



# **Explanation to interpretation of Bathing Water Directive and assessment rules as discussed at the Bathing Water Directive Committee in October 2011**

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For 2010 bathing season, 20 MS and the Walloon Region of Belgium reported under the new bathing water directive - Directive 2006/7/EC (here referred also as the Directive). An assessment of the status of all bathing waters under this directive was done for Luxembourg, Malta and Hungary, since sets of four years data of *Escherichia coli* and intestinal enterococci concentration were already available (reported in the previous years or historical data were reported in 2010). The assessment of the other MS was done using rules for the transitional period or using rules of the old bathing water directive - Directive 76/160/EEC (here referred as Directive 76/160/EEC). It is expected that at least 13 MS will be assessed under the Directive 2006/7/EC for 2011 bathing season.

This document compiles some issues recently raised by Member States, within the reporting period or during the preparation of the Bathing Water Committee meeting of 3 October 2011. Relevant issues treated already in the past seasons have been included. They have been discussed before the reporting for 2011 bathing season starts.

A number of them entail legal interpretation and are discussed by the European Commission (here referred also as EC), meanwhile others are of technical nature and are discussed by the EEA and its ETC/ICM.

This draft is still under discussion and does not represent the official views of the Commission. Only the European Court of Justice can give the final interpretation of the Directive.

## 1 Data sets

### Issue No.1: Data set of four/three year period

#### General question:

*Is assessment under the Directive 2006/7/EC always based on data set of four consecutive seasons or can the assessment be made only on the basis of three bathing seasons?*

#### Explanation:

The general rule laid down in the Directive (4.2.c) requires that the quality assessment be carried out on the basis of water quality data of that year and the three preceding bathing seasons. It is possible to carry out an assessment using three data sets (or even less), if conditions specified in Article 4 are met.

### Issue No.2: New/Changes (New bathing water/Changes to affect the classification)

#### General questions:

*What are criteria for defining classes »new« and »changes«?*

*Are bathing waters classified as »new« or »changes« included in the total number of bathing waters assessed under the Directive 2006/7/EC? Should they be excluded (as de-listed bathing waters) or included (rule valid for “closed” and “insufficiently sampled” bathing waters)?*

*After how many seasons bathing waters classified as »new« or »changes« in the previous seasons can be classified into quality classes under the Directive 2006/7/EC?*

#### Explanation:

Member States must identify bathing waters. “New” bathing water is a newly identified bathing water for which necessary data sets are not fully compiled yet (when classification of bathing waters according to the Directive 2006/7/EC has already started). A new bathing water is only assessed when conditions specified in Article 4 are met, e.g. there are at least eight (twelve) samples for three consecutive years (two previous and current) and bathing season does not exceed eight weeks. A bathing water gets category “changes” if necessary data set is not available yet since the occurrence of changes.

All bathing waters have to be included in the assessment, and therefore be taken into account to carry out the general assessment.

*For the new bathing waters to be reported in 2011, can the assessment be made as soon as 16 samples are available or do we have to wait for the fourth bathing water season regardless of frequency throughout this bathing season?*

*Can we evaluate a bathing water on the basis of 2011 and 2010 samples, counting more than 16 samples in these two years, even if this bathing water has only been identified in 2011?*

**Explanation:**

If the results of assessments are already available for some years under the Directive 2006/7/EC, the logic of the Directive is that the assessment for newly identified bathing waters is done as soon as possible. Article 4.4 specifies the conditions to be met. The shortest possible period for newly identified bathing water would be for those waters whose bathing season would not exceed 8 weeks, and for which there are 8 samples available collected under the Directive.

In accordance with Article 4.4 of the Directive any assessment involving fewer than four bathing seasons could only take place at the end of a bathing season and provided that the requirement of paragraph 3 is satisfied or provided that the bathing season does not exceed 8 weeks and the set of bathing water data comprises at least 8 samples, and if one of the situations specified in points a, b or c of Article 4.4 arises.

