

DEVE Commission

DEVE-015

Brussels, 29 April 2003

**OPINION**

of the

Committee of the Regions

of 9 April 2003

on the

**Proposal for a Directive of the European Parliament and of the Council concerning the Quality of Bathing Water**

(COM(2002) 581 final – 2002/0254 (COD))

## THE COMMITTEE OF THE REGIONS

**HAVING REGARD TO** the Proposal for a Directive of the European Parliament and of the Council concerning the Quality of Bathing Water COM(2002) 581 final – 2002/0254 (COD);

**HAVING REGARD TO** the decision of the Council of 13 November 2002 to consult it on this subject, under the first paragraph of Article 175 of the Treaty establishing the European Community;

**HAVING REGARD TO** the decision of its President of 23 January 2003 to instruct its Commission for Sustainable Development to draw up an opinion on this subject;

**HAVING REGARD TO** the Opinion of the Committee of the Regions on the Communication from the Commission to the European Parliament and the Council on *Developing a New Bathing Water Policy*, CdR 97/2001 fin<sup>1</sup>;

**HAVING REGARD TO** its draft opinion (CdR 17/2003 rev. 1) adopted on 20 February 2003 by its Commission for Sustainable Development (rapporteur: **Mr Francesc Antich i Oliver**, prime minister of the Balearic Islands (E/PES));

**WHEREAS** the Treaty on European Union favours the integration of environmental considerations into Community policies, especially in order to guarantee sustainable development;

**unanimously adopted the following Opinion at its 49<sup>th</sup> plenary session, held on 9 and 10 April 2003 (meeting of 9 April).**

## 1. General comments

1. The Committee of the Regions welcomes the proposal for a Directive of the European Parliament and of the Council concerning the Quality of Bathing Water. Application of this new legislation will considerably improve health protection for European citizens and visitors to bathing areas, as well as significantly benefiting the environment.
2. The Committee considers that this policy can contribute to coherent and sustainable economic development, particularly benefiting citizens committed to respecting and improving the environment. The tourism and leisure sector, which is of fundamental importance to many EU Member States, can only benefit from strict water quality standards which underpin the safety and confidence of consumers and users.
3. The directive will also help improve the information provided to consumers and users, promoting safety and a product based on the dual objectives of protecting human health and the environment and promoting economic and social development.
4. The directive envisages removing from the list areas affected by natural disasters. The appalling consequences of the sinking of ships like the *Erika* and the *Prestige* make it advisable to extend to this kind of accident the safeguard measures provided for in the proposal.
5. In accordance with the principles underlying the White Paper on European Governance, the Committee of the Regions considers that the regional and local authorities should play a greater part in the process of implementing the directive. This would make for more efficient implementation, more closely in line with the division of powers within the Member States, particularly with regard to the regional and local authorities.
6. The Committee stresses the importance for health of optimum bathing water quality. To this end, providing information to the public is an important task for the Member States, the information on water quality should be available at each resort in real-time. This information needs to be clear, easily understandable, free of jargon and promptly available. For these reasons, it is considered important that the information should be standardised and that the opportunities offered by the Information Society be exploited to this end. The contribution of the local and regional authorities is essential here. The requirements on public authorities for the distribution of information on bathing water must be in line with the requirements of the new Directive on public access to environmental information. Therefore, in accordance with the subsidiarity principle, the form the information takes should be a matter for the local and regional authorities. The directive should therefore restrict itself to laying down the following minimum requirements:
  - general description of bathing water without reference to bathing water profiles;
  - presentation and assessment of current measurement results and rating of bathing water over the last three years;
  - removal from the bathing areas list, with statement of reasons where appropriate.
7. The Committee welcomes the approach adopted by the new directive, which focuses on improving health through proactive management of bathing areas, without restricting

itself exclusively to the necessary periodic scientific analyses. This new approach will to a great extent facilitate the adoption of management measures at every level by the competent authorities. It will be possible to gear these measures more closely to the specific situations of both fresh and coastal waters.

8. The Committee endorses the classification of bathing areas as poor, good or excellent. Although, strictly speaking, areas need only be classified as either suitable or unsuitable for bathing, the further classification of water suitable for bathing rewards the greater efforts made by authorities which are concerned to ensure maximum water quality. Moreover, this measure promotes continuous improvement of the state of areas already classified as suitable for bathing.
9. The Committee welcomes the reduction of the number of parameters used in the new directive, which considerably reduces costs but points out that the assessment procedures may lead to unrepresentative results. The Committee therefore calls for a more flexible procedure that can, if necessary, be modified. The possibility of introducing new parameters should not be excluded, if scientific and technical advances make it appropriate to carry out certain analyses. These improvements could be made without the need to revise the directive.
10. The Committee is pleased to see the reference in the directive to phytoplankton blooms and macro-algae proliferation, which the Committee called for in its previous Opinion on bathing water policy (CdR 97/2001 fin). It also recommends that attention be given to contamination with mucilage. The Committee considers that further study should be devoted to these phenomena and their repercussions for the health of bathers, ecosystems and the quality of bathing.
11. The Committee draws attention to the problems which can arise when bathing water is located in FFH and bird conservation areas and is used by large numbers of waterfowl. A suitable solution has to be found to this problem which takes due account of justified leisure interests.

