

Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC

CHAPTER I

**GENERAL PROVISIONS**

*Article 1*

**Purpose and scope**

- 1 This Directive lays down provisions for:
  - a the monitoring and classification of bathing water quality;
  - b the management of bathing water quality; and
  - c the provision of information to the public on bathing water quality.
- 2 The purpose of this Directive is to preserve, protect and improve the quality of the environment and to protect human health by complementing Directive 2000/60/EC.
- 3 This Directive shall apply to any element of surface water where the competent authority expects a large number of people to bathe and has not imposed a permanent bathing prohibition, or issued permanent advice against bathing (hereinafter bathing water). It shall not apply to:
  - a swimming pools and spa pools;
  - b confined waters subject to treatment or used for therapeutic purposes;
  - c artificially created confined waters separated from surface water and groundwater.

*Article 2*

**Definitions**

For the purposes of this Directive, the following definitions shall apply:

1. the terms ‘surface water’, ‘groundwater’, ‘inland water’, ‘transitional waters’, ‘coastal water’ and ‘river basin’ have the same meaning as in Directive 2000/60/EC;
2. ‘competent authority’ means the authority or authorities that a Member State has designated to ensure compliance with the requirements of this Directive or any other authority or body to which that role has been delegated;
3. ‘permanent’ means, in relation to a bathing prohibition or advice against bathing, lasting for at least one whole bathing season;
4. ‘large number’ means, in relation to bathers, a number that the competent authority considers to be large having regard, in particular, to past trends or to any infrastructure or facilities provided, or other measures taken, to promote bathing;
5. ‘pollution’ means the presence of microbiological contamination or other organisms or waste affecting bathing water quality and presenting a risk to bathers' health as referred to in Articles 8 and 9 and Annex I, column A;

6. 'bathing season' means the period during which large numbers of bathers can be expected.
7. 'management measures' means the following measures undertaken with respect to bathing water:
  - (a) establishing and maintaining a bathing water profile;
  - (b) establishing a monitoring calendar;
  - (c) monitoring bathing water;
  - (d) assessing bathing water quality;
  - (e) classifying bathing water;
  - (f) identifying and assessing causes of pollution that might affect bathing waters and impair bathers' health;
  - (g) giving information to the public;
  - (h) taking action to prevent bathers' exposure to pollution;
  - (i) taking action to reduce the risk of pollution;
8. 'short-term pollution' means microbiological contamination as referred to in Annex I, column A, that has clearly identifiable causes, is not normally expected to affect bathing water quality for more than approximately 72 hours after the bathing water quality is first affected and for which the competent authority has established procedures to predict and deal with as set out in Annex II;
9. 'abnormal situation' means an event or combination of events impacting on bathing water quality at the location concerned and not expected to occur on average more than once every four years;
10. 'set of bathing water quality data' means data obtained in accordance with Article 3;
11. 'bathing water quality assessment' means the process of evaluating bathing water quality, using the assessment method defined in Annex II;
12. 'cyanobacterial proliferation' means an accumulation of cyanobacteria in the form of a bloom, mat or scum;
13. the term 'public concerned' has the same meaning as in Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment<sup>(1)</sup>.

## CHAPTER II

**QUALITY AND MANAGEMENT OF BATHING WATER***Article 3***Monitoring**

1 Member States shall annually identify all bathing waters and define the length of the bathing season. They shall do so for the first time before the start of the first bathing season after 24 March 2008.

2 Member States shall ensure that monitoring of the parameters set out in Annex I, column A, takes place in accordance with Annex IV.

3 The monitoring point shall be the location within the bathing water where:

- a most bathers are expected; or
- b the greatest risk of pollution is expected, according to the bathing water profile.

4 A monitoring calendar for each bathing water shall be established before the start of each bathing season and for the first time before the start of the third full bathing season after the entry into force of this Directive. Monitoring shall take place no later than four days after the date specified in the monitoring calendar.

5 Member States may introduce monitoring of the parameters set out in Annex I, column A, during the first full bathing season following the entry into force of this Directive. In that case, monitoring shall take place with the frequency specified in Annex IV. The results of such monitoring may be used to build up the sets of bathing water quality data referred to in Article 4. As soon as Member States introduce monitoring under this Directive, monitoring of the parameters set out in the Annex to Directive 76/160/EEC may cease.

6 Samples taken during short-term pollution may be disregarded. They shall be replaced by samples taken in accordance with Annex IV.

7 During abnormal situations, the monitoring calendar referred to in paragraph 4 may be suspended. It shall be resumed as soon as possible after the end of the abnormal situation. New samples shall be taken as soon as possible after the end of the abnormal situation to replace samples that are missing due to the abnormal situation.

