

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

FINAL  
**A6-0415/2005**

19.12.2005

## **\*\*\*III REPORT**

on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC (PE-CONS 3659/2005 – C6-0373/2005 – 2002/0254(COD))

European Parliament delegation to the Conciliation Committee

Delegation chairman: Antonios Trakatellis  
Rapporteur: Jules Maaten

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC  
(PE-CONS 3659/2005 – C6-0373/2005 – 2002/0254(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3659/2005 – C6-0373/2005),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2002)0581)<sup>2</sup>,
  - having regard to the amended proposal (COM(2004)0245)<sup>3</sup>,
  - having regard to its position at second reading<sup>4</sup> on the Council common position<sup>5</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2005)0277)<sup>6</sup>,
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 65 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A6-0415/2005),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 82 E, 1.4.2004, p. 115.

<sup>2</sup> OJ C 45 E, 25.2.2003, p. 127.

<sup>3</sup> Not yet published in OJ.

<sup>4</sup> *Texts Adopted*, 10.05.2005, P6\_TA(2005)0165.

<sup>5</sup> OJ C 111 E, 11.5.2005, p. 1.

<sup>6</sup> Not yet published in OJ.

## **EXPLANATORY STATEMENT**

### **Background**

On 24 October 2002 the Commission submitted a proposal for a Directive concerning the quality of bathing water. The aim of the Commission proposal, which will repeal Directive 76/160/EEC, was to improve and update the provisions of the existing directive, taking into consideration the changes in science and technology and new managerial approaches. The Commission's proposal increased the severity of the mandatory microbiological standards for Community bathing waters and updated the management and monitoring regime, but it reduced the number of parameters to be measured.

On 21 October 2003 Parliament adopted its position at first reading. The Council adopted its common position on 20 December 2004. The Parliament concluded its second reading on 10 May 2005 adopting 26 amendments to the Council's common position. The Council was unable to accept all these amendments, which meant that the Conciliation committee had to be convened.

### **Conciliation**

Parliament delegation to the conciliation committee held its constituent meeting on 7 June 2005 and its members mandated the chair of the delegation, Mr Trakatellis, the chair of the committee responsible, Mr Florenz, the rapporteur, Mr Maaten and Mrs Lienemann, to enter into informal negotiations with the Council.

The issues at stake were the following ones: public information and participation; Member States' emergency planning and response; timetables, deadlines and review of the Directive; Comitology; stricter values for bathing water quality.

During three informal trialogues, held on 5 July, 6 and 27 September, a preliminary agreement on public information and participation and Comitology was reached.

The meeting of the conciliation committee was held on the morning of 12 October 2005 under the joint chairmanship of Mr Trakatellis, Vice-President, and Elliot Morley, United Kingdom Minister of State for Climate Change and Environment, and in the presence of Commissioner Stavros Dimas.

The discussion at this meeting focused on the issues of stricter criteria for bathing waters quality and national emergency plans. An agreement covering outstanding issues was reached.

The key points of the agreement in the conciliation procedure can be summarised as follows.

- Stricter limits for categories of bathing waters

The Parliament accepted an additional category ("sufficient") for bathing water on the condition that the limit values for this category would be raised. The agreed limit values (for intestinal enterococci: 330 for inland waters and 185 for coastal waters) represent a reduction in health risk to bathers from 12 % to around 8%.

- Public information and participation

The Council agreed on a relevant improvement of the common position concerning public information and participation. Up-to-date information on water quality at bathing sites will be available on the internet; but it will also be presented, by means of clear signs and symbols that will be the same across the Union, at the bathing sites themselves. Better informed citizens will put pressure on the Member States so that they will comply with the provisions of the new directive.

- Epidemiological developments

The EP and the Council agreed on asking the Commission to prepare a report by 2008 considering not only new scientific and epidemiological developments regarding bathing water quality but also in relation to viruses.

### **Conclusions**

The European Parliament delegation is satisfied with the agreement reached, as it goes far beyond what was possible during the first and second readings. Stricter criteria related to the quality of bathing waters, public information and citizens' participation in the monitoring of bathing waters quality, as well as a larger scope for Commission studies on potential sources of health risk, represent a substantial improvement of the Common Position. The delegation wishes to thank the United Kingdom Presidency and the Commission for their constructive cooperation. It recommends that Parliament should adopt the attached joint text.

## PROCEDURE

<b>Title</b>	Joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC	
<b>References</b>	PE-CONS 3659/2005 – C6-0373/2005 – 2002/0254(COD)	
<b>Legal basis</b>	Articles 251(5) and 175(1) EC	
<b>Basis in Rules of Procedure</b>	Rule 65	
<b>Delegation chair(wo)man: Vice-President</b>	Antonios Trakatellis	
<b>Chair(wo)man of committee responsible</b>	Karl-Heinz Florenz	ENVI
<b>Rapporteur(s)</b>	Jules Maaten	
<b>Commission proposal</b>	Proposal for a directive of the European Parliament and of the Council concerning the quality of bathing water – COM(2002)0581–C5-0508/2002	
<b>Date of Parliament's first reading – P[5]</b>	21.10.2005	P5_TA(2003)0442
<b>Amended Commission proposal</b>	COM(2004)0846	
<b>Council common position</b> Date announced in plenary	12884/1/2004 – C6-0006/2005 13.1.2005	
<b>Commission position</b> (Article 251(2), subpara 2, indent 3)	COM(2004)0846	
<b>Date of Parliament's 2nd reading – P[5]</b>	10.5.2005	P6-TA(2005)0165
<b>Commission opinion</b> (Article 251(2), subpara 3, point (c))	COM(2005)0277	
<b>Date Council received 2nd reading</b>	8.6.2005	
<b>Date of Council letter on non-approval of Parliament amendments</b>	6.9.2005	
<b>Conciliation Committee meetings</b>	12.10.2005	
<b>Date of vote by Parliament delegation</b>	12.10.2005	
<b>Result of vote</b>	for: 17 against: 1 abstentions: 0	
<b>Members present</b>	Adamos Adamou, Johannes Blokland, Dorette Corbey, Chris Davies, Mojca Drčar Murko, Françoise Grossetête, Caroline Jackson, Christa Kläß, Marie-Noëlle Lienemann, Caroline Lucas, Jules Maaten, Linda McAvan, Richard Seeber, Antonios Trakatellis	
<b>Substitutes present</b>	John Bowis, Jutta D. Haug, María del Pilar Ayuso González, Anja Weisgerber	
<b>Substitutes under Rule 178(2) present</b>		
<b>Date of agreement in Conciliation Committee</b>	12.10.2005	
<b>Date on which the co-chairmen established that the joint text had been approved and forwarded it to Parliament and the Council</b>	8.12.2005	
<b>Date tabled – A6</b>	19.12.2005	A6-0415/2005

## EXTENSION OF DEADLINES

<b>Extension of deadline for second reading by Council</b>	No
<b>Extension of deadline for convening the Committee</b> Requesting institution – date	No
<b>Extension of deadline for work in the Committee</b> Requesting institution – date	Yes Council – 17.11.2005
<b>Extension of deadline for adopting the act</b> Requesting institution – date	No