## **2. Comments concerning the priorities of the regional and local authorities**

1. As the new directive on the quality of bathing water will entail coherent responsibilities shared between the European Union and the Member States and their regions, the Committee of the Regions feels that it is necessary for regional and local representatives to participate actively in the Regulatory Committee and the committee referred to in Article 20.
2. In keeping with the directive, it is essential that the regional and local authorities participate in the design of the channels through which information is provided to consumers in order to increase the transparency of the information provided and in this way boost users' confidence.
3. With regard to the evaluation of the economic and business impact, improvement of the quality of bathing water will generate positive external effects which will have a direct beneficial effect on public health, the economic and social well-being of people living in these areas and the sustainable development of the tourism sector. The Commission should undertake further analysis, in cooperation with local and regional authorities, of the potential impact on the sustainability of the tourism sector. This should include investigation of the costs to local communities of having to close bathing water areas in order to comply with the new higher standards proposed by the Commission.

4. As the supervisory responsibilities of the Member States are carried out by the local and regional authorities, the Committee considers that the scope of the directive should be restricted to bathing. The inclusion of other recreational activities should be rejected and any references to this should be deleted. Water quality requirements for other recreational activities should, if appropriate, be dealt with in a separate directive.
5. Despite the fact that the Commission has made surveys to elaborate the Directive, the Committee calls on the Commission to undertake a more detailed and representative assessment of the costs of implementing the revisions.

### 3. Recommendations

#### **The Committee of the Regions calls for the following changes to the Directive of the European Parliament and of the Council concerning the Quality of Bathing Water**

1. In the light of the many measures required for the establishment of a bathing water profile in accordance with Article 6, these should only be required when the quality of bathing water has been classified as "poor" in accordance with Article 9.
2. In the light of the accidents involving the oil tankers *Erika* and *Prestige* - the most recent of many accidents off the coasts of Europe causing grave environmental damage, the Committee proposes, in relation to Article 6, that a study be made of measures to counter the serious damage done to water quality and to the confidence of consumers. The temporary removal from the list of bathing areas affected in this or similar ways is one option which could be included in the directive. The aim is to prevent damage to the reputation of bathing areas affected by environmental disasters, while ensuring that whenever an area is reinstated on the list, this is done with all the necessary health and safety guarantees.
3. With regard to Article 7 (4) and (5), it is proposed that man-made disasters, such as those involving the *Prestige* and the *Erika*, also be considered grounds for suspending the monitoring calendar.
4. The CoR feels that flooding should be considered grounds for suspending the monitoring calendar in view of the adverse effect on water quality. The Commission should be informed when the annual report on the bathing season is submitted.
5. With regard to Article 12(3) of the proposal for a directive, the Committee calls for the directive to make provision for the material resources needed by the relevant public authorities, in many cases regional or local authorities, to ensure that they have the necessary capacity for responding to emergencies. Emergency plans should be drawn up under Article 12 only in extremely urgent cases. The possibility of dropping Article 12 should perhaps even be considered.
6. The Committee propose that a "discounting" rule be added to Article 13, in line with the general comments set out in point 1.9. Under such a rule bathing water would be considered to be in conformity with the directive if:
  - the limit values were exceeded only temporarily and appropriate subsequent checks and analyses revealed no further infringements; and

- public warnings were issued by the competent authorities, or short-term bans on bathing were imposed, for the period during which the limit values were exceeded.
7. With regard to Article 16(1), provision should be made for the direct participation of the regional and local authorities in the provision and dissemination of information on the state of bathing water. As it is the regional and local authorities which know the local environment and the target public best, the quality of the information provided will in this way be improved.
  8. A new fifth paragraph should be added to Article 16 laying down a practical model for the provision of information to the public for use throughout the European Union. To this end, the Committee calls on the Commission to finance pilot projects in various European regions for the development of such a system applicable to both fresh water and coastal waters. These projects would be carried out during the two-year period allowed for implementation of the directive.
  9. With regard to Article 20, the Committee proposes that the regions and local authorities contribute to the process of hammering out the scientific and technical details of the directive, as it is these authorities which are most familiar with the actual condition of bathing water. It would also be desirable for the regional and local authorities to be represented on the committee which assists the European Commission with the technical adaptation of the directive.
  10. With regard to the comments on the legislative financial statement, and with a view to carrying out the pilot projects proposed in point 3.5 of the recommendations, provision will need to be made for the additional budget funding needed to cover the relevant costs.

Brussels, 9 April 2003

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

**Albert Bore**

**Vincenzo Falcone**

<sup>1</sup> OJ C 357, 14.12.2001, p. 51

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