


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1994/0006(COD) Procedure lapsed or withdrawn
Water policy: quality of bathing water	
Subject 3.70.04 Water control and management, pollution of waterways, water pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Consumer Protection		01/05/1999
		PPE <a href="#">JACKSON Caroline</a>	
	Former committee responsible		
	<b>ENVI</b> Environment, Public Health and Consumer Protection		27/07/1994
		ELDR <a href="#">EISMA Doeke</a>	
Former committee for opinion			
<b>BUDG</b> Budgets			
<b>JURI</b> Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.		
<b>TRAN</b> Transport and Tourism			02/12/1994
	PPE <a href="#">CORNELISSEN Petrus A.M.</a>		
Council of the European Union			

Key events			
14/02/1994	Additional information		Summary
16/02/1994	Legislative proposal published	COM(1994)0036	Summary
21/07/1994	Committee referral announced in Parliament, 1st reading		
21/11/1996	Vote in committee, 1st reading		Summary
21/11/1996	Committee report tabled for plenary, 1st reading	<a href="#">A4-0395/1996</a>	
11/12/1996	Debate in Parliament		Summary
12/12/1996	Decision by Parliament, 1st reading	T4-0672/1996	Summary

17/11/1997	Modified legislative proposal published	COM(1997)0585	Summary
26/07/1999	Vote in committee, 1st reading		
26/07/1999	Committee report tabled for plenary confirming Parliament's position	<a href="#">A5-0004/1999</a>	
16/09/1999	Decision by Parliament, 1st reading	<a href="#">T5-0013/1999</a>	Summary
09/06/2000	End of procedure in Parliament		
09/06/2000	End of procedure in Parliament		
09/06/2000	End of procedure in Parliament		
09/01/2004	Proposal withdrawn by Commission		Summary

### Technical information

Procedure reference	1994/0006(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure lapsed or withdrawn

### Documentation gateway

Legislative proposal	<a href="#">COM(1994)0036</a> <a href="#">OJ C 112 22.04.1994, p. 0003</a>	16/02/1994	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0997/1994</a> <a href="#">OJ C 393 31.12.1994, p. 0005</a>	14/09/1994	ESC	Summary
Committee of the Regions: opinion	<a href="#">CDR0182/1994</a> <a href="#">OJ C 210 14.08.1995, p. 0053</a>	28/09/1994	CofR	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0395/1996</a> <a href="#">OJ C 020 20.01.1997, p. 0003</a>	21/11/1996	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0672/1996 <a href="#">OJ C 020 20.01.1997, p. 0084-0112</a>	12/12/1996	EP	Summary
Modified legislative proposal	COM(1997)0585 <a href="#">OJ C 006 10.01.1998, p. 0009</a>	17/11/1997	EC	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading	<a href="#">A5-0004/1999</a> <a href="#">OJ C 054 25.02.2000, p. 0010</a>	26/07/1999	EP	
Text adopted by Parliament confirming position adopted at 1st reading	<a href="#">T5-0013/1999</a> <a href="#">OJ C 054 25.02.2000, p. 0055-0076</a>	16/09/1999	EP	Summary
Follow-up document	COM(2000)0860	21/12/2000	EC	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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## Water policy: quality of bathing water

