

**EUROPEAN PARLIAMENTARY QUESTION ASKED BY DEREK PRAG ON  
10/9/85 (OJ ANNEX 2-329 DEBATES 1985/6, REPORT OF PROCEEDINGS 9-13  
SEPTEMBER 1985)**

*Question No 59. by Mr Prag (H-388/85)*

**Subject : Pollution of bathing water at beaches in the Member States**

Further to my Written Question No 835/85 <sup>(1)</sup> and answer No QXW0835/84EN given by Mr Narjes on behalf of the Commission (26 November 1984), I understand that the one Member State which has notified only a small number of bathing waters for monitoring under the terms of Directive No 76/160/EEC in respect of the quality of bathing water is the UK. I understand that the Department of the Environment reduced the number of beaches at which the bathing water was to be monitored from more than 600 to only 27 by declaring that the Directive need apply only to beaches where more than 500 people bathe at once.

Does the Commission agree that, as large numbers of holiday-makers prefer to bathe in water where fewer than 500 others bathe, this loophole is nonsensical, and that it is equally offensive to bathe in water containing totally untreated sewage regardless of whether there are 499 or more other people bathing in the same polluted water? Will the Commission now inform me of the results of its evaluation of the results of applying the Directive in question, and will it also inform me of the action it intends to take in order to ensure that the aims of its Directive are fully achieved?

*Answer*

The Commission is aware that the interpretation of the notion in Article 1 paragraph 2 second alternative of Directive 76/160/EEC, which qualifies a water as bathing water in which bathing is not prohibited and is traditionally practiced by a large number of bathers is not easily practicable. The Commission believes that in order to interpret this notion, the requirement of a specific number of bathers can only be one criterion among others. Indeed the number of bathers varies according to the season, the weather, school holidays, working days and so on. Thus the number of bathers counted on a specific day cannot in itself determine the bathing water quality for a specific water. Rather some objective criteria will also have to be taken into account. Such objective criteria are amongst others:

- (1) facilities of access to the beach
- (2) sanitary equipment
- (3) facilities for changing
- (4) parking space for cars
- (5) life-guards on the beach
- (6) first-aid service
- (7) kiosks and shops (mobile shops)
- (8) availability of water sports facilities  
(boats, surfing, swimming lessons)

Indeed, such measures of infrastructure demonstrate action of local, regional or national administrations in order to promote bathing. Therefore the presence of such measures of infrastructure proves that the authorities felt induced by the great number of bathers to provide for measures to ensure safe bathing, safe access to the beach and to the waters and amenities to further increase the number of bathers.

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<sup>(1)</sup> OJ No C 8 of 10.1.1985, p. 21

Furthermore, it is not known why persons who are on a beach abstain from bathing ; they might do so in some cases also because the water is too polluted. For these reasons the Commission is of the opinion that all circumstances regarding the individual water have to be taken into consideration when assessing whether a specific water qualifies as bathing water under the second alternative of Directive 76/160/EEC Article 1 paragraph 2.

The Commission is actively pursuing the action which it has started against two member countries by virtue of individual complaints. The Commission hopes that the discussions which were started with the member countries concerned will soon lead to satisfying results as regards the application of Directive 76/160/EEC.