carried out to draw up Commission guidelines to support the application of Regulation 2020/741 on minimum requirements for water reuse[5].

The Expert Group on Water and Floods[6] was also involved in the discussions and was given the opportunity to comment on the draft delegated regulation. Preparatory meetings were held on 17-18 November 2022, 13-14 March 2023 (Working Group Water Reuse) and 16 October 2023 (Expert Group). The delegated act was adopted on 11 March 2024 and notified to the European Parliament and to the Council.

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[3] Commission Delegated Regulation (EU) 2024/1765 of 11 March 2024 supplementing Regulation (EU) 2020/741 of the European Parliament and of the Council with regard to technical specifications of the key elements of risk management, (OJ L, 2024/1765, 20.6.2024, ELI: http://data.europa.eu/eli/reg_del/2024/1765/oj).

[4] Working group set up under the common implementation strategy for EU water policy: https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/dd9b4484-2935-4ee8-b3ce-72f844f3644c.

[5] Commission Notice Guidelines to support the application of Regulation 2020/741 on minimum requirements for water reuse 2022/C 298/01, C/2022/5489, (OJ C 298, 5.8.2022, p. 1-55).

[6] Published in the Register of Commission Expert Groups and Other Similar Entities, code number E03687.

Neither the European Parliament nor the Council issued any objection to the delegated act within the period of two months specified in Article 13(6) of the Water Reuse Regulation.

Neither institution initiated an extension of the two-month period by additional two months in accordance with the same provision.

The Delegated Regulation was thus published in the Official Journal of the EU and entered into force on 10 July 2024.

4. CONCLUSION

The Commission has properly exercised its delegated powers.

Although it has not yet exercised its delegated powers to amend Annex II to the Water Reuse Regulation, it may need to do so in the future to factor in further technological and scientific progress in this area.

The Commission therefore still considers the delegated powers granted to it under Article 5(5) of the Water Reuse Regulation necessary.

The Commission invites the European Parliament and the Council to take note of this report.