Conditions as regards the number of data sets needed to carry out assessments should be added to (but not mixed up with) the conditions as regards the number of samples needed.

Thus, it would be possible to carry out an assessment with data from just one year for the bathing waters that are (a) newly identified or (b) that have experienced changes affecting (or likely to affect) their classification or (c) have been assessed in accordance with Directive 76/160/EEC, provided that there are at least (i) 16 or 12 samples (Art. 4.3) or (ii) 8 samples (in the case of a bathing season of 8 weeks or less (second indent of Art. 4.4)). (see Article 4.4)

For waters that would have been recently identified, and not assessed in accordance with Directive 76/160/EEC, it would seem impossible that sampling activities in line with directive provisions took place already in the previous year.

## **2 Sampling**

### **Issue No.3: Pre-season sample**

**General questions:**

*Should the upper limit and the lower limit of pre-season sample be defined?*

*In number 1 of annex IV, “shortly before the start of each bathing season” doesn’t define an interval – until how many days before the start of the season should we consider? From 1 to 15 days before the start of the season? From 1 to 30 days before the start of the season?<sup>1</sup>*

**Explanation:**

The Directive does not include any precise provision as regards the time limit between the pre-season sample and the start of the bathing season other than that it should be taken shortly before the start of each bathing season. In principle, the responsibility of this decision lies with Member States, subject to consistency with the purpose of the Directive.

Although there has been flexibility when considering this provision, a practice of using a 10 day interval has been endorsed in discussions with Member States. Member States are requested to provide further explanations or justifications just in case there is deviation from this interval.

If there was no pre-season sample in 2010 monitoring, the first sample, not taken later than 10 days after the start of the bathing season, was treated as pre-season sample. If this was the case, the second sample should have been taken no later than 32 days after the start of the bathing season.

It should be kept in mind that, in any event, Annex IV.3 specifies that the intervals between sampling dates throughout the bathing season should never exceed one month. The length of the interval should therefore be defined taking into account that the interval between samples should not exceed one month. To emphasize, the interval between pre-season sample and the first sample in the season can be larger than one month. But it is important that the interval between the start of the season and the first sample in the season should not exceed one month.

*Is pre-season sample included in the assessment? If not, when the first sample after the start of the season should be taken? If yes, should a rule on pre-season sample be applied also for the previous seasons (2008, 2009 and 2010) in the 2011 assessment?*

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<sup>1</sup> **Comment by Finland:** The number of days before the start of the bathing season has not been exactly determined in the directive (“shortly before the start of the bathing season” in the annex IV), therefore the authorities who are responsible for monitoring of bathing water make the decision of the first sample when establishing the monitoring calendar for the bathing season. They want to check the quality before the start of the bathing season to decide if quality of bathing water is still safe and cause no harmful health effects for bathers. If the first sample would indicate that there is something wrong with the quality of bathing water, municipal health protection authorities have enough time to start management actions to find out the reasons to the deteriorated water quality and to reduce or eliminate the causes of pollution before the start of the bathing season. They also have enough time to inform public and give instructions or orders for them, if necessary. Such procedure is better than to check the quality of bathing water just one or two days before the start of the bathing season when bathers could have already been exposed to it. In Finland, the second sample is quite often being taken shortly after the season has started.

**Comment by Hungary:** The harmonized Hungarian legal decree fixes a period of 21 days before the start of the season as the maximum distance.

**Explanation:**

Annex IV.1 requires that the pre-season sample is counted to ensure that the minimum number of samples per season is taken and analysed.

For the 2011 season assessment, the existence of pre-season sample in the previous years will not be checked.

*Can we take into account more than one sample before the start of the bathing season in the set of bathing water quality data used for evaluation?*

**Explanation:**

The Directive talks about "one" pre-season sample. The aim is to have a baseline value before the possible impact of large number of bathers. Taking more samples before the bathing season could be over-influential and affect the result of the assessment. The last pre-season sample will be included into the assessment. Previous samples will be disregarded.

