



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

Developing a New Bathing Water Policy

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INTRODUCTION

Although the current Bathing Water Directive is more than 25 years old, its continued importance is evident each bathing season as it protects the public from accidental and chronic pollution discharged in or near European bathing areas. Furthermore, the overall quality of bathing waters has improved considerably since the Directive came into force.

Changes in science and technology, however, oblige the Commission to revise and update its legislation at regular intervals. It is now time for the Bathing Water Directive to be revised. Its revision will be a keystone for streamlining the European environmental water legislation.

Based on the experience of implementing existing legislation, Community environment policy has evolved towards an emphasis on the role of science and informed participation in meeting environmental goals. Today, we can make use of the fast developments in science and technologies to incorporate more sophisticated tools. We can also make use of the knowledge and involvement of the stakeholders via an open process for the development and the implementation of the legislation. This evolution will be reflected in the new Bathing Water Directive.

The revision of the Bathing Water Directive will maintain, or possibly even upgrade, the rigour of the existing Directive. The revised Directive will still contain specific targets which will be tough and ambitious and which will have to be met within specific timeframes.

It is also the Commission's intention to rationalise and optimise the implementation of bathing water quality management through various steps, including reducing the number of parameters to be monitored, and through introducing new tools and more robust parameters. A revised Directive will above all provide better information to the public.

This document provides a rough sketch of the expected contents and implications of a revised Directive, however the various elements have not yet crystallised into specific articles. The Commission seeks constructive criticism on the approaches presented in this Communication, and invites all interested and involved parties to participate in the consultation and to react to this document.

1. PURPOSE OF THIS COMMUNICATION

The purpose 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 as it drafts its Proposal for a new Bathing Water Directive.

The Proposal is scheduled for adoption by the Commission around June/July 2001. The Proposal will then be passed to the European Parliament and the Council for political discussion and decision under the co-decision procedure.

This four stage process (i.e. Communication, Consultation, Conference, Proposal) that we have chosen to use for developing a new Bathing Water Directive is similar to the one that was used for the preparation of the Water Framework Directive. It is based on transparency, stakeholder participation and commitment and shared responsibility.

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.

2. THE CONTEXT FOR THE REVISION OF THE BATHING WATER DIRECTIVE

The adoption of the Water Framework Directive

The adoption of the Water Framework Directive was the decisive step in **bringing together all of the Community water-related environmental legislation, emphasising that all of the water directives are to be implemented coherently.**

For the public at large¹, the Bathing Water Directive is key to improving water quality in general, and the health impacts in particular. Together with the Drinking Water Directive, which also requires specific results in terms of healthy water quality, the Bathing Water Directive should be the driver for a focussed implementation of the Water Framework Directive, the Nitrates Directive and the Urban Waste Water Treatment Directive.

¹ Water quality in general and Bathing Water quality in particular is very much in the focus of interest of the citizens. The most recent Eurobarometer (51.1 of September 1999) – a regular opinion poll organised by the Commission – shows for example that European citizens are still most concerned about water quality. For many years, the ‘water homepage’ of DG Environment has been among the top 10 most visited sites on the EU’s Europa internet site.

The Bathing Water Directive is now more than 25 years old. In light of the integrated approach of the Water Framework Directive and of the progress made in water quality science, technology and management, a thorough revision of the Bathing Water Directive is needed. The revision of the Bathing Water Directive will be another step in the overhaul of the Community water legislation, in line with the principle laid down in the Water Framework Directive.

Annex I contains further information about the Water Framework Directive and other related Community legislation and policy.

The Bathing Water Directive and its revision

By providing sound and clear information about the water quality of coastal beaches and bathing areas on lakes and rivers, the 1976 Bathing Water Directive² has created an unprecedented public awareness about an environment and health issue that touches directly upon the public's daily life. This Directive has also urged Member States to tackle waste water discharges to the aquatic environment, even prior to the development of the Urban Waste Water Treatment Directive.

