



Notification Number: 2008/333/F

## Order laying down the technical requirements applicable to individual sewerage systems receiving a gross load of organic waste less than or equal to 1.2 kg/day of BOD5

Date received : 01/08/2008  
End of Standstill : 03/11/2008 ( 02/02/2009)  
Issue of comments by : Commission  
Issue of detailed opinion by : Belgium,Commission,Germany

### Message

#### Message 002

Communication from the Commission - SG(2008) D/51484  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2008/0333/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Ni mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késésekét - Ma' jiftahx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvori o uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200801484.EN)

#### 1. Structured Information Line

MSG 002 IND 2008 0333 F EN 03-11-2008 01-08-2008 F NOTIF 03-11-2008

#### 2. Member State

F

#### 3. Department Responsible

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tél : 01 53 44 97 04 – fax : 01 53 44 98 88

#### 3. Originating Department

Ministère de l'écologie, de l'énergie, du développement durable et de l'aménagement du territoire/DGALN/DEB/SDPGREM/BLPDI  
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jessica.lambert@developpement-durable.gouv.fr  
tél : 01 42 19 14 87 – fax : 01 42 19 12 35

#### 4. Notification Number

2008/333/FR - S30E

#### 5. Title

Order laying down the technical requirements applicable to individual sewerage systems receiving a gross load of organic waste less than or equal to 1.2 kg/day of BOD5

#### 6. Products Concerned

Product codes concerned: B10, B30.

#### 7. Notification Under Another Act

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#### 8. Main Content

The Water Act of 30 December 2006 significantly amended the existing regulatory framework.

Furthermore, Article R. 2224-17 of the French Local Authorities Code lays down that the technical specifications applicable to individual sewerage systems receiving a gross load of organic waste to 1.2 kg of BOD5 shall be laid down by joint order of the Ministers responsible for Health, Housing and the Environment.

Moreover, Article L. 1331-1-1 of the Public Health Code lays down that the maintenance methods for individual sewerage systems shall be defined by order of the Ministers responsible for Health and Housing.

The notified draft text follows on from these provisions and is intended to revise the Order of 6 May 1996 laying down the technical specifications applicable to individual sewerage systems.

During the drafting of this text, the principles of the "new approach" Community doctrine were applied: the notified draft Order provides for compliance with the essential requirements of the constr directive and the technical specifications of the reference documents which are the standards. It allows the publication of these reference documents, the list of bodies appointed to perform the tex assessment, the technical assessment protocol, the procedure for requesting an assessment, the list of approved systems and the corresponding technical data sheets.

This draft text is divided into 5 sections which define the general principles; the minimum technical specifications applicable to treatment; the minimum technical specifications applicable to draina; and disposal of individual sewerage by-products and sewage and the specific cases of dry toilets. The annex to the text lays down the list of systems approved by the co-signatory ministers.

This draft does not affect existing technical specifications and reaffirms the purifying capacity of soil and other validated materials. However, it amends the authorisation procedure for innovative p were previously validated by the French Higher Public Health Council.

The draft text provides for the drafting of a protocol which, in particular, makes it possible to show that the conditions of installation of these treatment systems, as specified by the manufacturer, n guarantee that the systems into which they are integrated comply with:

- the minimum requirements described in the draft Order,
- as well as the following maximum concentrations after treatment: 30 mg/l in suspended solids (SS) and 35 mg/l for BOD5.



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This protocol will be drafted by the AFSSET [French Agency for Environmental Health Safety] and implemented by the bodies appointed jointly by the ministers who have co-signed the Order, who technical innovations and publish them in the Official Gazette. A joint consultation of the AFSSET is currently being co-signed with the Minister responsible for Health.

#### 9. Brief Statement of Grounds

The technical specifications relating to individual sewerage systems are intended to reduce the environmental and health risks associated with the disposal of wastewater. These systems must not pose risks to public health or of pollution of groundwater or surface water, particularly water extracted with a view to consumption or subject to specific usages, such as shellfish farming, shore fishing, watercress farming or bathing.

Certain systems comply with the requirements described in the draft Order, particularly the technical specifications laid down in the standards NF EN 12566 and XP DTU 64.1. Among these systems subject to CE marking, which constitutes authorisation of the free movement of these products. Nevertheless, the type-testing carried out to obtain this mark does not allow their compliance with performance to be validated or their installation conditions and durability to be assessed. They must therefore be approved by the assessment protocol and published in the Official Gazette in order to be considered a treatment system. Furthermore, these systems, which generally use activated sludge or fixed cultures, are considered as pre-treatment and consequently references to them remain in the Order.

This draft has undergone numerous consultations between the co-signatory ministers, representatives of local authority and institutions under supervision as well as individual sewerage professionals.