**Issue No.4: Spatial geographic considerations and constraints**

**General questions:**

*Should the implementation of the directive consider a relationship between the number of sampling points and the relative coastal lengths? The extension of each bathing area is very different.*

**Explanation:**

The Directive lays down clear criteria to locate the monitoring point (Article 3.3) which do not refer to any coastal length. The language in the Directive only considers one monitoring point per bathing water.

*What are "possible special geographical constraints?"*

**Explanation:**

It is impossible to answer this question "a priori." As it is a type of justification, it should require a case-by-case assessment.

**Issue No.5: Sampling intervals**

**General questions:**

*How assessments could be carried out if samples are not equally distributed throughout the bathing season (e.g. one sample in May, two samples in June, four samples in July, three samples in August etc.; or: no sample in May, no sample in June, one sample in July, four samples in August, three in September... )?*

**Explanation:**

Samples should be distributed throughout the season. Sampling intervals must not be larger than one month (see Annex IV.1). Article 3.4 of the Directive allows up to four

days of delay to take the sample. Therefore, one month plus 4 days will be applied as acceptable sampling interval for the 2011 season.

If care is not taken for setting intervals between samples, the one month rule might not be complied with, even if the total number of samples could be sufficient. The assessment of bathing water quality for the season would not be reliable and the assessment could not take place because of insufficient sampling.

*When the last sample of the season should be collected? Should the interval between the last sample and the end of the season be checked (less than one month)? Are samples taken after the end of the bathing season included into the data set (into the assessment)?*

**Explanation:**

No provisions apply in the Directive to the sampling after the bathing season. In accordance with Annex IV.1, assessment is made using data collected within the bathing season, plus pre-season sample. These would constitute the “bathing water quality data compiled in relation to the bathing season”.

Likewise, no specification appears explicitly as regards the end of the bathing season. However Annex IV.3 provision that sampling dates are to be distributed throughout the bathing season, with the interval between sampling dates never exceeding one month, has to be respected. Its ultimate aim is that the bathing water is sampled throughout the bathing season and that it does not remain without being sampled for more than one month. Therefore no more than one month should nevertheless elapse between the last sample and the last day of the bathing season.

*Where a bathing water is identified during the bathing season how are the sampling frequency criteria to be met such as a sample to be taken before the season (recommended up to 10 days before the start of the season)?*

**Explanation:**

If a bathing water is opened officially during the season, the official start is the day of opening. It is recommended that one sample is taken before the official opening. This means that the duration of that bathing water can be even shorter than 8 weeks and Annex IV (Article 4) can be applied: the bathing water is classified on the basis of samples reported at the end of the year including before the bathing season sample.

*In some circumstances (good climate conditions) some local authorities may decide to apply an extension of the current bathing season; how should samples collected during this period be considered for the classification of bathing waters?*

**Explanation:**

The monitoring calendar is established (at least) for the duration of the bathing season. If this is extended, sampling should also take care of the new duration, and cover it. These samples should be used as any other in the assessment of the quality.

The monitoring calendar to be established for every bathing water before the start of the season is on the one hand, a pre-fixed plan to take samples but, on the other hand allows some flexibility. Article 3.4 of the Directive allows up to four days of delay to take the sample. In addition, within the logic of the Directive, the monitoring calendar

could be adapted to new circumstances, e.g. the enlargement (for any reason) of the season. If these new days amount up to more than one month from the last sample considered in the calendar, then new samples are needed.

The 4 days of flexibility are not to be cumulated: an initial delay does not move the next sampling date.

*If MS report more samples per day (taken from different locations of the same bathing water), should country report the similar number of samples for all sample dates to reach equal distribution of samples?*

**Explanation:**

In principle, bathing waters should have a single monitoring point, chosen to be representative of the quality in the area. Taking more than one sample per day in different points would make sense only in large areas, with the aim of ensuring the representativity of the samples.