Each year, the Commission presents information concerning bathing water quality and the implementation of the Directive in an annual report. The most recent report – concerning the 1999 bathing season - shows that there has been a constant and significant improvement in the water quality of bathing areas. As the table below indicates, the water quality standards set by the Directive are now respected at more and more bathing areas. This is particularly true in coastal bathing areas. Improvement of inland, fresh bathing water quality has proved much more difficult; this is probably because fresh waters are in general more fragile and are much more influenced by diffuse sources of pollution.

Year	EU Coastal Waters		EU Fresh Waters	
	Compliant* (%)	Other [§] (%)	Compliant (%)	Other (%)
1992	84.9	15.1	47.5	52.5
1993	73.9	26.1	29.7	70.3
1994	82.3	17.7	41.6	58.4
1995	85.3	14.7	51.7	48.3
1996	91.4	8.6	68.9	31.1
1997	93.3	6.7	79.8	20.2
1998	94.6	5.4	86.5	13.5
1999	95.6	4.4	90.5	9.5

*"Compliant" indicates compliance with the mandatory standards of Directive 76/160/EC

[§] "Other" includes bathing areas which are not in compliance, those which are insufficiently sampled and those where bathing is banned.

² Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water, OJ L 31 of 5.2.1976

It must be acknowledged however that, in recent years, there has been less additional improvement of coastal bathing water quality. Have we reached the limit of what is feasible? We do not think so. Perhaps the current Directive cannot lead to further amelioration of conditions in bathing waters. But we believe that a new Directive will certainly provide scope for further improvements in bathing water quality. Building on the experience and results of implementing existing legislation, we can incorporate more sophisticated tools and reinforce the emphasis on the use of information and public participation.

Although the implementation of the 1976 Bathing Water Directive has clearly improved bathing water quality in Europe, over the years since its adoption, the Directive has been increasingly criticised on technological, scientific and managerial grounds. Some of the technical and scientific criticisms are that:

- Some parameters set out in the current Directive are outdated and others are no longer relevant.
- Monitoring of the waters was done only for compliance checking and not in order to gain a better understanding of the bathing waters.
- The Directive did not specify analysis methods, so laboratories have used a variety of methods and the results are not fully comparable.
- Microbiological analysis requires considerable time which means that, in case the water sample is confirmed to be non-compliant, any (re)action to address that non-compliance will be too late and people might have been exposed to pollution.

Furthermore, it has become clear that the issue of bathing water quality was not just a matter of 'product control' but of real quality management and quality assurance.

The present process to revise the Bathing Water Directive actually started in 1994, when the Commission submitted a first Proposal for its revision. That Proposal was not adopted by the Council for reasons that were scientific and technical, as well as political³. However, thanks to the debates provoked by this 1994 Proposal, new studies and developments about water quality management came to the surface. As well as confirming that the 1994 proposal had itself become outdated and difficult to defend, these developments indicated clearly that a revised Bathing Water Quality Directive needed to be linked to the Water Framework Directive. So, rather than pursue the adoption of the 1994 proposal, the Commission has started preparing a new proposal. (To clear the way for a new Proposal, the 1994 proposal has been formally repealed.)

³ See Commission Proposal for a Council Directive concerning the quality of bathing water, Com(94)36 final; European Parliament 1st reading on the proposal for a Council Directive concerning the quality of bathing water, A4-0395/96 of 13 December 1996; and Commission Amended Proposal for a Council Directive on the quality of bathing water, Com (97) 585 final.

Principles Underlying the Revision

Based on the experience of more than 15 years implementing the existing Bathing Water Directive, and considering the many studies conducted, the Commission affirms the following principles:

1. Water quality standards are indispensable. They have to be ambitious and legally binding. We have to be realistic and acknowledge that zero-risk cannot be guaranteed. Even if all possible measures have been taken to achieve or preserve good water quality, there is always the possibility that these measures will fail or that accidents will happen. For example, water quality could be diminished through increased river flow following heavy rains, or as a result of a breakdown of sewage treatment works. The possibility of failures or accidents, however, strengthens the argument for ambitious standards. By minimising the regular impact of human activity on bathing water quality and lowering the 'normal' level of contaminants in a bathing area as much as possible, the impacts of an unexpected pollution event can be reduced.