#### 10. Reference Documents - Basic Texts

Texts referred to in the draft text

- Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products;  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1989L0106:20031120:FR:PDF>

- Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, as amended by Directive 98/48/EC of 20 July 1998, laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, and in particular Notification No...;  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:217:0018:0026:FR:PDF>

- The Construction and Housing Code, and in particular Articles L. 111-4 and R. 111-3 thereof;

<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006824107&cidTexte=LEGITEXT000006074096&dateTexte=20080725>  
<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006895886&cidTexte=LEGITEXT000006074096&dateTexte=20080725>

- The Environmental Code, and in particular Articles L. 211-1, R. 211-25 to R. 211-45 and R. 214-5 thereof;

<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006832982&cidTexte=LEGITEXT000006074220&dateTexte=20080725&oldAction=rechCodeArticle>  
<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006195313&cidTexte=LEGITEXT000006074220&dateTexte=20080728>

[http://www.legifrance.gouv.fr/affichCode.do?sessionId=F37944BE8AF60BBA9A0576547FD5BE20.tpdjo04v\\_1?idSectionTA=LEGISCTA000006195314&cidTexte=LEGITEXT000006074220&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCode.do?sessionId=F37944BE8AF60BBA9A0576547FD5BE20.tpdjo04v_1?idSectionTA=LEGISCTA000006195314&cidTexte=LEGITEXT000006074220&dateTexte=20080728)  
[http://www.legifrance.gouv.fr/affichCode.do?sessionId=F37944BE8AF60BBA9A0576547FD5BE20.tpdjo04v\\_1?idSectionTA=LEGISCTA000006195315&cidTexte=LEGITEXT000006074220&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCode.do?sessionId=F37944BE8AF60BBA9A0576547FD5BE20.tpdjo04v_1?idSectionTA=LEGISCTA000006195315&cidTexte=LEGITEXT000006074220&dateTexte=20080728)  
[http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=F37944BE8AF60BBA9A0576547FD5BE20.tpdjo04v\\_1?idArticle=LEGIARTI000006835466&cidTexte=LEGITEXT000006074220&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=F37944BE8AF60BBA9A0576547FD5BE20.tpdjo04v_1?idArticle=LEGIARTI000006835466&cidTexte=LEGITEXT000006074220&dateTexte=20080728)

- The French Local Authorities Code, and in particular Articles L. 2212-2, L. 2224-8, L. 2224-9, L. 2224-10, L. 2224-12 and R. 2224-17;

[http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v\\_1?idArticle=LEGIARTI000006390152&cidTexte=LEGITEXT000006070633&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v_1?idArticle=LEGIARTI000006390152&cidTexte=LEGITEXT000006070633&dateTexte=20080728)  
[http://www.legifrance.gouv.fr/affichCode.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v\\_1?idSectionTA=LEGISCTA000006192274&cidTexte=LEGITEXT000006070633&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCode.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v_1?idSectionTA=LEGISCTA000006192274&cidTexte=LEGITEXT000006070633&dateTexte=20080728)  
[http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v\\_1?idArticle=LEGIARTI000006390363&cidTexte=LEGITEXT000006070633&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v_1?idArticle=LEGIARTI000006390363&cidTexte=LEGITEXT000006070633&dateTexte=20080728)  
[http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v\\_1?idArticle=LEGIARTI000006396198&cidTexte=LEGITEXT000006070633&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v_1?idArticle=LEGIARTI000006396198&cidTexte=LEGITEXT000006070633&dateTexte=20080728)

- The Public Health Code, and in particular Articles L. 1311-1, L. 1311-2 and L. 1331-1-1 thereof;

[http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v\\_1?idArticle=LEGIARTI000006686372&cidTexte=LEGITEXT000006072665&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v_1?idArticle=LEGIARTI000006686372&cidTexte=LEGITEXT000006072665&dateTexte=20080728)  
[http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v\\_1?idArticle=LEGIARTI000006686373&cidTexte=LEGITEXT000006072665&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v_1?idArticle=LEGIARTI000006686373&cidTexte=LEGITEXT000006072665&dateTexte=20080728)  
[http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v\\_1?idArticle=LEGIARTI000006686815&cidTexte=LEGITEXT000006072665&dateTexte=20080728](http://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B0563C6FEC900CB66BF430AC8A229FE.tpdjo04v_1?idArticle=LEGIARTI000006686815&cidTexte=LEGITEXT000006072665&dateTexte=20080728)

- Decree No 92-647 of 8 July 1992 on the suitability for use of construction products;

<http://www.legifrance.gouv.fr/.affichTexte.do?cidTexte=JORFTEXT000000528143&dateTexte=20080728&fastPos=3&fastReqId=1808922983&oldAction=rechTexte>

- The Order of 24 December 2004 applying to prefabricated septic tanks Decree No 92-647 of 8 July 1992, as amended, on the suitability for use of construction products;  
<http://www.legifrance.gouv.fr/.affichTexte.do?cidTexte=JORFTEXT000000447991&dateTexte=20080728&fastPos=7&fastReqId=366692205&oldAction=rechTexte>

- The Order of 19 October 2006 applying to certain wastewater treatment systems Decree No 92-647 of 8 July 1992 on the suitability for use of construction products;

<http://www.legifrance.gouv.fr/.affichTexte.do?cidTexte=JORFTEXT000000791207&dateTexte=20080728&fastPos=1&fastReqId=2052061458&oldAction=rechTexte>

#### 11. Invocation of the Emergency Procedure

No

#### 12. Grounds for the Emergency

-

#### 13. Confidentiality

No

#### 14. Fiscal measures

No

#### 15. Impact assessment

-

#### 16. TBT and SPS aspects

TBT and SPS aspects

TBT aspect

Yes

SPS Aspect

No

The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.



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