The similar number of samples per day should be taken in all sample dates.

**Issue No. 6: Sampling at short term pollution**

**General questions:**

*Should MS always report samples during short-term pollution no matter if replaced sample is taken or not?*

*How to do assessment if no samples during short-term pollution are reported and no replaced sample is taken in seven days after the end of short-term pollution. Should MS be asked to send samples taken during short-term pollution? Should those samples be included in the assessment?*

*Bathing water is classified as closed if short term pollution exceeds the time limit set in the directive. Is this the interpretation in all microbiological pollution cases despite the management actions taken by municipal health protection authorities? <sup>2</sup>*

*How to consider extra samples (collected out of the calendar i.e. after a short term pollution event) in the BW quality assessment?*

**Explanation:**

Short-term pollution is considered as reported by MS. In the assessment we do not check value of measured concentration during short-term pollution.

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<sup>2</sup> In Finland, during microbiological contamination of bathing water municipal health protection authorities can e.g. give instructions to avoid bathing but not close the bathing site. This can be the management action for short term contamination but also for microbiological contamination lasting longer than three days.

Under Article 3.6 of the Directive, samples taken during short-term pollution **may be** disregarded. If this is the case, new samples, respecting provisions in Annexes II and IV, have to be taken. I.e. the new samples have to be taken only when the short-term pollution event is ended. Samples used to ascertain that the pollution is ended will not be part of the data quality sets.

If no replaced sample is taken in seven days after the end of short-term pollution, sample(s) during short-term pollution are included into assessment. Therefore, MS has to report sample(s) taken during short-term pollution. If this is not the case, MS will be asked to provide this sample in the QA/QC phase of data.

If short-term pollution is reported at the end of the bathing season, replaced sample is taken after the end of the bathing season.

If sampling date of replaced sample corresponds with the next sample date in the monitoring calendar, no additional sample is needed.

Short-term pollution refers in the Directive to microbiological contamination (as in Annex I). If this microbiological pollution exceeds 72 hours, Member States could of course decide to close the bathing water. As far as bathing is (temporarily) prohibited the water would be considered (temporarily) closed. Criteria for closing of a bathing water in regard to level of microbiological pollution lay within national provisions.<sup>3</sup>

For the EC, the "predictability" of the short term pollution events should be understood as referring to prior knowledge allowing to identify the conditions that trigger the situations (e.g. meteorological conditions) or the existing hazards (e.g. breaking of a sewer).

In practice, for the 2009 and 2010 season assessments, temporarily closed bathing waters were classified as closed (i.e. included in the class "closed temporarily or throughout the season") if a bathing water exceeded the short-term pollution time limits or there were other microbiological contamination not defined as short-term pollution. If a bathing water is closed for other (non-microbiological) reasons, it is classified as closed if the closure lasted at least 14 days per season, after discussion with Member States.<sup>4</sup>

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<sup>3</sup> In Malta, during the period of temporary closure, sampling from bathing sites is carried out on a daily basis and the health warnings is only lifted after three consecutive microbiological results which confirmed that the area is once again safe for bathing as stipulated under the Management of Bathing Water Quality Regulations, 2008 (LN125/08).

<sup>4</sup> In order to pay attention to regional differences, the EC will consider new criteria to define "temporarily closed" situations based on the percentage of the days of the season when the bathing water is closed.

### 3 Abnormal situations

#### Issue No.7: Abnormal situation

##### General questions:

*When microbiological contamination can be treated as short-term pollution and when as abnormal (unexpected) circumstances as defined in Article 7? What is the difference between “short-term pollution” and “abnormal situation”?*

*Are MS obligated to report reasons for short-term pollution and abnormal situation with actions taken?*

##### Explanation:

In EC views, bathing water could not be affected by short-term pollution and abnormal situation at the same time. However, if this is nevertheless the case presented by Member States, it should be explained why.<sup>5</sup>

No "levels" are defined in the Directive above which microbiological pollution (as in Annex I) would have to be considered constituting an abnormal situation.<sup>6</sup> The same is true for short-term pollution.

