



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.11.1997  
COM(97) 585 final

94/0006 (SYN)

Amended Proposal for a  
COUNCIL DIRECTIVE  
on the quality of bathing water

(presented by the Commission pursuant to Article 189 a (2)  
of the EC-Treaty)

## EXPLANATORY MEMORANDUM

The Commission submits this amended Proposal for a Council Directive on the quality of bathing water, pursuant to Article 189 (a) paragraph 2 of the EC Treaty. The amended proposal takes account of a number of amendments adopted by the European Parliament at its December 1996 Plenary Session.

In general the Commission cannot accept the amendments which are, in its opinion, unworkable, or which will make implementation unduly onerous. On the other hand the Commission can accept amendments which improve the clarity of the text and which remove any possible areas of ambiguity or doubt. The Commission can also accept those amendments which improve still further the transparency of the proposed Directive.

The Commission's position on the amendments adopted by Parliament is as follows:

Amendments 4, 9, 10, 11, 12, 14, 18, 21, 23, 24, 26, 28, 31, 33, 34, 35, 36, 37 and 40 are accepted either completely or in principle. These all improve the text, either by including sensible and logical additional requirements, or by removing possible areas of misinterpretation, or by improving transparency and the level of protection provided.

Amendments 6, 17, 22(first part), 27, 29 are accepted in part: the Commission proposes either some modification in the wording or a deletion of part of the text.

On the other hand, amendments 1, 2, 3, 5, 6(partly), 7, 8, 13, 15, 16, 19, 20, 22(second part), 25, 30, 32, 38 and 39 are not accepted.

Amendments 2, 3, 6(partly), 8 and 22d - requesting an orientation towards tourism and/or Tourism programmes - and amendments 1, 5 and 15 - requesting an extension from bathing water to recreational water - do not fall within the scope of the Proposal.

Amendments 38 and 39 - inserting a pesticide and nitrates parameter (respectively) in Annex I, Table I - are dealt with by Directives 76/646/EEC, 91/414/EEC, 91/676/EEC and 91/271/EEC.

Amendments 13 and 30 - introducing a type I advisory committee- cannot be accepted because the Commission does not accept the need for altering the type of committee provided for in its proposal.

Amendments 16 - excessively stringent definition of bathing zone -, 19 and 20 - deleting a transition period for new bathing zones - would endanger the implementation of the proposed Directive.

Amendments 25 - requesting the establishment by each Member State of public information data base - and 32 - requesting a yearly financial report of the actions undertaken by Member States regarding the implementation of the Directive - are not consistent with the principle of Subsidiarity.

Amendment 7 does not add anything to the Proposal.

## Recital 6 (amendment 4)

Whereas the list of parameters to be measured should indicate in the most appropriate way the quality of bathing water and take account of advances in science and technology, whereas there is a need to require the verification of only those parameters which are indispensable for ensuring an adequate protection of human health;

Whereas the parameters to be measured should indicate in the most appropriate way the quality of bathing water and take account of advances in science and technology; whereas there is a need to require the verification of only those parameters which are indispensable for ensuring an adequate protection of human health;

## Recital 10 (amendment 6 in part)

Whereas to highlight situations where outstanding results are achieved it desirable to introduce a standard of "excellent quality" for bathing water;

Whereas to highlight situations where outstanding results are achieved it desirable to introduce a standard of "good quality" for bathing water;

## Recital 11 (amendment 9)

Whereas, in the case of bathing waters first falling within the scope of this Directive after 31 December 1995 as a result of an increased use by bathers, it is appropriate to allow a period of time for Member States to bring them up to the requisite quality;

Whereas in the case of bathing waters first falling within the scope of this Directive after 31 December 1997, as a result of an increased use by bathers, it is appropriate to allow a period of time for Member States to bring them up to the requisite quality;

## Recital 12 (amendment 10)

Whereas the public should be adequately informed about the quality of bathing waters and about any remedial action taken by the competent authorities;

Whereas the public should be informed in a comprehensible and uniform way about the quality of bathing waters and about any remedial action taken by the competent authorities;

## Recital 13 (amendment 11)

Whereas Member States should monitor the quality of bathing water with adequate frequency and analyse them by comparable methods; whereas this frequency can be reduced, under certain conditions, for bathing waters which have previously proved to be of excellent quality;

Whereas Member States should monitor the quality of bathing water with adequate frequency and analyse them by comparable methods; whereas this frequency can be reduced, under certain conditions, for bathing waters which have previously proved to be of good quality;

## Recital 13 a (new) (amendment 12)

Whereas if in the future inspection forms part of the remit of the European Environment Agency, duties will be conferred on the Agency under this Directive;

## Recital 16 a (new) (amendment 14 - principle)

Whereas this Directive will be closely coordinated with the 'Directive establishing a Framework for European Community Water Policy', as soon as this Framework Directive is adopted; whereas this coordination is needed because bathing waters and their associated obligations will have to be incorporated into 'River Basin Management Plans' required by this Framework Directive;

Article 1(2)(c) (amendment 17 in part)

(c) "bathing season" means the period during which a large number of bathers can be expected, in the light of local custom, and any local rules which may exist concerning bathing and weather conditions

(c) "bathing season" means the period during which people normally bathe, in the light of the geographical situation, local custom, and weather conditions.

