

## EEB Comments on the

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Developing a New Bathing Water Policy COM(2000) 860 final (21.12.2000)



Brussels, 26.02.2001

European Environmental Bureau

### INTEGRATION OF HUMAN HEALTH AND ENVIRONMENTAL PROTECTION IS NECESSARY

The EEB closely follows the development of the new EU water policy under the Water Framework Directive, which was published in December 2000 and will have to be transposed into national law by December 2003. Therefore the focus of EEB's comments will be on the relation of the Bathing Water Policy to the Water Framework Directive and is not covering all aspects of the Communication. In this respect EEB fully supports the comments of the European Consumers' Organisation (BEUC) from 28.02.2001.

#### **Background and General Comments**

EEB welcomes the Commission's efforts to review the old Directive in the view of new scientific knowledge and technologies and with due considerations of the basic principles as outlined by the Commission:

- ambitious and legally binding water quality standards;
- encourage full understanding of all the processes involved in determining water quality and its variability and make use of provisions of the Water Framework Directive;
- good quality information in near-real time about the bathing area.

These important principles should be strictly followed throughout the development of the new bathing water legislation. It is crucial that "the revision of the Bathing Water Directive will maintain, or possibly even upgrade, the rigour of the existing Directive" and that "the revised Directive will still contain specific targets which will be tough and ambitious and which will have to be met within specific timeframes" as the Commission stated.

However, EEB warns that a revised Bathing Water Policy should not lead to regulatory gaps and weakened standards.

The Bathing Water Directive 76/160/EEC is an important tool for EU water policy and addresses both human health and environment protection. In this respect the Commission outlines the general idea of focusing the new Bathing Water Policy on health standards while the Water Framework Directive will cover the environmental/ecological standards.

- EEB does not believe that it is practically possible to separate health and environmental protection.
- EEB supports an integrated approach, which considers the actual and important function of a Bathing Water Policy for the protection of human health and the environment for specific surface waters as well as the long term goal of the Water Framework Directive to improve the overall status of all EU waters.
- For the time being the Water Framework Directive is not operational but once the River Basin Management Plans are drafted and finally published in 2009 important information for targeted measures to improve bathing water quality will be available.
- Before that a new Bathing Water Policy should deliver as much problem orientated information as possible for the development of the River Basin Management Plans and should not give up a holistic and integrated approach by focussing on hygienic problems only.

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## **Detailed Comments**

### **1. No regulatory gaps and no weakening of existing standards**

The Commission intends to drop some existing physical-chemical standards especially with reference to the provisions of the Water Framework Directive with regard to ecological quality standards. This expresses also the intention to focus the new Bathing Water Policy on human health protection. We do not believe that separating hygienic and ecological objectives into different legislation is possible. In the long term the Water Framework Directive should lead to an overall improvement of all waters in the EU, probably allowing "safe" bathing in almost all waters. Nevertheless there is still a long way to go and the Water Framework Directive does not set specific quality standards for the moment. These standards still have to be developed on EU level following Article 16 and Member State level following Annex V of the WFD. In order to avoid weakening or even completely losing existing quality standards these considerations have to be taken into account.

Focusing the new Bathing Water Policy solely on hygienic objectives would create regulatory gaps relevant for human health and environment.

The Commission outlines new standards for microbiological parameters and preliminarily suggests for coastal waters: 50 Intestinal enterococci/100 ml and for fresh waters: 400 Escherichia Coli/100ml. This would be obviously a weaker standard with regard to fresh waters then under the current Bathing Water Directive, which sets a quality standard of 100 faecal coliforms/100ml. We urge the Commission to set lower standards following the proposal of EU experts from April 2000 of 100 Escherichia Coli/100ml.

### **2. Health protection must be based on best available knowledge**

We accept that zero risk for bathing activities can never be achieved. Nevertheless, quality parameters monitored under a new Bathing Water Policy must present the best approach to give a picture of the "true state" of the water quality with regard to bathing activities. Full use of best available knowledge must be guaranteed. If the range of monitored parameters is too limited then health relevant problems might stay undiscovered. In this respect it seems necessary that e.g. all the substances on the list of priority substances under the Water Framework Directive have to be monitored in appropriate time intervals in bathing areas.

A threat to human health is not only given through microbiological pollution, but through new discovered types of pollution, like mass growth of Cyanophyceen. Therefore it must be assured that monitoring programmes for bathing waters include relevant parameters.

### **3. Public Participation**

Public participation and information will be crucial and will help to significantly increase the effectiveness of measures adopted to achieve the objectives under a new Bathing Water Policy. It will also help to create legitimacy and foster public acceptance of EU water policies. We encourage the Commission to continue strengthening the requirements for public participation and information under a new Bathing Water Directive and believe that this will significantly improve and strengthen the implementation and enforcement of the new Directive.

Similar requirements as under the Water Framework Directive should be provided for. A clear link with the river basin management plans and with the competent authorities under the Water Framework Directive could be established to better integrate both policies.

Further Information

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