In accordance with Article 3.8 of the Directive, Member States have to report any suspension of the monitoring calendar to the Commission, giving the reasons for the suspension. According to Article 3.7 the monitoring calendar **may be** suspended in abnormal situations, although other reasons should not be ruled out, a priori. This information would nevertheless help to clarify if short-term pollution and/or abnormal situation were identified correctly by MS. Some MS have not reported that information so far.

##### Explanation:

MS can explain reasons for these events with actions taken in reporting table on seasonal information on bathing waters, a field “ManMeas”. Longer text could be provided in a separate document.

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<sup>5</sup> A good example of the importance of the predictability is given by a Finnish case. Finland reported temporary high concentrations of *E. coli* and intestinal enterococci in some bathing waters for the 2009 and 2010 season. Pollution was noticed after bathing water samples taken according to the monitoring calendar have been analyzed, i.e. pollution has not been predicted beforehand. Municipal authorities were thus not aware of pollution until they received the results. After that municipal authorities started management measures to protect bathers' health (public information) and to investigate the reasons for high microbiological numbers. They did not report this as short term pollution, because it had been unexpected.

<sup>6</sup> The Commission intends to collect information on any national provision specifying these levels.

## 4 Grouping and subdividing bathing waters

### Issue No.8: Grouping:

#### General questions:

*Can MS change BW groups from one year to another year (e.g. based on the updated BW profiles and/or assessments)? If yes, does this have implications on the assessment with BW groups?*

#### Explanation:

One of the assumptions in the Directive is that the quality of the bathing waters remains stable. The risk factors or the absence thereof for contiguous bathing waters should be common (Article 4.5.c) and the assessment should have yielded similar results for the preceding four years. This set of conditions should also remain stable if the waters have been properly grouped.

This said, it is obvious that new conditions (reflected in new versions of the BW profiles) along with new results in quality assessments may lead to the need of reconsidering existing groups and propose new ones.

*Can the Commission provide a definition for the term contiguous with regard to grouping of bathing waters (Article 4.5)? If bathing waters can be grouped that are next to one another but not touching what is the maximum distance permitted between grouping of bathing waters in this situation.*

#### Explanation:

A maximum distance cannot be precisely recommended. If the bathing waters are on the same lake (large or small), bay or river water body with similar hydromorphological, hydrological and spatial conditions, they can be treated as “contiguous”. The decision on “contiguousness” should be based on expert judgment in the country and described in bathing water profiles.

Likewise, there can be no precise criteria recommended for the subdivision. If the bathing waters are on the same lake, bay or river water body, but having specific pressures or micro-spatial and hydrological characteristics, they can be subdivided. The decision on this should be based on expert judgment and described in bathing water profiles.

*Can the European Commission explain the circumstances and criteria by which subdividing of bathing waters is allowed? Have any Member States subdivided bathing waters?*

**Explanation:**

No provision on subdivision of waters is apparently included in the Directive. A case by case approach would therefore be needed.

*If grouping is allowed in 2011 (where profiles established for bathing waters) using water quality assessments for the previous four years for the period 2007-2010 under Directive 76/160/EEC, can the Commission confirm that water quality assessments should be based on compliance with guide and/or mandatory standards for the microbiological parameters, faecal coliforms and faecal streptococci where Escherichia coli and Intestinal enterococci are assumed to be equivalent respectively to the parameters Faecal coliform and Faecal streptococci (Article 13.3 of 2006 Directive).*

*If monitoring and reporting under Directive 2006/7/EC start in 2011, according to the limit values of the Directive 76/160/EEC during the transition period, can grouping of bathing waters be undertaken in 2011 (where bathing water profiles are established) using water quality assessments for the previous four years (the period 2007-2010) under Directive 76/160/EEC or will grouping have to wait until four years of assessment is undertaken during the transition period and under Directive 2006/7/EC .i.e., 2015?*

