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| **EVALUATION / FITNESS CHECK ROADMAP** | |
| Roadmaps aim to inform citizens and stakeholders about the Commission's work to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have. | |
| **Title of the evaluation** | Evaluation of the Sewage Sludge Directive 86/278/EEC |
| **Lead DG – responsible unit** | DG ENV – unit B3 Waste Management & Secondary Materials |
| **Indicative Planning**  **(planned start date and completion date)** | Start – Q3 2020  End – Q3 2021 |
| **Additional Information** | <https://ec.europa.eu/environment/waste/sludge/> |
| **The Roadmap is provided for information purposes only. It does not prejudge the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the document, including its timing, are subject to change.** | |

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| **A. Context, purpose and scope of the evaluation** |
| **Context** |
| The [Sewage Sludge Directive 86/278/EEC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31986L0278) (henceforth the SSD or the Directive) was adopted to encourage the correct use of sewage sludge in agriculture and to regulate its use in order to prevent harmful effects on soil, vegetation, animals and humans. The principal benefit of the SSD is its role in the protection of human health and the environment against the harmful effects of contaminated sludge in agriculture. To this end, it prohibits the use of untreated sludge on agricultural land unless it is injected or incorporated into the soil. The Directive also requires that sludge be used in such a way that account is taken of the nutrient requirements of plants and that the quality of the soil and of surface and groundwater is not impaired.  The Directive complements EU waste legislation by encouraging the safe use of sludge (moving it up the waste hierarchy), by promoting health and environmental protection (by placing limits on heavy metals), and by contributing to resource efficiency (through the recovery of useful nutrients such as phosphorus).  The use of sludge in agriculture is an effective alternative for chemical fertilisers, especially phosphorus fertilisers. The importance of recycling of materials, in line with circular economy principles, is highlighted as a priority area under the [European Green Deal](https://ec.europa.eu/info/sites/info/files/european-green-deal-communication_en.pdf) and the [Circular Economy Action Plan](https://ec.europa.eu/environment/circular-economy/) (CEAP). Transformation of the industry and all the value chains is required for Europe to be less dependent on the extraction of raw materials. However, it is important that what is used as a resource is not contaminated, otherwise recycling will result in increasing pollution of soil, water and/or air. This is also in line with the Commission's zero pollution ambition announced in the European Green Deal (a strategy is expected in 2021).  In 2014, the Directive was evaluated as part of an "[Ex-post evaluation of certain waste stream directives](https://ec.europa.eu/environment/waste/pdf/target_review/Final%20Report%20Ex-Post.pdf)" and the evaluation identified a number of shortcomings, which were largely related to the fact that the Directive was adopted 30 years earlier and it did not fully match the contemporary needs and expectations. The identified issues concerned the SSD contribution to the EU circular economy ambitions, pollutants in sludge including contaminants of emerging concern (e.g. organic chemicals such as pharmaceuticals, PAH and PFAS, cosmetics and microplastics), the potential need to regulate other uses of (treated) sewage sludge, and the potential impact of the [Urban Waste Water Treatment Directive 91/271/EEC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31991L0271) (UWWTD).  Since then, there have been scientific progress and technological developments as well as changes in the policy landscape resulting from the [first](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0614) and [second CEAP](https://ec.europa.eu/environment/circular-economy/), the [Bioeconomy Strategy](https://ec.europa.eu/commission/news/new-bioeconomy-strategy-sustainable-europe-2018-oct-11-0_en), the new [Fertilising Products Regulation](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1009), the [Farm to Fork Strategy](https://ec.europa.eu/food/farm2fork_en), the [EU Biodiversity Strategy for 2030](https://ec.europa.eu/environment/nature/biodiversity/strategy/index_en.htm) and the [recently evaluated UWWTD](https://ec.europa.eu/environment/water/water-urbanwaste/pdf/UWWTD%20Evaluation%20SWD%20448-701%20web.pdf). Therefore, the results of 2014 evaluation need to be validated and complemented, so as to inform the Commission’s decision on the need to revise the SSD, as outlined in the [New Circular Economy Action Plan](https://ec.europa.eu/environment/circular-economy/) adopted on 11 March 2020. An evaluation of the SSD as a stand-alone instrument, not as a part of the whole waste stream framework, will also allow for a deeper assessment of issues specific to the SSD. |
| **Purpose and scope** |
| This evaluation will assess the evaluation criteria of the effectiveness, efficiency, relevance, coherence and EU added-value of the SSD in all Member States since the adoption of the SSD, in a proportional way, building on and complementing the previous evaluation results, through the following evaluation questions:  Effectiveness   1. What progress has been made over time towards achieving the objectives and targets set out in the SSD in the various Member States? To what extent have the objectives been met? 2. What factors have contributed to or hindered their achievement? 3. How effective has the implementation and enforcement of the SSD been in the 27 Member States and to what extent has this safeguarded agricultural soils from pollution? 4. What have been the (quantitative and qualitative) effects of the SSD? 5. What have been the unintended/unexpected effects of the SSD?   Efficiency   1. To what extent has the SSD been cost-effective? Are the costs related to the Directive proportionate to the benefits? 2. To what extent do the requirements of the SSD influence the efficiency with which the observed achievements have been attained? What other factors influence the costs and benefits? 3. Are there opportunities to simplify the legislation or reduce unnecessary regulatory costs without undermining the intended objectives of the intervention? 