2. Bathing Water Quality Management is not just a matter of quality monitoring. It is necessary to have a full understanding of all the processes involved in determining water quality and its variability. However, it is also necessary to take action in order to preserve or achieve good water quality and to minimise the impact of human activity. To do this, it is important to look beyond what is happening at, or in the direct vicinity of, a bathing area -- to also take into account the hinterland in terms of land use, discharges upstream, etc. Therefore, as well as monitoring water quality in bathing sites, the new Bathing Water Directive will tackle pollution sources, in particular waste water discharges and agricultural run-off. These pollution sources will also have to be marked and addressed in the river basin management plans foreseen in the Water Framework Directive.

3. As a consequence of the above two principles, it is more than ever necessary to have good quality information in near-real time about the bathing area. Such information is needed by the public to make informed choices about if and where to bathe; it is also needed by the competent authorities to make long-term decisions about water quality management. Comprehensive information should be actively provided by those who collect it – local, regional or national authorities of the Member States – and in second instance by the European Commission.

4. SPECIFIC ISSUES IN BATHING WATER QUALITY MANAGEMENT

4.1. Identification of bathing areas

In many Member States, the public has a basic right to use surface waters (rivers, lakes or coastal waters), unless particular zones have been clearly prohibited. This implies that every stretch of water in the EU could potentially be used for bathing and should thus be monitored and managed under the Bathing Water Directive. However, we have to be realistic and accept that that is virtually impossible. (Nevertheless, if all EU water legislation is fully and properly implemented, Europe's waters will all reach a high quality suitable for bathing!)

Under Directive 76/160/EEC, there was no definition for "bathing" and the definition for "bathing area / bathing water" left too much room for interpretation. The new Directive would correct this by introducing clear and unambiguous definitions. These definitions will take into account the reality that not all waters can be identified as "bathing waters" and will also

reflect the fact that the main use of bathing water is for recreation and tourism. The new definitions could be along the following lines:

- The revised Directive would concern **“the quality of bathing waters, with the exception of water intended for therapeutic purposes, water used in swimming pools and of confined waters that are subject to chemical disinfection.”**
- **“Bathing** for the purpose of this Directive means any direct body contact with water involving head submersion and/or risk of ingestion of water.
- **“Water identified as bathing water** includes all running and still inland surface waters, transitional waters and coastal waters that:
 - are actively promoted - locally, regionally, nationally or internationally - for bathing (or which are likely to be so promoted in the foreseeable future) and/or
 - are regularly used by the local and/or visitor populations for bathing.
- **“Bathing zone”** means the defined/discrete location within a bathing water where, on average throughout the bathing season, most bathers will be found.
- **“Bathing season”** means: the period during which bathers can be expected, in the light of local custom, any local rules which may exist concerning bathing, and weather conditions.

Identified bathing areas will have to be made public and notified to the European Commission.

Directive 76/160/EEC did not foresee any mechanism for de-identification of bathing waters. It is possible that certain areas might lose their function as bathing area due to changes in customs (e.g. local people going further down the river/coast), changes in the constitution of the area (e.g. marina constructed nearby), changes in the use of the area (e.g. change from bathing to shellfish area or nature protection area). The new Directive should foresee a mechanism to de-identify bathing waters where such changes occur and can be demonstrated.

4.2. Compliance

One of the weak points of the existing Directive is an excessive emphasis on monitoring, i.e. for a bathing area to be in compliance, the only requirement is that a defined proportion of water samples have to achieve the mandatory standard.

