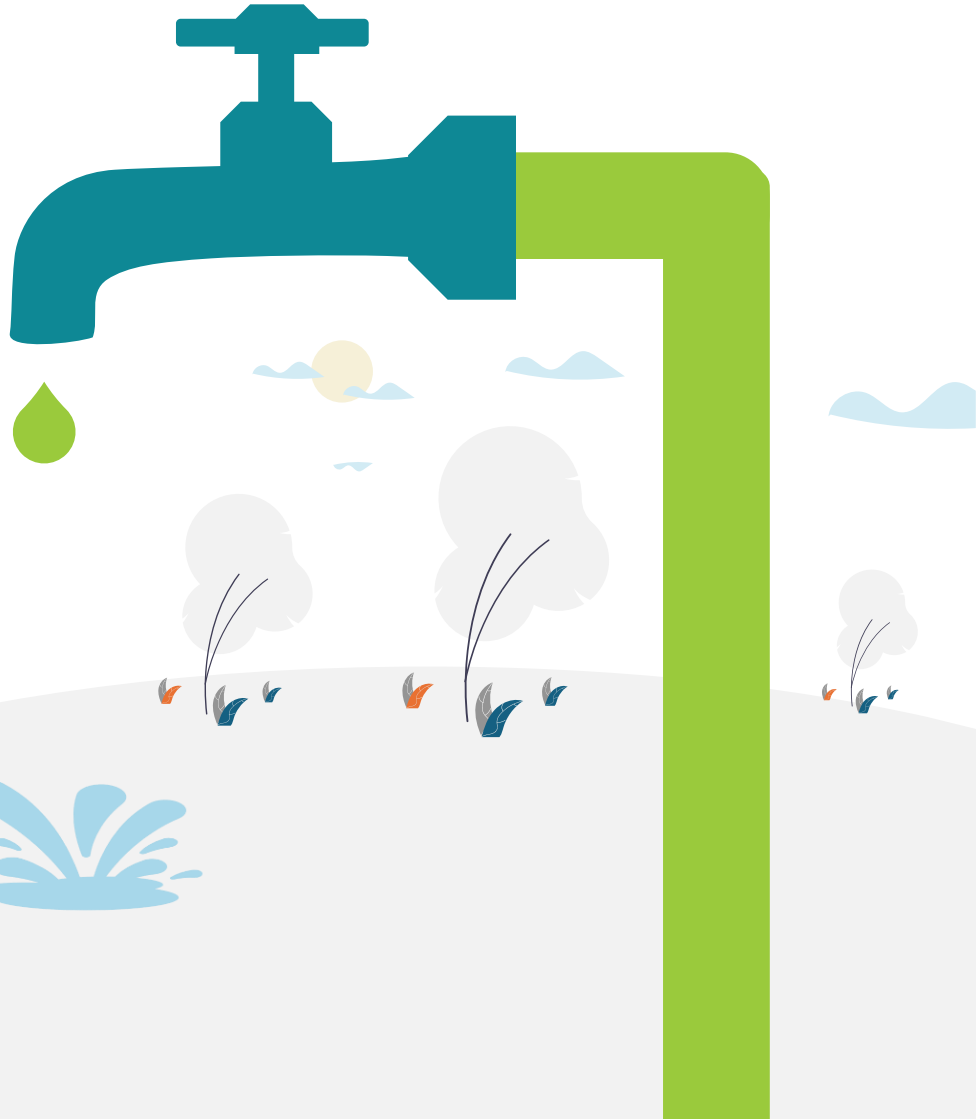
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Water reuse projects and public procurement



CTA & FUNSEAM reports, by Cremades & Calvo-Sotelo

Manuel Villegas Santos, Cremades & Calvo-Sotelo

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Scope and main finding of the CTA report

Implementation depends on the complete project

5 jurisdictions

8 reuse models

16 cases and references

Legal and technical foundations

The framework supports implementation

Project conditions

Users, networks, finance and accountable operation

Demand, infrastructure and governance determine whether reuse can operate reliably

Conditions for a viable reuse project

Demand and resource availability need early assessment

DEMAND

Users, use, volumes and seasonality

RESOURCE

Flow, quality and reliability

Early joint assessment

PERMITS

Planning compatibility and water-use rights

INFRASTRUCTURE

Treatment, networks, storage and delivery

RISK

Barriers, controls and contingencies

OPERATION

Operator, funding and maintenance

Check the connections between decisions before committing investment

Spain: implementation within an established framework

The main challenge is coordinating the project requirements

LEGAL BASIS — EU Regulation 2020/741
Royal Decree 1085/2024

COORDINATION — Authorities, permits and sectoral requirements

DELIVERY — Real users, viable networks and clear responsibilities



Production and supply authorisation is distinct from the right to use the water

Risk management throughout operation

The plan must guide decisions from the source to the final use

SOURCE
Characterise hazards

→

TREATMENT
Validate barriers

→

STORAGE
Prevent deterioration

→

DISTRIBUTION
Control delivery

→

USE
Apply safeguards

RESPONSIBILITY
Who controls each stage?

