

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2002/0254(COD) Procedure completed
Pollution, public health: quality of bathing water (repeal. Directive 76/160/EEC) Amended by <a href="#">2013/0192(COD)</a>	
Subject 3.70.04 Water control and management, pollution of waterways, water pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>CODE</b> EP Delegation to Conciliation Committee		16/11/2005
		ALDE <a href="#">MAATEN Jules</a>	
	Former committee responsible		
	<b>ENVI</b> Environment, Public Health, Consumer Policy		27/11/2002
		ELDR <a href="#">MAATEN Jules</a>	
	<b>ENVI</b> Environment, Public Health and Food Safety		18/01/2005
	ALDE <a href="#">MAATEN Jules</a>		
Former committee for opinion			
<b>JURI</b> Legal Affairs and Internal Market	The committee decided not to give an opinion.		
<b>RETT</b> Regional Policy, Transport and Tourism			28/11/2002
	PSE <a href="#">DUIN Garrett</a>		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2702</a>	20/12/2005
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2072</a>	20/12/2005
	<a href="#">Environment</a>	<a href="#">2632</a>	20/12/2004
	<a href="#">Environment</a>	<a href="#">2593</a>	28/06/2004
	<a href="#">Environment</a>	<a href="#">2491</a>	04/03/2003
	<a href="#">Environment</a>	<a href="#">2473</a>	09/12/2002
European Commission	Commission DG	Commissioner	
	<a href="#">Environment</a>		

Key events			

24/10/2002	Legislative proposal published	<a href="#">COM(2002)0581</a>	Summary
07/11/2002	Committee referral announced in Parliament, 1st reading		
09/12/2002	Debate in Council	<a href="#">2473</a>	
04/03/2003	Debate in Council	<a href="#">2491</a>	Summary
01/10/2003	Vote in committee, 1st reading		Summary
01/10/2003	Committee report tabled for plenary, 1st reading	<a href="#">A5-0335/2003</a>	
20/10/2003	Debate in Parliament		
21/10/2003	Decision by Parliament, 1st reading	<a href="#">T5-0442/2003</a>	Summary
05/04/2004	Modified legislative proposal published	<a href="#">COM(2004)0245</a>	Summary
20/12/2004	Council position published	<a href="#">12884/1/2004</a>	Summary
13/01/2005	Committee referral announced in Parliament, 2nd reading		
21/04/2005	Vote in committee, 2nd reading		Summary
25/04/2005	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0102/2005</a>	
09/05/2005	Debate in Parliament		
10/05/2005	Decision by Parliament, 2nd reading	<a href="#">T6-0165/2005</a>	Summary
06/09/2005	Parliament's amendments rejected by Council		
12/10/2005	Formal meeting of Conciliation Committee		
12/10/2005	Final decision by Conciliation Committee		
01/12/2005	Joint text approved by Conciliation Committee co-chairs	<a href="#">03659/2005</a>	
20/12/2005	Report tabled for plenary, 3rd reading	<a href="#">A6-0415/2005</a>	
20/12/2005	Decision by Council, 3rd reading		
20/12/2005	Decision by Council, 3rd reading		
17/01/2006	Debate in Parliament		
18/01/2006	Decision by Parliament, 3rd reading	<a href="#">T6-0015/2006</a>	Summary
15/02/2006	Final act signed		
15/02/2006	End of procedure in Parliament		
04/03/2006	Final act published in Official Journal		

### Technical information

Procedure reference	2002/0254(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by <a href="#">2013/0192(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/30397

## Documentation gateway

Legislative proposal	<a href="#">COM(2002)0581</a> OJ C 045 25.02.2003, p. 0127-0149 E	24/10/2002	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0749/2003</a> <a href="#">OJ C 220 16.09.2003, p. 0039-0042</a>	18/06/2003	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0335/2003</a>	01/10/2003	EP	
Committee of the Regions: opinion	<a href="#">CDR0017/2003</a> <a href="#">OJ C 244 10.10.2003, p. 0031-0033</a>	09/10/2003	CofR	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T5-0442/2003</a> OJ C 082 01.04.2004, p. 0026-0115 E	21/10/2003	EP	Summary
Modified legislative proposal	<a href="#">COM(2004)0245</a>	05/04/2004	EC	Summary
Council statement on its position	<a href="#">15184/2004</a>	25/11/2004	CSL	
Council position	<a href="#">12884/1/2004</a> <a href="#">OJ C 111 11.05.2005, p. 0001-0018 E</a>	20/12/2004	CSL	Summary
Commission communication on Council's position	<a href="#">COM(2004)0846</a>	04/01/2005	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0102/2005</a>	25/04/2005	EP	
Text adopted by Parliament, 2nd reading	<a href="#">T6-0165/2005</a> OJ C 092 20.04.2006, p. 0019-0064 E	10/05/2005	EP	Summary
Commission opinion on Parliament's position at 2nd reading	<a href="#">COM(2005)0277</a>	27/06/2005	EC	Summary
Joint text approved by Conciliation Committee co-chairs	<a href="#">03659/2005</a>	01/12/2005	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	<a href="#">A6-0415/2005</a>	20/12/2005	EP	
Text adopted by Parliament, 3rd reading	<a href="#">T6-0015/2006</a>	18/01/2006	EP	Summary
Draft final act	<a href="#">03659/6/2005</a>	15/02/2006	CSL	