**Explanation:**

Assessment for bathing waters that are part of a group is relevant for the assessment under the Directive 2006/7/EC (three to four years of data before the assessment is done under the Directive 2006/7/EC). This means that we can still classify bathing water without (or fewer as needed) samples if it is a member of a group (gets the same classification as others bathing waters). It is possible to use assessments under the Directive 76/160/EEC as basis to group bathing waters (see Article 4.4.c of the Directive).

In any event, during the transitional phase, Article 13.3 of the Directive applies.

*Could the "alternated" monitoring be explained again?*

**Explanation:**

For the 2010 bathing season, the alternated monitoring in BW groups was accepted by applying the following rules:

1. If an associated member of a group is insufficiently sampled, it gets the quality classification from a representative bathing water of a group. If an associated member of a group is sufficiently sampled, it gets its own quality classification.
2. If a representative bathing water is insufficiently sampled, it gets the quality classification from an associated member(s) of a group with quality class (a "monitoring representative" bathing water of a group). In this case, insufficiently sampled associated members also get the quality status from this associated member.

3. If a representative bathing site and associated members of a group are insufficiently sampled, all bathing waters of a group are classified as insufficiently sampled.

For the 2011 season, the following rules for assessment with bathing water groups should apply:

1. If just one bathing water in a group (representative or one of associated bathing waters of a group) is monitored: all bathing waters of a group get the quality classification from this bathing water.
2. If several or all bathing waters of a group are monitored: The samples obtained during the season from any of the bathing waters in the group will be treated as one set of samples for the group. The classification is done on the basis of this sample set. Each bathing water in a group gets this classification. The statistics is done with all bathing waters in the group. The sampling frequency criteria are tested for a group consisting of one set of samples and not for each bathing water within a group. In such a case, the bathing season should be the same for all bathing waters in a group. If samples from different bathing waters in a group are taken at the same day, they will be included in the assessment individually as in case of more samples per day at one bathing water. This means that also representative bathing waters will be assessed using samples from all bathing waters in a group and not its own samples only. Each bathing water in a group gets the same classification, if monitored or not. If a new bathing water or a bathing water with changes is a member of a group, it is classified into quality class as a member of a group. If a bathing water in a group is closed, it can not be member of a group anymore. This means that it can not get the group status.

## 5 Closed bathing waters

### Issue No. 9: Poor in the previous year(s)/closed in the next season

#### General question:

*When any bathing water should be closed for the next bathing season on the basis of previous year (poor status)?*

#### Explanation:

If bathing water is classified as poor in the preceding season, it has to be closed for the following season according to Article 5.4.a, even if the pre-season sample indicates that the concentration of *Escherichia coli* and intestinal enterococci is below the given limit of excellent, good or sufficient class. Only when it is no longer poor it could be reopened again.

If bathing water is classified as ‘poor’ for five consecutive years, a permanent bathing prohibition or permanent advice against bathing shall be introduced” (Article 5.4.b). A permanent bathing prohibition or a permanent advice against bathing imposed on any element of surface water by the competent authority excludes this water mass from the application of the Directive. Permanently closed waters should no longer be considered as bathing waters and therefore there would not be any obligation to monitor and assess them. Nevertheless, if MS decides, it can be re-opened in the future.

In reporting table on inventory of bathing waters (applicable for 2011 season reporting), the term “de-listed” bathing water (field “BWType”) will be replaced by term “permanently closed” bathing water.

### Issue No. 10: Closed BW in the previous year, opened in next season: inclusion of data into assessment

#### General question:

*How to assess bathing waters that were closed for one or more previous years? If a bathing water was monitored when it was temporarily closed or for the entire season, can samples for that bathing season be included in the assessment to have sufficient data set of four years? If not, will it be treated as “changes” until necessary set of samples is available? If not, can closed bathing season be disregarded and the closest previous bathing season is taken in the data set of four years instead?*

#### Explanation:

Non-permanently closed bathing waters have to continue being sampled and assessed. Only when they are no longer poor they could be reopened again. If monitoring was not done, MS should provide explanation.

