
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bathing Waters (Scotland) Regulations 2008 ([SSI 2008/170](#)) (“the 2008 Regulations”) to further transpose Directive [2006/7/EC](#) concerning the management of bathing water quality and repealing Directive [76/160/EEC](#), OJ L 64, 4.3.2006, p.37.

The Regulations also implement Commission Implementing Decision 2011/321/EU establishing, pursuant to Directive [2006/7/EC](#) of the European Parliament and of the Council, a symbol for information to the public on bathing water classification and any bathing prohibition or advice against bathing (“the Commission Decision”), OJ L 143, 31.5.2011, p.38.

Regulation 2(2) amends the definition of ‘short-term pollution’ in regulation 2 of the 2008 Regulations to clarify that SEPA must have identified the causes of the contamination for that contamination to be defined as ‘short-term pollution’.

Regulation 2(3) amends regulation 8 of the 2008 Regulations to provide that the information listed in paragraph (1) of that regulation must be made available promptly, and the information in paragraph (8) of that Regulation must be promptly and actively disseminated. It also clarifies that the provisions in regulations 8(1)(d) and 8(8)(g) apply in any case where SEPA considers there is short-term pollution, and not only in cases where short-term pollution is indicated in that bathing water’s profile. Regulations 2(3)(b) and (d) implement the Commission Decision.

Regulation 2(4) amends regulation 11 to clarify the management measures SEPA must take for ‘poor’ bathing waters.

Regulation 2(5) amends regulation 12 to provide that where short-term pollution is predicted or present, SEPA must take measures including surveillance, early warning systems and monitoring, with a view to issuing a warning or bathing prohibition.