Article 1(2)(d) (new) (amendment 18)

(d) 'Competent authority' means the authority, indicated by the Member State, empowered to enforce all or some of the obligations arising from this Directive.

Article 5(1) (amendment 21)

1. Bathing water shall be deemed to comply with the requirements of this Directive if for each parameter for which there is a value in column I of Table 1 of Annex I the number of samples failing to comply with the relevant value does not exceed the number specified in Table 2 of Annex I.

1. Bathing water shall be deemed to comply with the requirements of this Directive when the number of samples failing to comply with the values in column I of Table 1 of Annex I does not exceed the number specified in Table 2 of Annex I.

Article 5(2) (amendment 22 in part)

2. Bathing water shall be deemed to be of 'good quality' if:

- the bathing water conforms to the requirements of this Directive in the manner specified in paragraph 1, and
- the number of samples which fail to comply with the values in column G of Table 1 of Annex I does not exceed the number specified in Table 3 of Annex I.

Assessment of whether bathing water is of good quality shall be on the basis of the results obtained in a bathing season.

Article 5(3) (amendment 23)

3. In assessing compliance with the values in columns G and I in Table 1 of Annex I, temporary deviations which are the results of floods, other natural disasters or abnormal weather conditions may be disregarded. The Commission shall be informed of those cases in which this provision has been used.

3. In assessing compliance with the values in columns G and I in Table 1 of Annex I, temporary deviations which are the results of floods, other natural disasters or abnormal weather conditions may be disregarded. The Commission shall be informed of those cases in which this provision has been used and the attention of the bathing public shall be clearly drawn thereto.

Article 5(4) (amendment 24)

4. Member States shall ensure that adequate information on bathing water quality is prominently displayed at each bathing area. This shall include in particular:

4. Member States shall ensure that uniform and easily understandable information on bathing water quality is prominently displayed at each bathing zone. This shall include, in particular:

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<sup>1</sup> OJ N° L158, 23.6.1990, p.56.

- a statement of whether the bathing water complied with the requirements of the Directive in the previous bathing season;
- most recent information enabling the public to assess bathing water quality during the current bathing season; and
- information, including a timetable, on any remedial works in progress or planned.

The provisions of this paragraph are without prejudice to the implementation of Council Directive 90/313/EEC<sup>1</sup>

- a statement of whether the bathing water complied with the requirements of the Directive in the previous bathing season;
- information on general safety aspects and on where assistance may be obtained if needed;
- most recent information enabling the public to assess bathing water quality during the current bathing season;
- information, including a timetable, on any remedial works in progress or planned.

The provisions of this paragraph are without prejudice to the implementation of Council Directive 90/313/EEC<sup>1</sup>

#### Article 6 (1) (amendment 26)

1. The competent authorities in the Member States shall sample and analyze and make visual and olfactory inspections of bathing waters during the period specified in paragraph (2) and at least as frequently as is specified in Table 1 of Annex I.

1. The competent authorities in the Member States shall sample and analyse and make visual and olfactory inspections of bathing waters during the period specified in paragraph 2 and at least as frequently as is specified in Table 1 of Annex I and in accordance with a code of good practice for sampling and treatment of samples drafted by the committee referred to in Article 10.

#### Article 6(3) §2 (amendment 27 in part)

They shall, in particular, identify all pollution sources, whether discharges, or contributions from diffuse sources, which might lead to salmonella reaching bathing areas, and shall take appropriate action to avoid pollution from such sources.

They shall, in particular, identify all pollution sources, whether discharges, or contributions from diffuse sources, which might lead to salmonella reaching bathing areas, and shall take appropriate action to avoid pollution from such sources and shall inform the Commission of such actions.

#### Article 6(4) (amendment 28)

4. The competent authority shall investigate any unexpected sudden deterioration in the quality of bathing water in order to identify the cause and must take immediate and appropriate action to restore the quality of water

4. Competent authorities shall investigate any unexpected sudden deterioration in the quality of bathing water in order to identify the cause and must take immediate action to restore the quality of the water and shall inform the Commission of such action

#### Article 7(1) (amendment 29 in part)

1. Where pollution constitutes a threat to public health Member States shall prohibit bathing at individual bathing areas. Such a threat shall be deemed to exist in a case of significant deviation from the values specified in column I in Table 1 of Annex I, taking local conditions into account.