The revised Directive should have a greater emphasis on the application of suitable, prompt management actions, without however forgetting the fact that water quality objectives also have to be met. Under the new scheme, **there will be requirements both for compliance with the quality standards and also for reaction when these standards are breached.** This shift in emphasis from bathing water quality *monitoring* to bathing water quality *management* is in line with the principles enshrined in the Water Framework Directive.

The new Directive should have **formal obligations for immediate action during the season to respond to occasional non-compliance, as well as for long-term action in case of 'structural' non-compliance.** The Directive would stipulate that, where a bathing water does not meet the required standards, the managers would be required to undertake appropriate management actions within a certain timeframe (which will have to be agreed by the

Commission) to reduce or eliminate the risk of pollution/contamination or to prevent human exposure to pollution/contamination.

Depending on the circumstances, appropriate action might include posting warning signs, implementing suitable infrastructure or discharge controls, developing beach management plans or prohibiting bathing until the bathing water quality reaches the standard (again). A wide variety of management action is thus possible, but such action should always include: actively informing the public, investigating the problem, and establishment of a remedial action programme (short and/or long term) with a suitable time table and budget.

4.3. Surveys and Monitoring

The existing Bathing Water Directive 76/160/EEC obliges the Member States to monitor the water during the bathing season. Quality status of the beach is then calculated on the basis of the number of samples that either fail or pass the standards. This approach does not give any additional, circumstantial information that allows for a correct interpretation of the sample results. Neither the beach manager nor the public gets the right tools for a better understanding of the 'behaviour' of a bathing water or zone.

To correct this information deficit, the revised Directive would expect the authority responsible for the beach management **to develop a beach profile**, describing, quantifying, understanding and mapping all potential sources of pollution or contamination on and in the vicinity of the bathing area. Such a profile provides a considerable amount of circumstantial information that can be used for long-term planning of preservation or improvement programmes, as a checklist in case of a pollution event, as the basis for investigation and as an important public information tool.

However, a one time survey is not sufficient for bathing water area management. Continued monitoring of water quality is also necessary in order to know whether, when and how to take action -- and to assess whether the actions taken are effective.

The existing Bathing Water Directive does require the Member States to set up a monitoring programme. However, this monitoring is based on a uniform fortnightly sampling regime with a possibility for reduced sampling in case of confirmed good water quality; this sampling regime does not allow for the most efficient use of sampling resources. **The revised Directive will indicate that monitoring programmes should be designed to ensure the most effective use of sampling resources**, aimed at those bathing areas, for example, that have a higher risk of variable water quality. The new approach would be to allow a 'minimum' sampling regime (e.g. fortnightly) for beaches with a confirmed history of good water quality and would require an enhanced sampling regime (e.g. weekly) for beaches with variable or bad water quality. At the same time, provisions are required to address quality control of sampling, transport of samples, methods of analysis and data-handling.

4.4. Trends in Water Quality

Under the existing Directive, a water quality assessment is made on the basis of the sampling results of one bathing season. This gives, however, only a snapshot picture of the water quality and does not take into account the inter-annual trend – negative/positive/neutral – in water quality. Certain bathing areas could thus be condemned for a particular bathing season on the basis of one bad sample although, seen in the longer perspective, the water quality is more than satisfactory.

It is therefore considered important to look at the quality record of each individual bathing area over 3 to 5 years.

This does not mean that breaches of the standards during the bathing season are not to be taken into account or that a particular bad bathing season for a beach is meaningless. Any breach of the standards requires investigation and demands an explanation. However, before deciding on any major measures, it is important to consider the long-term record and perspective of each bathing area.

4.5. Standard setting and methods of analysis

The existing Directive contains both microbiological (public health) and physical-chemical (environmental/ecological) parameters. Since the adoption of the existing Directive in 1976, a number of other Directives have taken over some of these physical and chemical parameters. Moreover, the Water Framework Directive will specifically address the ecological aspects of water-bodies. In particular Art. 6 and Annex IV of the Water Framework Directive set out provisions for “Protected areas” in the River Basin Management Plans. This means, in practice, that the Water Framework Directive covers specific “environmental/ecological” standards. The revised Bathing Water Directive can therefore focus its attention on “health” standards.

