



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE.A.2/BVT

**Subject: AAC Recommendation on “The Norovirus crises, the final stages of the negotiations of the Urban Wastewater Treatment Directive and the Water Resilience Initiative”**

Dear Mr Brian Thomsen,

I would like to thank you for your email of 10<sup>th</sup> September 2024 including the “*Recommendation on the Norovirus crises, the final stages of the negotiations of the Urban Wastewater Treatment Directive and the Water Resilience Initiative*”.

We fully agree that the quality of shellfish waters is of utmost importance to achieve the objectives of the “*Strategic guidelines for a more sustainable and competitive EU aquaculture for the period 2021 to 2030*”. These guidelines have among other objectives to promote low-trophic and organic aquaculture.

I will address below the specific recommendations of the Aquaculture Advisory Council to the European Commission:

- ***to provide adequate guidance to Member States for the transposition and implementation of the Urban Wastewater Treatment Directive (UWWTD) in relation to shellfish production areas, with specific attention to provisions concerning: (1) the surveillance of urban wastewater, encouraging shellfish producing countries to include noroviruses in the list of parameters to be monitored in wastewater, providing the necessary guidance on the related protocols for analysis in water, to assess the effectiveness of wastewater treatments on the reduction of norovirus loads; (2) Risk assessment and management, making sure that due consideration is given to shellfish production areas and that adequate wastewater treatment measures are taken to protect and make fully suitable water quality in these areas.***

The recast UWWTD specifically addresses the protection of aquaculture activities as regards both the application of quaternary treatment and the identification, assessment

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and management of risks caused by urban wastewater discharges to the environment and human health.

Regarding quaternary treatment, Article 8(2) of the recast UWWTD requires Member States to establish and maintain lists of areas where the concentration or the accumulation of micropollutants from urban wastewater treatment plants (UWWTPs) represents a risk for the environment or human health. Areas where aquaculture activities take place are to be considered unless the Member State is already satisfied that the discharges of micropollutants from the UWWTPs cannot affect the safety of the foodstuff in its finished form. On the basis of this list and according to Article 8(4), quaternary treatment is to be applied for agglomerations of 10 000 population equivalent (p.e.) and above, noting that all UWWTPs above 150 000 are required to apply quaternary treatment in any case.

Furthermore, Article 18(1) of the recast UWWTD requires Member States to identify and assess risks from urban wastewater discharges to the quality of a water body, including those where aquaculture activities take place. Article 18(2) lists a number of measures to be considered where such risks are identified, including requirements for collecting systems and additional wastewater treatment. Risks identified and measures adopted are to be included in national implementation programmes under the recast UWWTD, as well as in appropriate River Basin Management Plans.

Regarding the surveillance of urban wastewater, Article 17 of the recast UWWTD requires Member States to set up national systems for the cooperation and coordination between those competent authorities responsible for public health and those responsible for urban wastewater treatment. According to Article 17(1), Member States are to determine relevant public health parameters to be monitored, including location and frequency.

***• to closely monitor and - if relevant - provide additional guidance to Member States for the protection of shellfish waters under the Water Framework Directive provisions, for the design of specific monitoring programmes, the definition of additional objectives and specific measures to restore and protect shellfish water quality, including in relation to urban wastewater treatment and discharges.***

The European Commission supports the implementation of the Water Framework Directive (WFD) in the EU Member States through a dedicated Common Implementation Strategy (CIS WFD). The working groups under CIS WFD strive e.g. to achieve common understanding of several legal and practical aspects as well as to share good practices among Member States. Through the CIS WFD, several guidance documents and other documents have been published to support the implementation.

Regarding monitoring programmes, the WFD sets out detailed monitoring obligations. In particular, operational monitoring is designed to establish the status of those water bodies that risk failing to meet their environmental objectives. When it comes to shellfish protected areas, monitoring should take place if the additional objectives set for these areas <sup>(1)</sup> are at risk of not being met.

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<sup>(1)</sup> i.e. areas designated for the protection of economically significant aquatic species, article 4(1)(c) of WFD

Regarding the recommendation to define additional objectives, the Member States are best placed to set specific objectives for the protected areas by identifying the local and regional needs of the waters, as well as pressures and risks on waters. This also concerns areas designated for the protection of economically significant aquatic species. For shellfish in particular, some Member States that have identified shellfish protected areas choose to set objectives that are equivalent to the ones set out in the (now repealed) Shellfish Directive, while other Member States define their own objectives. A common and EU wide definition would not serve the specific and local/regional needs in the Member States.

Regarding setting specific measures to restore and protect shellfish water quality, these measures depend on setting specific objectives for each protected area, and defining measures at EU level would not serve the specific and local/regional needs.

- *to support the identification and exchange of best practices, such as real-time communication to the sectors concerned by discharges of untreated / partially treated wastewater into the environment.*

It is foreseen that the use of digital tools be systematically considered for the operational management of collecting systems and UWWTPs, and this could include discharges from overflows. Requirements for integrated urban wastewater management plans are set out in Article 5 of the recast UWWTD. The plans are mandatory for agglomerations of 100 000 p.e. and above. Additionally, for agglomerations of 10 000 p.e. and above, Member States are to develop plans where overflows pose a risk to the environment or human health from storm water overflows. Furthermore, Article 24 of the Directive requires that up-to-date information is available to the public online in a user-friendly manner on urban wastewater collection and treatment, for each agglomeration or administrative area. The Directive identifies the minimum data to be provided by competent authorities and operators responsible for wastewater collection and treatment.

- *to consider the previous AAC recommendations on norovirus contaminations.*

The Commission is actively discussing with Member States on possible measures for controlling the presence of Norovirus in bivalve molluscs. However, the absence of a harmonised detection method (the European Reference Laboratory on foodborne viruses is actively working on that) makes the discussion difficult in order to find common criteria. The Commission considers the problem of Norovirus contamination, especially in molluscs destined to be consumed raw such as oysters, as a priority.

Let me finally note that priority pathogens and infectious diseases in shellfish are in the scope of the Horizon Europe European Partnership on Animal Health and Welfare.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia RUBECK, coordinator of the Advisory

Councils (Julia.rubeck@ec.europa.eu; +32.2.296.88.89), who will forward them to relevant colleagues.

Yours sincerely,

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