## Additional information

European Commission

[EUR-Lex](#)

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

---

**PURPOSE** : to present a proposal for a Directive which aims to revise the Bathing Water Directive. **CONTENT** : protection of the bathing waters has been one of the most successful elements of European Water Policy. The 1976 Bathing Water Directive has also resulted in unprecedented public awareness. The directive requires changes, due to changes in science and technology as well as managerial experience. Furthermore, the provisions of the Bathing Water directive must be entirely compatible with the recent Water Framework directive. These are some of the main provisions of the proposal: As regards the scope of the proposed Directive, the main aim of the 1976 directive was improving water quality and thereby protecting the Health of citizens who use natural water for bathing. Recreational use of water has changed significantly since then to include activities such as surfing, kayaking and windsurfing. Member States must ensure that relevant information is provided to the public, identifying clearly whether water quality monitoring and other management practices ensure an equal level of protection for practitioners of these sports. This will have an impact on the classification (quality label) which the bathing waters will receive. Concerning the parameters, the 1976 directive established 19 parameters, against the then prevailing background of knowledge. The Commission now proposes a drastic reduction in the number of parameters, from 19 to 2 key microbiological parameters in the new directive, complemented by visual inspection (algae bloom, oil) and pH measurement in fresh waters. There are two reasons for this. The first is that microbiological pollution is, in the vast majority of cases, the limiting factor for achieving good water bathing quality. Secondly, the Water Framework directive has established a comprehensive chemical and biological monitoring system for all waters to be operational by the end of 2006. The two faecal indicator parameters retained are Intestinal Enterococci (IE) and Escherichia coli (EC). With regard to the parametric values, the proposal highlights that based on studies, the Commission proposes a legally binding 'Good quality' value and an 'Excellent quality' guide value for IE and EC concentration as set out in the directive. As regards monitoring, there will be flexibility on monitoring frequencies, allowing for a reduction of sampling of bathing waters without major problems and continued monitoring at routine frequencies in the case of problem waters. In terms of the standards for handling samples, it is considered appropriate to establish guidelines for this. The directive foresees adaptation to new (ISO-CEN) standards which are currently in preparation. Lastly, as regards the management issue, the Authorities are given an important role in developing bathing water profiles, identifying sources of contamination and analysing information, and providing information to the public. Bathing waters are classified as 'poor', 'good' or 'excellent'. The latter can only be obtained if the quality complies with the standard in the directive and if management measures have taken into account the range of recreational water uses practised at the bathing area. Even if 'good' is not achieved, a bathing water will still be regarded as conforming with the directive if waters will comply will comply with the directive within three years.?

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

---

The Council held a policy debate, on the basis of a paper drawn by the Presidency, concerning a proposal for a Directive on the quality of bathing water. Ministers were asked to address the following questions during the debate : - whether or not, and taking into account the experience gained with the implementation of Directive 160/76/EEC, the proposed approach and level of protection would lead to improved health protection among bathers; - coverage of specific difficulties experienced in the past with regard to bathing water quality (whether or not compliance will be facilitated) ; - "other recreational activities" (e.g. windsurfing, kayaking, jet-skiing) in the context of classification of bathing water and of bathing water profiles (whether or not these should be maintained in the scope of the proposal). Delegations welcomed the Commission's proposal and stressed the importance of protecting bathers' health and providing national authorities with improved and flexible management facilities and quality assessment guidelines. Many delegations considered the proposed microbiological parameters and monitoring frequencies to be appropriate. A number of delegations underscored the importance of having to be taken into account. A few delegations asked for the further examination to be made of the implementation costs raised by some aspects of the proposal. A majority of delegations considered that "other recreational activities" should be outside the scope of the proposal. Lastly, the President welcomed Member States' contributions to the debate and concluded by stating the need for further examination at working group level on issues, such as: clear information to the public, provisions for emergency plans, handling of long-term pollution and the question of other recreational activities.?