There has been a considerable amount of debate surrounding these “health” standards as a basis for setting the water quality standards. The discussion concentrates, in particular, on the scientific basis for the standards. It is acknowledged that there are certain limitations to the studies (in particular epidemiological studies) that can be done in the field of bathing water quality. However, the available studies do indicate clearly that there is a correlation between (faecally) polluted water and public health.

Regarding standard setting, our experience with the new Drinking Water Directive has shown that the World Health Organization’s (WHO) recommendations can be used as the scientific starting point in the development of Community standards. It is therefore our intention to follow the same approach for the revised Bathing Water Directive, taking into consideration public health protection and a realistic cost/benefit relationship. In its proposed draft guidelines for recreational waters⁴, the WHO has proposed **Intestinal Enterococci** as the best indicator for microbiological contamination of coastal waters. The WHO came to those recommendations on the basis of a thorough review of all available scientific literature on this subject and on the basis of an epidemiological study carried out by Kay et al⁵. The Commission would propose in addition **Escherichia Coli** as an indicator for microbiological contamination of fresh water bathing areas⁶.

However, the WHO guidelines are still under peer review. Without wanting to influence the outcome of that peer review and without giving any assessment of their validity in terms of parametric values for the revised Directive, the Commission would like put to the following indicative values on the table to orientate the discussion:

⁴ Guidelines for safe recreational water environments: Coastal and fresh-waters -- draft for consultation ref. EOS/Draft/98.14, Geneva, October 1998

⁵ Kay, D., Fleisher, J.M., Salmon, R.L., Wyer, M.D., Godfree, A.F., Zelenauch-Jacquotte, Z. and Shore, R; 1994 Predicting Likelihood of gastroenteritis from sea bathing; results from a randomized exposure. *Lancet*, 344 (8927), 905-909.

⁶ Van Asperen IA, Medema GJ, Borgdorff MW, Sprenger MW, Havelaar AH. 1997 Risk of gastroenteritis among triathletes in relation to faecal pollution of fresh waters. *Int. Journal of Epidemiology*, (27) 309-315.

For coastal waters: 50 Intestinal enterococci/100 ml
For fresh waters: 400 Escherichia Coli/100ml

The Commission wishes to stress that at this moment it is not definitively proposing these specific values, but that **the final Commission proposal will reflect in its standards the recommendations eventually put forward by the WHO.**

Much of the discussion about standards stems from the variety of different analytical methods used in laboratories across Europe (due to which results from different laboratories were not always comparable). The main issue is the differences in accuracy/uncertainty of the different methods. The Commission therefore advocates linking one single (ISO or CEN) method to each parameter.

The analysis of microbiological parameters is still time-consuming (it takes 12 to 48 hours before results are confirmed) and therefore not really suited for rapid or immediate (re)action to a pollution/contamination event. We would therefore consider two ‘instant’ indicators that could indicate that something unusual has happened: **divergence from 'normal' pH and/or turbidity for fresh waters and divergence from 'normal' salinity for coastal waters.** It is clear that we cannot set a global “normal” standard for these parameters because some fresh waters are naturally more alkaline or acidic or more turbid than others, and there is a difference in salinity between the North Sea and the Mediterranean. However, a change in pH/turbidity or salinity from ‘normal’ conditions for the bathing area in question would, in any case, indicate that there is/has been an influx of ‘strange’ water – for example rainwater or waste water – worth investigating.

As soon as the rapid tests, presently under development, for *in situ* measurements are considered robust and reliable, the Commission will evidently encourage and support their use.