MONITORING
What is checked and recorded?

INCIDENT RESPONSE
Who acts, when and how?

Named responsibilities, monitoring and incident response at every stage

Lessons from the international comparison

Different systems contribute different transferable lessons

PORTUGAL **Transferability**

Quality matched to use and a nearby institutional context

AUSTRALIA **Risk management**

Validated barriers and preventive operational control

ISRAEL **System planning**

Resources, infrastructure and sustained demand planned together

FRANCE **Proportionality**

Procedural flexibility with health and environmental safeguards

Adapt each instrument to local institutions, water conditions and users

Viability depends on project conditions

The eight models have different starting conditions and constraints

Model group	Favourable condition	Main constraint
Dedicated industrial supply	Stable user and clear responsibilities	Dependence on one customer
Agricultural and shared networks	Organised demand and territorial benefits	Common infrastructure and cost allocation
Urban and local reuse	Proximity and potential potable-water savings	Safe networks and capable operation
Environmental uses and recharge	Environmental and planning benefits	Specific studies, funding and prolonged monitoring

Assess the actual project before interpreting a model as more favourable

Environmental benefit through effective substitution

The benefit depends on what reclaimed water replaces

DELIVERY

Measure compliant reclaimed water supplied

SUBSTITUTION

Identify the conventional resource displaced

OUTCOME

Verify reduced pressure and environmental effects

Reclaimed water supplied

Conventional abstraction avoided

Delivered volume and reduced abstraction require separate evidence

Practical experience and recurring lessons

Sixteen cases and references support the implementation analysis

MURCIA / ESAMUR

Organised agricultural demand

Coordination and financing support operation

BEIROLAS / ÁGUA+

Urban reuse and communication

Clear uses and visible safeguards support acceptance

Transfer question Which conditions can the receiving territory reproduce?

Demand, distribution, governance and public confidence recur across the cases

Assessment of conditions for replication

A project is transferable when its success conditions can be reproduced

FAVOURABLE	CONDITIONAL	CRITICAL
Condition established	Further measures needed	Resolve before replication

RESOURCE AND DEMAND	Stable supply and identified users	**PLANNING AND PERMITS**	A clear legal and administrative route
RISK AND INFRASTRUCTURE	Effective safeguards and viable connections	**ECONOMICS AND GOVERNANCE**	Costs, funding and accountable operation
CAPACITY AND ACCEPTANCE	Skills, maintenance and communication	**PHASING AND REVIEW**	Measured results and adaptation

Resolve critical conditions before treating the project as replicable

A roadmap for promoters and public authorities

Each actor has a distinct contribution to project preparation

REGULATORY FRAMEWORK

Clarify requirements
Coordinate procedures
Apply proportionate controls

PROJECT PROMOTERS

Confirm demand and resource
Design risk and governance
Secure a viable economic model

PUBLIC AUTHORITIES

Map resources and users
Coordinate interlocutors
Prioritise verified public benefits

Plan resources and demand together, with responsibilities defined before investment

CTA findings and the next implementation decision

Project readiness provides the basis for procurement

REAL DEMAND

Users and intended use

VIABLE SYSTEM

Resource, networks and costs

SAFE OPERATION

Risk, capacity and responsibility

VERIFIED BENEFIT

Substitution and measurable results

The next task is to translate the project into a suitable and enforceable contract

Procurement starts with the project need

The FUNSEAM study connects project preparation with contracting

NEED

What use, quality, capacity and public benefit?

MARKET

Available solution, adaptation or genuine research?

RISK

Who carries delivery, demand and operating risks?

SCALE

Pilot, deployment or continuing service?