If a closed bathing water in the previous year(s) was sampled, samples taken during closure will be included into data set. But, the inclusion of samples during closure may worsen the overall quality of a bathing water. We recommend that MS gives classification “changes” as long as necessary set of samples is available. The same is true if the closed bathing water in the previous season(s) was not sampled due to technical problems.

**Issue No. 11: Temporary closed BW in the beginning or at the end of season**

**General question:**

*In some MS the length of a bathing season is the same for all coastal/inland bathing waters. If a bathing water is temporarily closed at the beginning or at the end of the bathing season (e.g. due to construction work, poor quality), can MS notify shorter bathing season, so that the bathing water can be classified into quality class?*

**Explanation:**

In principle, any event leading to the closing of the bathing water should be considered, above all when they are within the bathing season. Notifying shorter bathing seasons with a view to eliminating these references is not allowed.

## 6 Reporting issues

### Issue No. 12: Reporting obligations

#### General questions:

*Should there be a final date for corrections/uploads of data?*

*Should there be a limit on how much data can be corrected and what can be corrected after data are reported?*

#### Explanation:

Some MS sent new or corrected data later in QA/QC phase (from January on) and/or when providing comments on draft country assessments (May to June). MS are asked to upload changes in folder for bathing water directive reporting on EIONET CDR.

For delivering the 2011 season reports, an automatic QA/QC procedure will be activated. MS will be informed about missing information (e.g. a bathing water is closed, but no reasons for closing is reported) or if a set of values is not in accordance with Data Dictionary codelists (e.g. temporarily closed – “YT”, closed for the entire season – “YP”; “Y” is not correct). If some QA issues are identified and could not be solved soon, MS should inform ETC/ICM when this information will be provided.

*Is there a »minimum standard« of reported information in regard to significant management measures reported to the Commission?*

#### Explanation:

MS should be aware that the national bathing water reports are done in collaboration with them. ETC/ICM would appreciate if MSs provide an extract of important information since MS know their bathing waters the best. Links to national bathing reports (not reported to EC) could be also provided when available. Providing any reasons for eventual increase or decrease of water quality would be also beneficial.

*Is it expected that MS report detection of cyanobacteria or other parameters in bathing waters with adequate management measures taken (Article 8 and 9)?*

#### Explanation:

So far only a few MS have reported detection of cyanobacteria. Cyanobacteria could be reported as a reason for closing of a bathing water.

*Should reasons for closing be systematically reported?*

#### Explanation:

Some MS have not reported reasons for de-listing and/or closing and were asked to provide it during the QA/QC of data. Reasons for closing are needed to clarify if monitoring during closure of a bathing water is needed, so it has implications on assessment as well: bathing waters that are reported as closed will be further analysed according to reasons for closing. If a bathing water is closed due to bad quality, it needs to be sampled (monitored) and samples reported. If a bathing water is closed due to

other reasons (e.g. renovation, not accessible due to construction activities nearby and can not be sampled), the monitoring is not needed.

Member States are obliged to annually identify all bathing waters (Article 3.1) and to notify the Commission of all waters identified, including the reason for any change comparing to the precedent year (Article 13.2).

A new monitoring point might be established on the basis of a bathing water profile. In such a case, a bathing water should be reported as an existing and not as a new (newly identified) one.

A new identification code of a bathing water might be introduced. In such a case, a bathing water should be reported as an existing and not as a new (newly identified) one. In addition, an old code should be provided in order to connect statuses from the old and the new code. Otherwise, two bathing waters will be presented on the maps; one with data from the previous seasons and one with data from the latest season, which does not correspond to the real situation.