

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 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

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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.

[<sup>F1</sup>As regards Mayotte as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (hereinafter 'Mayotte'), the time limit referred to in the first subparagraph shall be 31 December 2019.]

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'.

[<sup>F1</sup>As regards Mayotte, the time limit referred to in the first subparagraph shall be 31 December 2031.]

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.

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#### Textual Amendments

- F1** Inserted by Council Directive 2013/64/EU of 17 December 2013 amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.

### 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.

[<sup>F1</sup>As regards Mayotte, the time limit referred to in the first subparagraph shall be 30 June 2015.]

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.

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### 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.