8 Member States shall report any suspension of the monitoring calendar to the Commission, giving the reasons for the suspension. They shall provide such reports on the occasion of the next annual report provided for in Article 13 at the latest.

9 Member States shall ensure that the analysis of bathing water quality takes place in accordance with the reference methods specified in Annex I and the rules set out in Annex V. However, Member States may permit the use of other methods or rules if they can demonstrate that the results obtained are equivalent to those obtained using the methods specified in Annex I and the rules set out in Annex V. Member States that permit the use of such equivalent methods or rules shall provide the Commission with all relevant information about the methods or rules used and their equivalence.

## Article 4

### Bathing water quality assessment

1 Member States shall ensure that sets of bathing water quality data are compiled through the monitoring of the parameters set out in Annex I, column A.

2 Bathing water quality assessments shall be carried out:

- a in relation to each bathing water;
- b after the end of each bathing season;
- c on the basis of the set of bathing water quality data compiled in relation to that bathing season and the three preceding bathing seasons; and
- d in accordance with the procedure set out in Annex II.

However, a Member State may decide to carry out bathing water quality assessments on the basis of the set of bathing water quality data compiled in relation to the preceding three bathing seasons only. If it so decides, it shall notify the Commission beforehand. It shall also notify the Commission if it subsequently decides to revert to carrying out assessments on the basis of four bathing seasons. Member States may not change the applicable assessment period more than once every five years.

3 Sets of bathing water data used to carry out bathing water quality assessments shall always comprise at least 16 samples or, in the special circumstances referred to in Annex IV, paragraph 2, 12 samples.

4 However, provided that either:

- the requirement of paragraph 3 is satisfied, or
- the set of bathing water data used to carry out the assessment comprises at least eight samples, in the case of bathing waters with a bathing season not exceeding eight weeks,

a bathing water quality assessment may be carried out on the basis of a set of bathing water quality data relating to fewer than four bathing seasons if:

- (a) the bathing water is newly identified;
- (b) any changes have occurred that are likely to affect the classification of the bathing water in accordance with Article 5, in which case the assessment shall be carried out on the basis of a set of bathing water quality data consisting solely of the results for samples collected since the changes occurred; or
- (c) the bathing water had already been assessed in accordance with Directive 76/160/EEC, in which case equivalent data gathered under that Directive shall be used and, for this purpose, parameters 2 and 3 of the Annex to Directive 76/160/EEC shall be deemed to be equivalent to parameters 2 and 1 of column A of Annex I to this Directive.

5 Member States may subdivide or group together existing bathing waters in the light of bathing water quality assessments. They may group existing bathing waters together only if these waters:

- a are contiguous;
- b received similar assessments for the preceding four years in accordance with paragraphs 2, 3 and 4(c); and

- c have bathing water profiles all of which identify common risk factors or the absence thereof.

### *Article 5*

#### **Classification and quality status of bathing waters**

1 As a result of the bathing water quality assessment carried out in accordance with Article 4, Member States shall, in accordance with the criteria set out in Annex II, classify bathing water as:

- a 'poor';
- b 'sufficient';
- c 'good'; or
- d 'excellent'.

2 The first classification according to the requirements of this Directive shall be completed by the end of the 2015 bathing season.

3 Member States shall ensure that, by the end of the 2015 bathing season, all bathing waters are at least 'sufficient'. They shall take such realistic and proportionate measures as they consider appropriate with a view to increasing the number of bathing waters classified as 'excellent' or 'good'.

4 However, notwithstanding the general requirement of paragraph 3, bathing waters may temporarily be classified as 'poor' and still remain in compliance with this Directive. In such cases, Member States shall ensure that the following conditions are satisfied:

- a in respect of each bathing water classified as 'poor', the following measures shall be taken with effect from the bathing season that follows its classification:
  - (i) adequate management measures, including a bathing prohibition or advice against bathing, with a view to preventing bathers' exposure to pollution;
  - (ii) identification of the causes and reasons for the failure to achieve 'sufficient' quality status;
  - (iii) adequate measures to prevent, reduce or eliminate the causes of pollution; and
  - (iv) in accordance with Article 12, alerting the public by a clear and simple warning sign and informing them of the causes of the pollution and measures taken, on the basis of the bathing water profile.
- b If a bathing water is classified as 'poor' for five consecutive years, a permanent bathing prohibition or permanent advice against bathing shall be introduced. However, a Member State may introduce a permanent bathing prohibition or permanent advice against bathing before the end of the five#year period if it considers that the achievement of 'sufficient' quality would be infeasible or disproportionately expensive.

