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## **EEB position**

### **On the Commission's Proposal for a New Bathing Water Directive (COM(2002) 581 final)**

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#### **Introduction**

The EEB welcomes the Commission's Directive proposal from October 2002 in order to provide better protection of human health and the environment. It is time to revise the 27-year-old Bathing Water legislation, update its provision according to new scientific understanding and to better integrate with Europe's water legislation under the umbrella of the Water Framework Directive (WFD). The EEB has extensive experience with the WFD legislative provisions and its European implementation strategy. Therefore the EEB is carefully considering the complementary aspects of the WFD and the Commission's proposal for a bathing water quality Directive.

#### **Background and Summary**

The Commission proposes five main changes from the current Directive from 1976:

1. New set of micro-biological standards
2. Reducing current 14 physico-chemical quality parameters to three parameters
3. Reduced monitoring frequency
4. Obligation to establish a "bathing water profile", which characterises the bathing water, identifies pressures and assesses impacts
5. Increased public participation and information

The EEB in principle supports these changes, especially the new set of harmonised and mandatory micro-biological standards, the requirements to establish "bathing water profiles" and to guarantee effective public participation. "Bathing water profiles" should provide a crucial management tool to combat diffuse pollution, especially from agricultural activities. Agriculture is one of the major reasons

for failing to achieve good bathing water status, but pollution control activities are mainly focussed on urban waste water treatment only.

However the EEB is concerned about the reduction of parameters and monitoring frequencies. This presents a shift of the focus of a new bathing water policy from overall health and environmental towards hygienic objectives under the assumption that the WFD will provide sufficient protection of environmental and human health resulting from chemical pollution.

However, the WFD is designed to operate on a different scale – the river basin level. This does not guarantee the continuation of the detailed monitoring of physico-chemical parameters as currently required under the Bathing Water Directive from 1976. Smaller bathing waters might simply fall through the aggregated working level of the WFD. A tighter link between both Directives is needed.

Further to that the EEB believes that the increase of water related recreational activities, like surfing or kayaking, would have justified taking these activities into account for the designation of bathing waters and seasons.

Therefore the EEB demands the improvement of the Commission's proposal:

- ◆ To stronger integrate bathing water protection objectives and monitoring requirements with the WFD; and
- ◆ To widen the definition of “bathing waters” and “bathing season” to take other recreational activities, like surfing and kayaking into account.

## Detailed Comments

### Integration with the Water Framework Directive

The overall objective presented in the Commission's proposal, is to lay down monitoring and classification provisions to protect and improve the environment and human health, and to complement the WFD objectives and measures. But the WFD mainly addresses mainly ecological relevant parameters and does not pay specific attention to pollutants relevant to bathers humans in direct contact with water.

⇒ **Therefore it would be useful to amend the general objective in Article 1 in order to make clear that bathing waters should be safe for bathing, by protecting bathers from any pollution threat. This should guarantee that citizens receive a clear right and Member States have an overall obligation to take account of health threats from pollutants, which are not specifically addressed by EU law.**

There is no good reason to separate human health and environmental protection and management. Therefore it would be necessary to link the achievement of relevant WFD objectives with the achievement of good bathing water quality. Bathing waters, which do not achieve the objective of good chemical status, as laid down in the WFD – because they fail to meet the chemical standards set at EU or Member States level - cannot be regarded as safe for bathing. It would be difficult to understand and to explain to citizens why a bathing water, which fails to achieve good chemical status, because of exceeding standards for dangerous chemicals, like the health damaging atrazin or dichlorethan, could be classified as good quality.

⇒ **Article 13 on conformity of the Commission's proposal need to be amended. Bathing waters shall only be in conformity with the Directive if they additionally meet all chemical standards set at EU or Member States level in line with the WFD requirements.**

A recent EU guidance document on the implementation of the WFD, endorsed by EU water directors, explains: “The Water Framework Directive covers **all** waters, including inland waters (surface water and groundwater) ..., independent of the size and the characteristics. This totality of waters is, for the purpose of the implementation of the directive, attributed to geographical or administrative units, in particular the **river basin**, the **river basin district**, and the “**water body**”.” The water body is the smallest “administrative“ unit of the WFD, for which the objectives, relevant monitoring schemes and programme of measures have to be established.

There are indications that some Member States will for practicability reasons set a water body size limit at 0.5 km<sup>2</sup> for lakes and 10km<sup>2</sup> for a river catchment. This means that a lake < 0.5 km<sup>2</sup> would not be designated as a water body, but aggregated with other waters into a larger water body. Subsequently this could result in a situation where no monitoring or specific standard setting would be required in that water. Taking into account the deletion of important monitoring parameters, like ammonia, phosphates and important hazardous substances, in the Commission’s proposal for a Bathing Water Directive, these parameters would in certain cases also not be monitored under the WFD.

⇒ **This potential “blind spot” should be avoided by amending the Commission’s proposal to ensure that a bathing water is to be designated as one or a group of water bodies according to the WFD and being part of the WFD monitoring network, which has to be operational by Dec 2006.**

#### Inclusion of other recreational activities for the definition of bathing waters

It is difficult to understand how the narrow definition for bathing waters provided in 1976 can be maintained after a generation of changes in recreational activities.

Therefore the EEB strongly argues for extending the scope of the Directive. The EEB wants to stress here that meeting bathing water objectives for e.g. kayaking or surfing activities, does not imply building waste water treatment plants all over the country, but taking carefully into account the sources of pollution, which for a great deal come from agricultural activities. Measures to address contamination from agriculture are in most cases much more cost-efficient.

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