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

---

The committee adopted the report by Jules MAATEN (ELDR, NL) amending the Commission proposal under the 1st reading of the codecision procedure. The key amendments were as follows: - it should be clearly specified that the directive's objectives include protecting human health against chemical and microbiological contamination; - the scope of the directive should also cover water more than 100 metres from the shore at low tide if urban waste water is discharged through pipes in such waters. This would protect surfers, windsurfers and kayakers, who practise their activities far out from the shore, from pollution; - the committee introduced a new article providing for two systems to deal with periods of "transitory contamination" (i.e. short periods during which the water quality does not meet the microbiological standards for "good" status). It also made provision for public information in such circumstances; - in the event of an emergency, public authorities should work with all interested parties to ensure that the public is clearly informed of any potential hazards through temporary signs at the bathing site; - should the quality of the water deteriorate to a level which may pose a threat to bather's health, public authorities should impose a temporary ban on bathing; - if a bathing area has been removed from the list of bathing waters, the public should be informed of this fact through warning signs at the beach; - the committee decided a more user-friendly approach to information was needed and called for Commission-approved symbols to be prominently displayed to inform the public about the current quality of bathing water at any particular site. After consulting the Member States, tourist and consumer organisations, the Commission should within two years develop a simple standardised system of symbols (e.g. smiling faces) to be used by public authorities and tourist offices as a means to indicate water quality. The system should be made available on an EU website; - the information disseminated by the Member States should include at least an English and French translation; - results of water inspections should be available on the internet within a week.?

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

---

The European parliament adopted a resolution drafted by Jules MAATEN (ELDR, Netherlands) and made several amendments to the Commission's proposal. (Please see the summary dated 01/10/03.) The resolution was voted with 290 votes in favour, 221 against and 8 abstentions. Parliament stated also that the Commission must review the Directive within 15 years of entry into force, with particular regard for the parameters of bathing water quality. In addition: - on the basis of scientific results, the list of parameters in Annex I must be expanded to include virus detection; - under certain circumstances, more than one sampling point may be required; - there are additional provisions in the event of delay between sampling and analysis.?

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

---

The Commission accepts most of the 35 amendments tabled during the Parliament's first reading of the proposed Directive given that they clarify and improve upon the Commission's proposal. However, there are certain amendments which duplicate the provisions of the Water Framework Directive particularly as regards chemicals and dangerous substances. These the Commission can not accept. Similarly, the Commission can not accept any amendments that would effectively alter the scope of the proposed Directive such as extending the Directive's provision to 100m off the shore line. Specifically speaking the Commission will amend its initial proposal by accepting in full: - Amendments, which clarify definitions and operational modalities, on the grounds that they improve upon the reporting and the management of bathing water. - Amendments, which improve upon public information. - Amendments, which contribute to the sound management of bathing waters. Those amendments accepted in part or in principle by the Commission refer to: - Referring to "technical and scientific progress" when the Directive is reviewed, 15 years after its entry into force. - Having standardised reference symbols indicating the quality of the bathing water. In the interests of subsidiarity, however, the Commission prefers to leave the choice of these symbols to the Member States. The Commission proposes to do so according to an implementation strategy, successfully adopted for the Water Framework Directive. - Providing on-line information. The choice of language should be left up to the Member State and not be simply published in English and French as the Parliament originally proposed. - Changes to Annex III of the Directive. The Commission welcomes any changes, which would make the Directive more complete. However, it notes that the Water Framework Directive already focuses on wide-scale (macro) characteristics. The Bathing Water Directive, on the other hand, acts on much smaller topographic sites. In order to avoid unnecessary over regulation the Commission proposes that only those elements, which are relevant to the understanding and management of bathing waters should be included in this profile. Lastly, those amendments not acceptable to the Commission refer, inter alia, to: - Covering water sports to within a limit of 100 meters. The covering of 100 m would be difficult to establish and to enforce. - Amendment 7 since it opens the scope for water with recreational activities subject to pollution whilst excluding waters with little pollution risk. - Amendments referring to transitory contamination - even though the Commission remains open to it as a concept. - Amendments, which duplicate the chemical standards already dealt with by the Water Framework Directive.?

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

---

The Council believes that the common position represents a balanced package of measures that would permit a much needed updating of Community rules on bathing water quality and enhance the level of public health protection in a staged and reasonable manner without placing an undue burden on the authorities concerned. It looks forward to constructive discussions with the European Parliament with a view to the early adoption of the Directive.