Mass growth of (toxic) algae and/or macrophytes is increasingly becoming a problem. Although we do not yet know the mechanism for this growth or cannot identify under which circumstances algae become toxic, we do know that there is a strong correlation between these phenomena and high levels of nutrients and water temperature. Water temperature depends on the weather, so there is little we can do about that, but high levels of nutrients are caused primarily by human activity and can thus be controlled, or at least influenced. It therefore seems logical to consider including a nutrients parameter in the new Directive. The new Directive should, in any case, contain some sort of **protocol setting out what to do when algae and macrophyte blooms occur.**

4.6. Obligations to take action

The existing Directive does not include any obligation to act or react when the water quality is bad or when it deteriorates (accidentally or chronically). A new Bathing Water Directive should foresee **an obligation to act in order to obtain results within a certain limited, but reasonable, timeframe.**

Possible actions are multiple, such as investigation of the water quality deterioration, improvement of waste water collection and treatment, managing stormwater overflows, and permanent or temporary closures of bathing areas. However, the actions undertaken should not only include reaction to a water quality problem. Preventive measures should also be considered, such as emissions control and emissions surveillance, and posting of warning signs on bathing zones setting out under which conditions the water quality cannot be

guaranteed. Thus "actions" includes both pro-active action, and reaction in response to a specific event.

It must also be underlined that these actions should not just be limited to those required under other environmental legislation such as the Urban Waste Water Treatment Directive or the Nitrates Directive. On the contrary, all necessary measures should be taken to improve the water quality and/or to avoid public contact with polluted bathing water.

Management teams, especially in the bigger resort bathing waters could also be encouraged to take complementary measures beyond the basic obligations of the Directive in order to make their bathing areas even more attractive.

4.7. Prediction of water quality

The ideal situation in terms of water quality management would be if we could predict the water quality at any moment in time. In many sites, however, this is not presently possible. With the current knowledge of science and techniques, water quality monitoring is still to a large extent an *ex post* assessment. A lot of research is presently ongoing to develop water quality models which account for a wide range possible influences. This research has so far given reasonable results when it concerns rather small catchments or catchments with only a small number of different potential sources of pollution. However, implementing sophisticated prediction models for all bathing areas seems sheer impossibility. Such action should therefore maybe be reserved for bigger resorts. Nevertheless, further development in predicting water quality needs to be encouraged and supported.

Besides sophisticated computer models, simpler methods of water quality prediction are already in operation. For example, in areas where heavy rainwater influx via a river is likely to temporarily impair water quality, warning flags on the beach can be linked to a stage recorder on the river. The Commission considers that beach managers should seek to find or develop a predictive approach suited for their bathing area. Maybe even one day, it will be possible to predict water quality by using satellite imagery and remote sensing.

4.8. Information requirements, public participation and reporting

Due to the specific nature of bathing waters, zero-risk cannot be guaranteed. For this reason and since we cannot yet predict water quality, **it is essential to give the public all the elements necessary to allow them to make their own informed choice about where and if to go bathing.** The new Bathing Water Directive will put a bigger emphasis on information, and in particular on actively providing better information.

The existing Bathing Water Directive requires Member States to report monitoring results to the Commission by 31 December of each year. The Commission compiles all these data into its annual report, which is published before the next bathing season, thus indicating what bathing water quality might be expected. This reporting cycle/exercise has, however, some considerable disadvantages: the information in the report is 'old' since the water quality during the previous bathing season is not necessarily the water quality you can expect during the next – improving works could have been done, the weather conditions may not be the same, there is the possibility of new or different inputs. Furthermore, in this approach to reporting, the preventive aspect is totally absent.

The Directive should require the competent authorities to adopt new methods to actively inform the public about bathing water quality, including about all known factors that might

influence that water quality. This information should be available at all times at the bathing zone. The public should also have easy access at all times to the profile of each beach and the history of its water quality. **The best medium would be the internet;** bathing zone profiles, maps, water quality monitoring, action programmes can easily be put on local, regional or even national sites. These sites should be easily accessible for anyone, be it citizens, NGOs, regulators or scientists, either via private personal computers, libraries or tourism information offices. However, the information dissemination should not be limited to the use of the internet, also the more conventional media should be used: local newspapers, leaflets in public places, etc.