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PREVIOUS COMMUNITY LEGISLATION: Council Directive 76/160/EEC (OJ L 31, 5.2.1976, p.1): Setting of quality standards for bathing water in the Member States (with the exception of water intended for therapeutic purposes or used in swimming pools). Council Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48): New test methods and requirement to submit annual reports to the Commission (see also Commission Decision 92/446/EEC (OJ L 247, 27.8.1992, p. 10) concerning questionnaires relating to directives in the water sector). PREVIOUS POSITION OF EP: In an own-initiative resolution (Doc. A1-194/84; OJ C 172, 2.7.1984, p. 158), Parliament called for the introduction of a common system for warning bathers about water which is highly polluted and hence very likely to present a health hazard. In a resolution on the implementation of Community legislation on water protection measures (Doc. A2-298/87; OJ C 94, 11.4.1988, p. 155), Parliament called on the Commission inter alia to submit a proposal for a regulation introducing a common system of information for the public about the quality of bathing water. It also advocated that the Commission should investigate the possibility of deploying Community environmental inspectors. SITUATION IN THE MEMBER STATES The Commission's Eleventh Annual Report on Monitoring the Application of Community Law (1993), (COM (94) 0500, p. 91), indicates that bathing water quality has improved: Spain has submitted quality improvement plans, which are currently under scrutiny. The situation has also improved in Luxembourg, so that the Commission has been able to terminate the relevant proceedings. The Commission has addressed a reasoned opinion to Ireland, owing to its failure to implement Council Directive 76/160/EEC in the case of Bantry Bay. On 14 July 1993, the European Court of Justice gave judgment against the United Kingdom, owing to its failure to guarantee the quality of bathing water at Blackpool and neighbouring Southport (Case C-90/56). On 7 June 1994, the Commission published its Eleventh Report on Bathing Water Quality, which relates to the 1993 bathing season and covers the inspection of 16 445 bathing waters. In 1993, 90% of all such waters met the quality standards required by the Directive. These reports are published annually at the beginning of each bathing season in order to provide the public with comprehensive information. The FEEE (Foundation for Environmental Education in Europe), a private organization which receives support from the Commission, organizes an annual 'blue flag' campaign. Any bathing beach awarded a blue flag does not pose a health risk to bathers, as it has to satisfy all the criteria listed in the Annex to Council Directive 76/160/EEC. Blue flags were awarded to 1 203 bathing waters during the 1993 bathing season, and to 1 454 in 1994.

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The Commission proposal aimed to simplify, consolidate and update the 1975 Bathing Water Directive without decreasing the level of protection for the health of bathers and the environment. In the light of experience and scientific progress, the proposed revision mainly involved: - consolidating and simplifying the existing texts, particularly with regard to the rules on assessing the water's conformity with the criteria; - amending certain physico-chemical and microbiological parameters by giving Member States the freedom to determine the strictest values and to set values for parameters not included in the directive; - improving information: the directive included the requirement to display notices indicating the quality of water in bathing areas and set out the corrective measures planned in the case of pollution. The Member States should prohibit bathing when imperative values were exceeded significantly. The new text required: - from the Member States: . measures on the quality of bathing water; . an annual statistical report, submitted to the Commission, on the quality of bathing water; . monitoring of all discharges that were likely to damage the quality of the water; . implementation of the actions needed to protect the quality of bathing water; - from the Commission: . maintenance and updating of the database on the quality of bathing water in the Community; . annual publication of a report on the quality of bathing water throughout the Community; . submission of proposals aimed at adapting the directive to technical progress; . technical assistance to the Member States with a view to ensuring the compatibility of the databases. ?

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By adopting the report on bathing water the committee has set out the lines for a future EU water policy. The rapporteur, Mr Doeke EISMA (ELDR, NL) welcomed the proposals by Council and Commission, but had, with other MEPs, tabled a great number of amendments to ensure that the future water policy of the Community will, indeed, be "watertight". In June 1995, the environment committee held a public hearing, the main conclusion of which was that there is an urgent need to review the existing series of water quality directives and decisions. Rapporteur EISMA, who had made a very critical analysis of the provisions and of the microbiological and physico-chemical parameters in the annexes of the proposed directive, accepted amendments on the definition of "bathing water of a good quality" and of "bathing seasons". The rapporteur regretted that the Commission has not yet adopted a more systematic approach to water policy, which ought to begin by determining the general principles and strategies to be adhered to, followed by proposals appropriate to the various types of water. ?