1. Where pollution constitutes a threat to public health, Member States shall prohibit bathing at individual bathing zones and shall take measures to inform the public accordingly through the appropriate channels. Such a threat shall be deemed to exist when the values specified in column I of Table 1 of Annex I are exceeded, taking local conditions into account.

Article 11 §1 (amendment 31)

Every year, and for the first time by 31 December 1996, the Member States shall send to the Commission a report on the implementation of this Directive in the current year. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC.

Every year, and for the first time by 31 December 1998, the Member States shall send to the Commission a report on the implementation of this Directive in the current year. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC. Member states shall be required to enclose the reference data as evidence.

Article 12 §1 (amendment 33)

Directive 76/160/EEC is hereby repealed with effect from 31 December 1995, without prejudice to the obligation of the Member States as the deadlines for transposition into national law and for application as shown in Annex II.

Directive 76/160/EEC is hereby repealed with effect from 31 December 1997, without prejudice to the obligation of the Member States as to deadlines for transposition into national law and for application as shown in Annex II.

Article 13 (1) §1 (amendment 34)

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 December 1995. They shall forthwith inform the Commission thereof.

1. Member States shall bring into force laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 December 1997. They shall forthwith inform the Commission thereof.

**Annex I - Table 1**  
Quality requirements for Bathing Water

Parameter	G-value in original proposal	G-value in amended proposal	I-value in original proposal	I-value in amended proposal	Sampling frequency	Method of analysis or inspection <sup>1</sup>
1. Escherichia Coli/ 100 ml	100		2000		fortnightly	Incubation at 44°C  Fermentation in multiple tubes  Subculturing of the positive tubes on a confirmation medium. Count according MPN (most probable number) or membrane filtration and culture on an appropriate medium such as Tergitol lactose agar, endo agar, 0,4% Teepol broth, subculturing and identification of the suspect colonies.
2. Faecal Streptococci / 100 ml	100	50 (amendment 36)	400	100 (amendment 36)	fortnightly	Litsky method with incubation at 37°C  Count according MPN (most probable number) or filtration on membrane. Culture on an appropriate medium.
3. Enteroviruses	---		0		monthly	Concentrating by filtration, flocculation or centrifugation and confirmation.
4. Bacteriophages						
5. pH	---		6 to 9		fortnightly	Electrometry with calibration at pH 7 and 9
6. Colour	---		no abnormal change		fortnightly	Visual inspection or photometry with standards on the Pt.Co scale
7. Mineral Oils	---		no film visible on the surface of the water and no odour		fortnightly	Visual and olfactory inspection
8. Surface Active substances reacting with methylene blue mg/l	< 0.3		no lasting foam		fortnightly	Visual inspection for the I value.  Absorption photometry with methylene blue for the G value.
9. Phenols <sup>2</sup>	---		no specific odour		fortnightly	Olfactory inspection

<sup>1</sup> At proposal of the committee referred to in Article 10, reference will be made in the future, wherever possible, to CEN methods, (amendment 35)

<sup>2</sup> When bathing water undergoes natural enrichment of this substance, in its unchlorinated form, Member States can, without prejudice to public health protection, waive the related provision of the Directive. In such cases, it shall forthwith inform the Commission thereof.

Parameter	G-value in original proposal	G-value in amended proposal	I-value in original proposal	I-value in amended proposal	Sampling frequency	Method of analysis or inspection
10. Transparency	2 m		1 m <sup>1</sup>		fortnightly	Secchi's disc
11. Dissolved oxygen % saturation O <sub>2</sub>	---		80-120		fortnightly	Winkler's method or electrometric method (oxygen meter)
12. Tarry residues and floating materials such as wood, plastic articles, bottles, containers of glass, plastic, rubber or any other substance. Waste or splinters	---		Absence of sewage solids	Absence (amendment 37)	fortnightly	visual inspection

**Original Proposal**

**Amended Proposal**

Annex I, table I, footnotes 1 and 2 (amendment 40)

1. In case of abnormal peak value, Member States can within two working days retest this parameter. If following retesting a normal value is recorded, the peak value can be disregarded. However, the Commission shall be informed of the number of peak values disregarded for each bathing zone.

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2. This parameter must be measured once in the fortnight before the start of the bathing season. If during the two preceding bathing seasons the bathing water complied with the G-value for Escherichia Coli and the I-value for faecal streptococci, on the basis of Table 3 and 2 respectively, and the bathing water does not receive discharges of chemically treated sewage, then the parameter needs only to be measured once more. This measurement should be made in the middle of the bathing season.

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<sup>1</sup> Where this value cannot be respected for geographical reasons it may be replaced by 'No abnormal decrease'.



ISSN 0254-1475

COM(97) 585 final

# DOCUMENTS

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14 05 15

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Catalogue number : CB-CO-97-600-EN-C

ISBN 92-78-27396-1

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Office for Official Publications of the European Communities

L-2985 Luxembourg