Beneficial ‘side effects’ of making this information public would be that 1) the public could signal pollution or presumption of pollution; 2) the public would have a better understanding of the issues and of the efforts made by the quality managers.

When remedial action is necessary, in particular but not exclusively when it involves major infrastructure works, the public should be allowed to participate in the establishment of the required action programmes.

4.9. Keeping the Bathing Water Directive up-to-date

Changes to environmental and health objectives and main managerial approaches should be the responsibility of the European Parliament and the Council based on a proposal by the Commission. However, we do not want a new Directive to be locked in for the next 25 years without any possibility of rapid updating in response to technical and scientific progress. For instance, ongoing research might lead to new indicators whose rapid inclusion would ensure at least the same, if not higher, levels of protection through improved reliability, but at diminished costs.

Incorporation of such changes should be possible by using a management committee following Decision 1999/468/EC⁷. This procedure would operate within the margins of inter-institutional relations, with respect for the European Parliament, and with respect for the right of initiative of the European Commission. Such a management committee should have a role in changing selected details of the technical and scientific provisions, based on the best available information.

⁷ Council Decision of 28 June 1999, laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L184, 17.7.1999, p. 26)

5. SCOPE OF THE NEW BATHING WATER DIRECTIVE

The new Bathing Water Directive will clearly not only be a ‘results’ directive, but rather an ‘effort and results’ directive. It will look not only at monitoring water quality but also at actively tackling pollution sources, in particular waste water discharges and agricultural run-off. These sources will also have to be marked and addressed in the river basin management plans foreseen in the Water Framework Directive.

The implementation of the new Bathing Water Directive will be a good indicator of the effectiveness of the implementation of the Urban Waste Water Treatment Directive and of the Nitrates Directive. Moreover, as implementation of the new Bathing Water Directive will be well on track before the first deadlines of the Water Framework Directive, the Bathing Water Directive will help provide a steer regarding the establishment and execution of the river basin management plans.

Based on the relevant provisions of the Treaty and in coherence with the recently adopted Water Framework Directive, the Commission intends to base its forthcoming Proposal for a revised Bathing Water Directive on article 175(1) of the Treaty. The procedure for adoption will therefore follow article 251 of the Treaty (co-decision procedure).

How to React to this Document

Besides the European Institutions – the European Parliament, the Council, the Committee of the Regions and the Socio-Economic Committee – all interested and involved parties, such as the technical and scientific community, Member States, regional and local authorities, water users, the tourism industry and environmental and consumer protection NGOs are invited to send the Commission their comments regarding this document. **The Commission seeks constructive criticism including any suggestions to improve or alter the proposed approaches.**

Reactions to this Communication should be sent **before 1 March 2001** to:

European Commission
Directorate-General Environment
Unit on Water protection, soil conservation and agriculture
Avenue Beaulieu 9, office 3/133
1160 Brussels
Belgium

Submissions by email are particularly encouraged by using the email mailbox:
Env-Water@cec.eu.int

Annex I: Closely Related European Legislation and Policy

There are three Directives of particular relevance to a new Bathing Water Directive, namely the Urban Waste Water Treatment Directive which addresses the more obvious point sources of pollution, the Nitrates Directive and the Water Framework Directives, both of which will help to detect and to remedy diffuse sources of pollution.

The management actions stipulated in the revised Bathing Water Directive for the coastal bathing waters should also reflect the approach outlined in the Commission's recent Communication on Integrated Coastal Zone Management⁸. In that context, the implementation of the Directive should be co-ordinated with other laws and regulations as outlined in the Commission's Proposal for a European Parliament and Council Recommendation⁹ concerning the implementation of Integrated Coastal Zone Management.

The Water Framework Directive and the Revised Bathing Water Directive: coherence and reinforcement.

