Pollution, public health: quality of bathing water (repeal. Directive 76/160/EEC)

2002/0254(COD) - 15/02/2006 - Final act

PURPOSE : to enhance public health and environment protection by laying down provisions for the monitoring and classification of bathing water.

LEGISLATIVE ACT : Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC.

CONTENT : following the agreement reached by the Council and the European Parliament in the Conciliation Committee, the Council adopted this Directive concerning the management of bathing water quality and repealing Directive 76/160/EEC.

This Directive aims to enhance public health and environment protection by laying down provisions for the monitoring and classification of bathing water. It also provides for extensive public information and participation (in line with the Århus Convention) as well as for comprehensive and modern management measures.

The purpose of this Directive is to preserve, protect and improve the quality of the environment and to protect human health by complementing Directive 2000/60/EC.

This Directive shall apply to any element of surface water where the competent authority expects a large number of people to bathe and has not imposed a permanent bathing prohibition, or issued permanent advice against bathing. It shall not apply to:

a) swimming pools and spa pools;

b) confined waters subject to treatment or used for therapeutic purposes;

c) artificially created confined waters separated from surface water and groundwater.

Member States shall annually identify all bathing waters and define the length of the bathing season. They shall do so for the first time before the start of the first bathing season after 24 March 2008.

As stated this Directive will apply to surface water where a large number of people are expected to bathe, establishing a method for monitoring bathing water quality during the bathing season on the basis of two microbiological classification parameters (intestinal enterococci and escherischia coli) relevant for compliance with its provisions.

It provides for the assessment of water quality on the basis of the set of water quality data compiled during the bathing seasons, establishing 4 levels of classification (poor, sufficient, good and excellent), a classification of "poor" might leading to a permanent bathing prohibition.

The draft directive provides for the establishment of profiles describing the characteristics of the bathing water and identifying sources of pollution. The existence of pollution might result in the need for regular reviewing, information to the public and prohibition on bathing.

In order to ease the monitoring burden for Member States, the draft directive proposes reduced monitoring frequencies if the bathing water quality proves to be constantly “good” or “excellent”.

Directive 76/160/EEC will be repealed and replaced, to reflect scientific knowledge gained since 1976. The new directive will complement Directive 2000/60/EC (Water Framework Directive) as well as the Directives on urban wastewater treatment and on nitrates pollution from agricultural sources.

The issues which have been settled by conciliation concerned, in particular:

Public information and participation:

- Member States should ensure that the public will find out how to participate in the implementation of the directive;
- the results of the monitoring will be available on the Internet upon completion of the analysis.

Standards and viruses:

- for the "sufficient" category, the values of the parameter for "intestinal enterococci" become 330 for inland waters and 185 for coastal waters, based on a 90 percentile evaluation;
- plans should be drawn up for bathing waters with a "sufficient" profile showing measures planned to identify and assess sources of pollution and any measures planned to reduce the risk of pollution;
- these plans should set out an indicative timetable for any measures to improve the quality of the water; such plans should be disseminated;
- the Commission shall submit its report by 2008, with particular regard to the results of epidemiological studies, including in relation to viruses;
- Member States shall, by the end of 2014, submit written observations on the report in view of the Commission review of the directive;
- when reviewing the directive, the Commission shall verify whether it would be appropriate to modify the standards or to phase out the "sufficient" classification;

It should be noted that agreement had already been reached on a number of amendments to the common position, concerning particularly the following aspects:

- for bathing water classified as "poor", the causes of pollution and measures taken will be indicated by a clear and simple warning sign;
- the current classification of the bathing water, as well as any temporary deterioration, bathing prohibition or advice against bathing, will be indicated to the public by a clear and simple sign or symbol;
- bringing forward by one year the deadline for the establishment of bathing water profiles;
- bringing forward by one year the deadline for implementation of the Directive;
- a requirement for Member States to disseminate information to the public in several languages when appropriate;
- the setting of a deadline of 2020 for the Commission’s review of the Directive.

ENTRY INTO FORCE : 24/03/2006.

TRANSPOSITION : 24/03/2008.