More specifically, the common position incorporates the majority of the European Parliament's first-reading amendments, either verbatim, in part or in spirit. However, it does not reflect a number of amendments because of inconsistency with the wording of Article 174 of the Treaty; in the view of the Council and the Commission, they would have unnecessarily duplicated existing requirements of the water framework Directive; or the Council considered them superfluous and potentially confusing.

It also includes a number of other changes. The following sections describe the changes of substance. In addition, there are drafting changes to clarify the text or to ensure the overall coherence of the Directive.

- Purpose, scope and definitions: the Council cannot agree to extend the scope of the Directive beyond bathing to apply to other recreational activities. Consequently, the common position includes no

reference to such activities. The definition of "bathing water" now appears in Article 1(3), since this term determines the scope of the Directive. Further definitions from the water framework Directive are incorporated and are consistent with a European Parliament amendment. It also defines other key terms,

namely "competent authority", "permanent", "large number", "pollution", "short term pollution", "cyanobacterial proliferation" and "public concerned".

- Monitoring: more flexibility regarding the location of the monitoring point is included. It also contains provisions on short term pollution and provides for the use of equivalent methods and rules under certain conditions, some of which may be clarified through comitology. Annex IV provides for an increased minimum sampling requirement compared to the Commission's original proposal, to increase the reliability of the statistical methodology. However, it also makes allowances for the particularly short bathing seasons prevailing in the north of the EU and special geographical constraints

(e.g., remote islands). There is no longer any direct link between the sampling frequency and classification.

- Quality assessment: the common position adopts 4 bathing seasons as the normal assessment period, but provides Member States with the option of choosing a period of 3 seasons under certain conditions. It indicates the minimum number of samples required and the circumstances in which the subdivision or grouping together of bathing waters may take place.

- Classification and quality status: several key innovations are incorporated compared to the Commission's original proposal. In particular it would defer the mandatory application of the new classification scheme until 2015 (to be consistent with the timetable of the Water Framework

Directive); introduce a new classification ("sufficient") that would at least provide the same level of health protection as the minimum requirements of the existing Directive and act as a stepping stone to "good" or "excellent" quality; and clarify the circumstances in which bathing waters could temporarily be classified as being of "poor" quality. Annex I would provide for classifications to take place on the basis of two microbiological parameters. Requirements concerning other types of pollution would remain, but would not affect classification.

- Annex I provides for evaluations based on both a 95 and 90-percentile. The limit values for the "excellent and "good" classifications would be based on a 95-percentile evaluation, while that for "sufficient" would be based on a 90-percentile evaluation to reduce the risk of statistical anomalies when using a small data set. There are distinct limit values for inland and coastal waters. The scientific evidence currently available suggests that the presence of the same level of microbiological

contamination represents a higher health risk in salt water than in fresh water.

- Annex II is consistent with the broad principle underlying a European Parliament amendment, in that it provides that short term pollution would not affect a bathing water's classification if the competent authority takes appropriate measures to protect bathers' health.

- Bathing water profile: the common position clarifies that there could be a single profile for contiguous bathing waters. It extends the deadline for the establishment of the first profiles and the

interval between reviews, in recognition of the workload involved.

- Public participation: the definition of the "public concerned" in Article 2 clearly includes interested parties at the local level. The remainder of the amendment is superfluous in view of Article 18

and Directive 2003/4/EC.

- Information to the public: the common position groups all the general requirements to inform the public together in a single Article. It is consistent with two EP amendments which require information to be available promptly on the internet.

- Report and review: the Council agrees with the European Parliament that the Commission should review the implementation and operation of the Directive. However, it specifies some key issues that the Commission's report should address, particularly: the results of the epidemiological study that the Commission is to undertake as a matter of urgency to obtain greater scientific certainty regarding health risks associated with bathing, particularly in fresh water; WHO recommendations, which would equate to the "good" classification rather than to the minimum requirements of the Directive.

- Comitology: the common position contains a single provision listing the technical decisions that

could be taken through comitology. However, the Council believes that these decisions should be optional, not mandatory. Moreover, it cannot agree to the addition of new parameters on virus detection through comitology.

In addition, the common position contains: simplified rules on response measures in exceptional circumstances, the scope of which is now the same as the remainder of the Directive; and a requirement for Member States to carry out appropriate monitoring and to take necessary management measures to protect public health from cyanobacterial risks.

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

---

This proposal has been discussed under three Presidencies and the major impediment to achieving agreement has always been the stringency of the water quality standards. A significant number of Member States were concerned that the Commission's original proposal was unrealistic and that benefits in terms of improvements to public health would have been disproportionate to the costs.