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The rapporteur, Mr Eisma (ELDR, NL), took the view that urgent action was required to resolve the unsatisfactory manner in which Community measures relating to the quality of bathing water were being applied. Any revision of the 1976 Directive should be aimed at strengthening the standards applying in this area. The rapporteur proposed that the Directive should protect other users, such as windsurfers and divers, who were frequently in contact with water. He also tabled amendments aimed at reducing effluent discharge (from sewers, etc.) and wanted to see

the 'blue flag' system retained, or at least some similar system of quality assurance. Finally, he approved of the Commission's proposal concerning the annexed parameters, but with one exception, namely the parameter relating to faecal streptococcus, which was now out-of-date because of rapid developments in modern technology. The Commissioner, Mrs Bjerregaard, had informed Parliament that she was prepared to accept most of the amendments tabled by the rapporteur, including those providing for stricter standards for faecal streptococcus.

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In adopting the report by Mr Doeke EISMA (ELDR, NL) Parliament approved the proposal for a directive concerning the quality of bathing water. However it made amendments to the provisions and to the microbiological and physical and chemical parameters listed in the annexes and adopted a certain number of amendments dealing in particular with: - the scope of the directive: it should also cover the quality of water used for water sports; - the definition of 'bathing season': namely, the period during which people normally bathe in the light of the geographical situation, this period not being shorter than 2 months; - the definition of water of 'good quality': assessment of the good quality of water should be on the basis of two previous bathing seasons and the current bathing season; - information to the bathing public which is clear, uniform and easily understandable: notices should include information on general safety aspects and on where assistance may be obtained if needed; - the account to be taken of pollution sources produced by pleasure boats and yachts; - information to the public of the pollution risks through the press, radio and television; - the establishment of an advisory committee to assist the Commission; - postponement of the deadline for the transposition of the directive to 31 December 1997. ?

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The Commission's amended proposal incorporates in full or in part 24 amendments adopted by the European Parliament on first reading. The main amendments concern: - the definition of good quality bathing water; - the definition of 'bathing seasons': the period during which people normally bathe in the light of the geographical situation, local custom and weather conditions; - the definition of 'competent authority': the authority indicated by the Member State empowered to enforce all or some of the obligations arising from this directive; - the need for close coordination between this directive and a future directive setting out a framework for future policy with regard to water; - information for the public concerning the quality of bathing water: it must be uniform and easily understandable, include information on general safety aspects and indicate where assistance may be obtained if needed; - informing the Commission of action taken to avoid pollution and restore the quality of water affected; - obligation for Member States to prohibit bathing and inform the public where pollution constitutes a threat to public health; - deadline for implementation set at 31/12/1997. The Commission does not however adopt the amendments: - seeking an orientation towards tourism and/or tourist programmes; - seeking to extend the definition of bathing water to recreational water; - seeking to insert a pesticide and nitrates parameter; - introducing a type 1 advisory committee; - introducing a very stringent definition of bathing zones and deleting a transition period for new bathing zones; - calling for the establishment by each Member State of public information database and presentation of a yearly financial report of the actions taken by the Member States regarding the implementation of the directive. ?

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The objective of this Communication is to launch an open consultation exercise with all interested parties and stakeholders concerning a new Bathing Water Directive - a new Directive that will ensure at least the same environment and health protection as the current Directive but at the same time will take into account new approaches and new science and technologies. The objective of the consultation is to learn how we can improve our bathing water legislation and its implementation. The consultation exercise will culminate in a Bathing Water Conference during Green Week (24-28 April 2001), to which all individuals and institutions who have responded to this Communication will be invited. All comments and suggestions made during the consultation exercise (either in writing or during the Conference) will be taken into account by the Commission and decision under the co-decision procedure. The Commission does not attempt to provide all of the details of the future Directive but merely to outline its Skeleton. This Communication therefore highlights the strengths and difficulties of bathing water quality management and presents possible approaches for the new Directive, building upon experience in this area.?

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As announced in Official Journal C 5 of 9 January 2004, the Commission decided to withdraw this proposal, which had become obsolete.