### *Article 6*

#### **Bathing water profiles**

1 Member States shall ensure that bathing water profiles are established in accordance with Annex III. Each bathing water profile may cover a single bathing water or more than

one contiguous bathing waters. Bathing water profiles shall be established for the first time by 24 March 2011.

2 Bathing water profiles shall be reviewed and updated as provided for in Annex III.

3 When establishing, reviewing and updating bathing water profiles, adequate use shall be made of data obtained from monitoring and assessments carried out pursuant to Directive 2000/60/EC that are relevant for this Directive.

#### *Article 7*

### **Management measures in exceptional circumstances**

Member States shall ensure that timely and adequate management measures are taken when they are aware of unexpected situations that have, or could reasonably be expected to have, an adverse impact on bathing water quality and on bathers' health. Such measures shall include information to the public and, if necessary, a temporary bathing prohibition.

#### *Article 8*

### **Cyanobacterial risks**

1 When the bathing water profile indicates a potential for cyanobacterial proliferation, appropriate monitoring shall be carried out to enable timely identification of health risks.

2 When cyanobacterial proliferation occurs and a health risk has been identified or presumed, adequate management measures shall be taken immediately to prevent exposure, including information to the public.

#### *Article 9*

### **Other parameters**

1 When the bathing water profile indicates a tendency for proliferation of macro-algae and/or marine phytoplankton, investigations shall be undertaken to determine their acceptability and health risks and adequate management measures shall be taken, including information to the public.

2 Bathing waters shall be inspected visually for pollution such as tarry residues, glass, plastic, rubber or any other waste. When such pollution is found, adequate management measures shall be taken, including, if necessary, information to the public.

#### *Article 10*

### **Cooperation on transboundary waters**

Wherever a river basin gives rise to transboundary impacts on bathing water quality, the Member States involved shall cooperate as appropriate in implementing this Directive, including through the appropriate exchange of information and joint action to control those impacts.

## CHAPTER III

## EXCHANGE OF INFORMATION

*Article 11***Public participation**

Member States shall encourage public participation in the implementation of this Directive and shall ensure the provision of opportunities for the public concerned:

- to find out how to participate, and
- to formulate suggestions, remarks or complaints.

This shall relate, in particular, to the establishment, review and updating of lists of bathing waters in accordance with Article 3(1). Competent authorities shall take due account of any information obtained.

*Article 12***Information to the public**

1 Member States shall ensure that the following information is actively disseminated and promptly made available during the bathing season in an easily accessible place in the near vicinity of each bathing water:

- a the current bathing water classification and any bathing prohibition or advice against bathing referred to in this Article by means of a clear and simple sign or symbol;
- b a general description of the bathing water, in non-technical language, based on the bathing water profile established in accordance with Annex III;
- c in the case of bathing waters subject to short-term pollution:
  - notification that the bathing water is subject to short-term pollution,
  - an indication of the number of days on which bathing was prohibited or advised against during the preceding bathing season because of such pollution, and
  - a warning whenever such pollution is predicted or present,
- d information on the nature and expected duration of abnormal situations during such events;
- e whenever bathing is prohibited or advised against, a notice advising the public and giving reasons;
- f whenever a permanent bathing prohibition or permanent advice against bathing is introduced, the fact that the area concerned is no longer a bathing water and the reasons for its declassification; and
- g an indication of sources of more complete information in accordance with paragraph 2.

2 Member States shall use appropriate media and technologies, including the Internet, to disseminate actively and promptly the information concerning bathing waters referred to in paragraph 1 and also the following information in several languages, when appropriate:

- a a list of bathing waters;
- b the classification of each bathing water over the last three years and its bathing water profile, including the results of monitoring carried out in accordance with this Directive since the last classification;

- c in the case of bathing waters classified as being ‘poor’, information on the causes of pollution and measures taken with a view to preventing bathers' exposure to pollution and to tackle its causes as referred to in Article 5(4); and
- d in the case of bathing waters subject to short-term pollution, general information on:
  - conditions likely to lead to short-term pollution,
  - the likelihood of such pollution and its likely duration,
  - the causes of the pollution and measures taken with a view to preventing bathers' exposure to pollution and to tackle its causes.

The list referred to in point (a) shall be available each year before the start of the bathing season. The results of the monitoring referred to in point (b) shall be made available on the Internet upon completion of the analysis.

3 The information referred to in paragraphs 1 and 2 shall be disseminated as soon as it is available and with effect from the start of the fifth bathing season after 24 March 2008.

4 Member States and the Commission shall, wherever possible, provide information to the public using geo-referenced technology and present it in a clear and coherent manner, in particular through the use of signs and symbols.