The Commission would clearly have preferred to maintain the quality standards set out in its original proposal. However, the Commission is also anxious to ensure that the original Directive from 1976 is updated to: bring in more effective approaches to the management of bathing issues; better provisions for providing information to the public and improve monitoring regimes focused on the real health risks.

The Commission considers that the common position represents a significant improvement on the arrangements under the existing directive and can therefore support it. The Commission recognizes that there are outstanding concerns relating to the level of protection afforded by the new standards, particularly in freshwaters and is committed to address these concerns as part of a shared cost action under the 6<sup>th</sup> Framework Programme.

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

---

The committee adopted the report by Jules MAATEN (ALDE, NL) amending the Council's common position under the 2nd reading of the codecision procedure. A number of amendments focused on new elements introduced by the Council:

- a fourth, intermediate, category for bathing water standards ("sufficient quality"). The committee wanted to stick to the original classifications laid down by the Commission: "excellent quality", "good quality" and "poor quality". It therefore deleted references to the new category, arguing that it would not improve the 1976 directive nor would it meet the minimum standards laid down by the World Health Organisation;

- mandatory application of the new classification scheme to be deferred until 2015. As the Commission had originally suggested 5 years after the directive's entry into force, the committee felt that 2015 was far too late. It set the new date for achieving at least "good quality" status, as well as the chemical water status objectives laid down in the Water Framework Directive, at the end of the 2011 bathing season;

- a distinction between inland waters and coastal waters. The committee voted to abolish this distinction and reinstate the relevant provisions of the original Commission proposal;

- limiting the provisions on emergency plans. The committee reinstated Article 12 of the original Commission proposal, laying down detailed binding requirements such as emergency plans, surveillance and rapid response systems to cope with emergency situations. It also retabled a 1st reading amendment calling for the public to be clearly informed of potential hazards, in the event of an emergency, through temporary warning signs at the beach.

As well as amending the new elements to be found in the common position, the committee also reinstated various amendments to the original proposal adopted by Parliament at 1st reading:

- as part of a more user-friendly approach to information, Commission-approved symbols should be prominently displayed to inform the public about the current quality of bathing water at any particular site. The Commission should develop within two years "a simple standardised system of symbols" to be used by public authorities and tourist offices as a means to indicate water quality. The system should be made available on an EU website;

- if a bathing area has been removed from the list of bathing waters, the public should be informed of this fact through warning signs at the beach;

- information disseminated by the Member States should include at least an English and French translation;

- the results of water inspections should be available on the internet within a week;

- the directive should be reviewed by 2020, "with particular regard to the parameters for bathing water quality".

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

---

The European Parliament adopted the report by Jules MAATEN (ALDE, NL) amending the Council's common position. (Please refer to the summary dated 21/04/2005).

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

---

Out of the 26 amendments adopted, the Commission can accept 10 amendments in full, 1 amendment in part and a further 3 amendments in principle. 12 of the adopted amendments have been rejected.

The amendments accepted in full aim to: improve the provision of information to the public; make reference to directives dealing with access to environmental information and public participation in the drawing up of plans and programmes; bring forward respectively the dates for developing beach profiles and for the entry into force of the directive; allow the technical updating of the directive to include viruses as well as bacterial indicators.

The Commission has partially accepted the amendments concerning: the consultation and participation of interested parties in a number of the measures foreseen in the directive; the establishment by the Commission of an EU wide symbol or system of symbols for providing information to the public.

The Commission can accept in principle the amendment which proposes quality standards for the classification category 'sufficient', which are considerably more stringent than those in the Common

Position. While the standards as proposed in the amendment are far too severe to gain the necessary support in the Council, a certain degree of tightening up of the standards is one possible option for bridging the gap between the two institutions. The Commission can therefore accept the principle of this amendment in so much as it serves to develop an agreement between the Council and the Parliament.

Lastly, the Commission has rejected the amendments concerning emergency planning provisions which do not need to be included on a directive dealing with bathing water; seeking to advance the dates for compliance with the quality standards in the directive; the introduction of a new definition of short-term pollution which is ambiguous and difficult to implement and control; allowing calculation methods to be used in cases where water samples are not stored or processed correctly; seeking to limit the length of the time that the 'sufficient' classification category remains in use to 8 years after the entry into force of the directive. As this would mean that the 'sufficient' category would disappear by 2013 and the date for compliance with the quality standards is 2015, this amendment is not compatible with the rest of the text and cannot be accepted.

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

---

The European Parliament adopted a resolution approving the joint text drafted by the Conciliation Committee. (Please refer to the document dated 12/10/2005.) The joint text was adopted by 584 votes in favour to 11 against with 56 abstentions. The rapporteur was Jules MAATEN (ALDE, NL).

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

---

**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.