4. Are there significant differences in costs (or benefits) between Member States, and if so, what are the underlying causes? How do these differences link to the SSD? 5. How timely and efficient is the process for reporting and monitoring?   Coherence   1. To what extent is the SSD internally consistent and coherent? 2. To what extent is the SSD coherent with other EU legislation such as the Urban Waste Water Treatment Directive, the Fertilising Products Regulation, Waste Framework Directive, the Water Framework Directive (and its daughter directives), Marine Strategy Framework Directive, the Landfill Directive, the Nitrates Directive, Renewable Energy Directive, the Energy Efficiency Directive, Air Quality Directive, National Emissions Ceiling Directive, Industrial Emissions Directive, the REACH Regulation, General Principles of Food Law Regulation? 3. To what extent is the SSD coherent with wider EU policy?   Relevance   1. To what extent is the SSD still relevant and does it correspond to the needs within the EU, in particular as regards the stated policy ambitions in the European Green Deal, (which include the Farm-to-Fork strategy, the upcoming Environmental Action Plan, the new Circular economy Action Plan, the upcoming zero-pollution initiatives, the Biodiversity Strategy and [newly proposed EU Climate Law](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12108-Climate-Law)) as well as national ambitions as reflected in the observed changes in the national legislation and management of sewage sludge? 2. To what extent are the pollutants and their respective threshold values set in the Directive still appropriate? Does the set of pollutants covered in the SSD still cover the most important pollutants in sewage sludge? If not, what are the missing pollutants in the Directive or pollutants that no longer need to covered and why? 3. Has the initiative been flexible enough to respond to new issues and emerging risks (e.g. contaminants of emerging concern)? Does the SSD contain moot or redundant stipulations?   European Added Value   1. Are the results of the 2014 evaluation still valid with respect to the European added value of the SSD? What has changed and which new risks have emerged? 2. Have the various rules regulating sewage sludge set up by MS led to an unequal protection of human health and the environment across the EU, and if so to what extent? |
| **B. Better regulation** |
| **Consultation of citizens and stakeholders** |
| In line with the Better Regulation guidelines, a stakeholder consultation strategy will be developed to ensure that all relevant stakeholders are consulted via the right means. As minimum, this will include the following activities :   * An **online public consultation of minimum 12 weeks** in fourth quarter of 2020 to gather public views and evidence for the evaluation of the Directive. The questionnaire will be in EN, FR and DE. Replies can be made in any of the 24 official EU languages and will be accessible via the Commission's central [public consultations page](http://ec.europa.eu/info/consultations_en) * A **targeted stakeholder consultation** also in the third quarter of 2020 to gather information and collect views of stakeholders representing the key sectors and organisations concerned. The following stakeholder groups have been identified as particularly relevant: water and wastewater plants and sewage sludge producers/managers, compost and digestate industry, fertiliser and fertilising products industry, food industry, European-wide waste management industry, biogas industry, farmers/agricultural associations at national and regional level, national competent authorities and enforcement agencies, NGOs, consumer organisations, relevant international organisations, scientific and academic institutions as well as health and environmental experts and associations representing the users of sewage sludge or its derived products. This consultation is envisaged to comprise a dedicated questionnaire, to be submitted electronically, followed-up as appropriate by means of dedicated telephone or face-to-face interviews.   A synopsis report with a summary of the results of all consultation activities will be published on the consultation page. |
| **Data collection and methodology** |
| The evaluation will be supported by an external study. The dedicated external study supporting the Commission evaluation will take into account and build on the following available sources of information:  Studies on sewage sludge carried out on behalf of the Commission and by JRC, including the following:   * [End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate): Technical proposals](https://publications.jrc.ec.europa.eu/repository/bitstream/JRC87124/eow%20biodegradable%20waste%20final%20report.pdf) - JRC 2014; * [Technical proposals for selected new fertilising materials under the Fertilising Products Regulation (Regulation (EU) 2019/1009](http://publications.jrc.ec.europa.eu/repository/bitstream/JRC117856/jrc117856_jrc117856_electronic.pdf)) -JRC 2019; * [Digestate and compost as fertiliser: risk assessment and risk management options](https://ec.europa.eu/environment/chemicals/reach/pdf/40039%20Digestate%20and%20Compost%20RMOA%20-%20Final%20report%20i2_20190208.pdf) - Ramboll et al 2019; * [Relevant R&I projects funded by EU research programmes FP7, Horizon 2020](https://cordis.europa.eu/projects/en) and the [LIFE programme](https://ec.europa.eu/easme/en/life) * Safemanure - JRC (ongoing);   Reports  An amount of information regarding the implementation of the SSD is available also in the 3-year period reports [submitted to the Commission by Member States](https://ec.europa.eu/environment/waste/reporting/index.htm) as well as in the reports on the [implementation of the UWWTD](https://ec.europa.eu/environment/water/water-urbanwaste/implementation/implementationreports_en.htm).  Evaluations   * [Ex-post Evaluation of Certain Waste Stream Directives](https://ec.europa.eu/environment/waste/pdf/target_review/Final%20Report%20Ex-Post.pdf) - BIO Intelligence Service 2014; * [Evaluation of the Urban Waste Water Treatment Directive](https://ec.europa.eu/environment/water/water-urbanwaste/pdf/UWWTD%20Evaluation%20SWD%20448-701%20web.pdf) 2019 and the contributing study W[ater quality in Europe: effects of the Urban Wastewater Treatment Directive](https://publications.jrc.ec.europa.eu/repository/handle/JRC115607)" JRC 2019   Other data sources   * [LUCAS - Land Use and Coverage Area frame Survey](https://esdac.jrc.ec.europa.eu/projects/lucas) * [The Information Platform for Chemical Monitoring (IPCHEM)](https://ipchem.jrc.ec.europa.eu/RDSIdiscovery/ipchem/index.html) |