Community water policy has recently been thoroughly restructured by the adoption of the Water Framework Directive¹⁰, which has the following main objectives:

- expanding water protection to all waters, groundwaters and surface waters including coastal waters, and achieving 'good status' for those waters within a deadline of 15 years, with a proper ecological dimension,
- integrated river basin management across administrative and political borders, with co-ordinated programmes of measures,
- emissions and discharges controlled by a "combined approach" of emission limit values and quality standards, plus a obligation to phase out particular hazardous substances;
- introducing water pricing policies, giving an incentive to use water in a sustainable way and to protect resources,
- getting the citizen involved more closely by strengthening public participation.

When presenting its Proposal for the Water Framework Directive, the Commission stressed the Bathing Water Directive's distinct contribution to the integration of environment policy and tourism policy, as well as the benefits of its having a clear, separate identity. However, the Bathing Water Directive (as indeed other elements of Community water legislation such as the Urban Waste Water Treatment Directive¹¹ and the Nitrates Directive¹²) will need to be closely co-ordinated with the Water Framework Directive. This approach is made operational by the following provisions under the Water Framework Directive:

⁸ Communication from the Commission to the Council and the European Parliament on Integrated Coastal Zone Management: A Strategy for Europe (COM/2000/547).

⁹ Commission's Proposal for a European Parliament and Council Recommendation concerning the implementation of Integrated Coastal Zone Management (COM/2000/545)

¹⁰ European Parliament and Council Directive 2000/60/EC establishing a framework for Community action in the field of water policy, OJ references not yet available

¹¹ Council Directive 91/271/EEC concerning urban waste water treatment, OJ L 135 of 30.5.1991

¹² Council Directive 91/676/EEC nitrates pollution from agricultural sources, OJ L 375 of 31.12.1991

- A general objective of 'good ecological status' or 'good status' (composed of chemical and ecological quality) for all waters (article 4.1.a);
- In addition, specific objectives for so-called 'protected areas' such as for waters for the abstraction of drinking water, for bathing waters, or for areas designated for the protection of habitats or species (articles 4.1.c, 6 and 7)
- Integration, in a coherent way, of the provisions for bathing water protection into the river basin management plans and the programme of measures (articles 13 and 11).

Urban Waste Water Treatment Directive

The main objectives of the Directive are:

- Protection of the environment from adverse effects of urban waste water discharges as well as industrial discharges of certain industrial sectors with biodegradable waste water.
- Obligation for collecting and treating waste water in all areas where population and/or economic activity are sufficiently concentrated ('agglomerations').
- Waste water treatment according to defined environmental criteria.
- Secondary (biological) treatment as a rule, with more advanced treatment obligatory in the catchment of so-called 'sensitive areas'; such sensitive area are eutrophic or potentially eutrophic waters, waters used or intended for drinking water abstraction and subject to elevated nitrates contents; and waters where advanced treatment is required to comply with other **Directives** (e.g. the Bathing Water Directive); as an exception for discharges to marine waters, primary treatment as a derogation option, subject to Commission approval.
- Deadlines: end-1998, end-2000 and end-2005, depending on the size of the discharge and the characteristics of the affected water.

The Nitrates Directive

The objective of the Nitrates Directive is simple: Reduce existing, and prevent further, nitrogen pollution from agricultural sources. This means in practical terms: less eutrophication in seas, rivers and lakes and no nitrates level greater than 50mg/l, due to safer storage and spreading of animal manure and fertilizers, and enhanced protection of soils against erosion, through codes of good practice and action programs.

As well as impacting water by increasing levels of nutrients, pollution from agriculture can also cause microbiological pollution through leakage or run-off of animal manure. This creates problems which are sometimes difficult to solve in case of rainy summers for beaches influenced by a river or by drainage areas with high livestock densities. Good agricultural practices as foreseen under the Nitrates Directive can prevent or reduce significantly this type of pollution.