### *Article 13*

#### **Reports**

1 Member States shall provide the Commission with the results of the monitoring and with the bathing water quality assessment for each bathing water, as well as with a description of significant management measures taken. Member States shall provide this information annually by 31 December in relation to the preceding bathing season. They shall begin providing it once the first bathing water quality assessment has been carried out in accordance with Article 4.

2 Member States shall notify the Commission annually before the start of the bathing season of all waters identified as bathing waters, including the reason for any change compared to the preceding year. They shall do so for the first time before the start of the first bathing season after 24 March 2008.

3 When monitoring of bathing water has started under this Directive, annual reporting to the Commission in accordance with paragraph 1 shall continue to take place pursuant to Directive 76/160/EEC until a first assessment can be made under this Directive. During that period, parameter 1 of the Annex to Directive 76/160/EEC shall not be taken into account in the annual report, and parameters 2 and 3 of the Annex to Directive 76/160/EEC shall be assumed to be equivalent to parameters 2 and 1 of column A of Annex I to this Directive.

4 The Commission shall publish an annual summary report on bathing water quality in the Community, including bathing water classifications, conformity with this Directive and significant management measures undertaken. The Commission shall publish this report by 30 April every year, including via the Internet. When establishing the report the Commission shall, wherever possible, make best use of data collection, assessment and presentation systems under related Community legislation, in particular Directive 2000/60/EC.

## CHAPTER IV

### FINAL PROVISIONS

#### *Article 14*

##### **Report and review**

1 The Commission shall, by 2008, submit a report to the European Parliament and to the Council. The report shall have particular regard to:

- a the results of an appropriate European epidemiological study conducted by the Commission in collaboration with Member States;
- b other scientific, analytical and epidemiological developments relevant to the parameters for bathing water quality, including in relation to viruses; and
- c World Health Organisation recommendations.

2 Member States shall, by the end of 2014, submit written observations to the Commission on that report including on the need for any further research or assessments which may be required to assist the Commission in its review of this Directive under paragraph 3.

3 In the light of the report, the Member States' written observations and an extended impact assessment and bearing in mind experience gained from implementing this Directive, the Commission shall, no later than 2020, review this Directive with particular regard to the parameters for bathing water quality, including whether it would be appropriate to phase out the 'sufficient' classification or modify the applicable standards, and shall present if necessary appropriate legislative proposals in accordance with Article 251 of the Treaty.

#### *Article 15*

##### **Technical adaptations and implementing measures**

1 It shall be decided in accordance with the procedure referred to in Article 16(2):

- a to specify the EN/ISO standard on the equivalence of microbiological methods for the purposes of Article 3(9);
- b to lay down detailed rules for the implementation of Articles 8(1), 12(1)(a) and 12(4);
- c to adapt the methods of analysis for the parameters set out in Annex I in the light of scientific and technical progress;
- d to adapt Annex V in the light of scientific and technical progress;
- e to lay down guidelines for a common method for the assessment of single samples.

2 The Commission shall present a draft of the measures to be taken in accordance with paragraph 1(b) with respect to Article 12(1)(a) by 24 March 2010. Before doing so, it shall consult representatives of Member States, regional and local authorities, relevant tourist and consumer organisations and other interested parties. After the adoption of relevant rules, it shall publicise them via the Internet.

#### *Article 16*

##### **Committee procedure**

1 The Commission shall be assisted by a committee.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 The Committee shall adopt its rules of procedure.

#### *Article 17*

### **Repeal**

1 Directive 76/160/EEC is hereby repealed with effect from 31 December 2014. Subject to paragraph 2, this repeal shall be without prejudice to Member States' obligations concerning the time limits for transposition and application set out in the repealed Directive.

2 As soon as a Member State has taken all necessary legal, administrative and practical measures to comply with this Directive, this Directive will be applicable, replacing Directive 76/160/EEC.

3 References to the repealed Directive 76/160/EEC shall be construed as being made to this Directive.

#### *Article 18*

### **Implementation**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 March 2008. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the texts of the main provisions of national law that they adopt in the field covered by this Directive.

#### *Article 19*

### **Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

#### *Article 20*

### **Addressees**

This Directive is addressed to Member States.

Done at Strasbourg, 15 February 2006.

*For the European Parliament*

*The President*

J. BORRELL FONTELLES

*For the Council*

*The President*

H. WINKLER

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**Status:** This is the original version (as it was originally adopted).

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- (1) [OJ L 175, 5.7.1985, p. 40](#). Directive as last amended by Directive 2003/35/EC of the European Parliament and of the Council ([OJ L 156, 25.6.2003, p. 17](#)).