Need, market maturity, risk and scale guide the procurement choice

Distinct legal decisions in procurement

Strategy, procedure and contract design answer different questions

STRATEGY

Standard procurement
Sustainability and performance
Innovation where needed

PREPARATION AND AWARD

Consultation informs preparation
An eligible procedure selects the contractor

CONTRACT DESIGN

Functional requirements
Indicators, milestones and payments
Rights and risk allocation

Contract type is a further decision: works, supplies, services or concession

Procurement routes by project situation

A functional guide to the selection matrix

Project situation	Procurement response	Contract focus
Available solution	Standard procurement	Function, environment and whole-life cost
Uncertain options or cost	Market consultation	Then an eligible award procedure
Near-market technology	Innovative technology procurement	Adaptation and final development
Genuine R&D only	Pre-commercial procurement	Separate commercial purchase
R&D and later purchase	Innovation partnership	Phases and conditional purchase
Continuing operation	Service / concession as appropriate	Payment and operational risk

Each route requires justification under the applicable national rules

FUNSEAM REPORT

Mature solutions: requirements and results

Standard procurement can support sustainability and incremental improvement

	REQUIREMENTS	VERIFIABLE RESULTS
FUNCTION	Quality, capacity and reliability	➡ Acceptance tests and compliant delivery
TOTAL COST	Energy, maintenance and replacement	➡ Assessment across the life of the solution
PERFORMANCE	Continuity and relevant environmental outcomes	➡ Defined indicators, reporting and responses

Every performance requirement needs a verification method

Market engagement before and during award

Preparation and award have different legal roles

PRELIMINARY CONSULTATION

Options, maturity, costs and risks

Publication, equal treatment and a documented outcome

AWARD PROCEDURES

COMPETITIVE DIALOGUE

Develop solutions for eligible complex needs

The authority must justify the legal conditions

PROCEDURE WITH NEGOTIATION

Negotiate only the permitted aspects

Minimum requirements and award criteria remain protected

Consultation prepares the procurement and does not award the contract

Research, adaptation and subsequent purchase

The maturity of the solution and the intended purchase define the distinction

PRE-COMMERCIAL PROCUREMENT

Genuine R&D

Research and validation
Separate commercial purchase

INNOVATIVE TECHNOLOGY PROCUREMENT

Spanish category CPTI

Adaptation and final development
Eligible award procedure

INNOVATION PARTNERSHIP

Development plus possible purchase

Phases and milestones
Conditional final purchase

PCP exclusion is conditional. CPTI is an approach, not an award procedure

Procurement through the project lifecycle

Each stage requires a fresh assessment of maturity, scope and risk

PILOT

Test available technology or commission genuine R&D?

Use acceptance tests or a justified research route

DEPLOYMENT

Ready to procure or still requiring adaptation?

Define the lawful scope of the wider purchase

OPERATION

Who maintains quality, continuity and performance?

Match duties, payment and risk to the service

A concession requires an actual transfer of operational risk

Contract obligations and verifiable performance

Project requirements must become enforceable duties

REQUIREMENT

Intended use, quality and continuity

OBLIGATION

Assigned duties and risk-plan measures

VERIFICATION

Sampling, indicators, reports and acceptance

RESPONSE

Payment, correction and contingency action

For each indicator: threshold, frequency, reporting and an agreed response

FUNSEAM REPORT

Rights, data and continuity

These provisions affect operation and future transfer

INTELLECTUAL PROPERTY

Existing rights, new results, licences and permitted public reuse

DATA AND CONFIDENTIALITY

Operational access, audit and protection of sensitive information

RISK AND CONTINUITY

Incident duties, corrective action and continuity arrangements

CHANGE AND SCALING

Defined legal grounds for changes and later phases

Secure the access and rights needed for operation before awarding the contract

What the procurement cases demonstrate

Different experiences provide different types of evidence

NOVAEDAR

Market consultation

Clarify options before final specifications

CHELES

Demonstrator works contract

A pilot can use conventional procurement

VILLAPÉREZ

Distribution infrastructure

Define network and delivery obligations

A reuse success story does not by itself establish an innovation procurement route

FUNSEAM REPORT

Transfer across Spain, France and Portugal

Functional similarities require adaptation to national law

Function	Shared purpose	Local check
COMPETITIVE PURCHASE	Procedures exist in all three systems	Check national conditions and documentation
COMPLEXITY AND DEVELOPMENT	Dialogue, negotiation and innovation partnerships	Check eligibility, phases and award rules
SUSTAINABLE PERFORMANCE	Requirements, criteria and execution conditions	Link provisions to the contract and verify results

Share the reasoning, specifications and evidence, then adapt the legal route

A common roadmap for implementation

Both studies support successive decisions in the same project

1 DEMAND AND USE → **2** RESOURCE AND VIABILITY → **3** MARKET AND ROUTE → **4** CONTRACT AND CONTROL → **5** RESULTS AND TRANSFER

Viable reuse, accountable operation and measurable public benefit

CREMADES & CALVO-SOTELO
ABOGADOS

Thank you for your attention