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Royal Decree 1341/2007, of 11 October, regarding the quality management of bathing water

**(Official State Gazette No. 257,
2610/2007)**



Royal Decree 1341/2007, of 11 October, regarding the quality management of bathing water.

General Health Act 14/1986, of 25 April, imposes an obligation on public health authorities to mainly direct their effort towards the promotion of health and the prevention of illness.

Said Act foresees that any activities and products that may directly or indirectly have a negative effect on health must be subject to control by the Public Administration. One of these activities is the recreational use of water and, specifically, natural bathing water areas.

On the other hand, the revised text of the Water Act, approved by Royal Legislative Decree 1/2001, of 20 July, is aimed at regulating the public hydraulic domain, water use and the exercise of the powers attributed to the State in the matters related to said domain further to the duties entrusted under Article 149 of the Spanish Constitution.

Royal Decree 734/1988, of 1 July, which establishes quality rules for bathing water, implemented into Spanish law Council Directive 76/160/EEC, of 8 December 1975, regarding the quality of bathing water.

The approval of Directive 2006/7/EC of the European Parliament and Council, dated 15 February 2006, regarding the quality management of bathing water, which repeals Directive 76/160/EEC, requires that it be implemented into Spanish internal law through a rule that covers any new scientific and technical specifications, with a legal framework that is more in line both with current needs and the progress made over the last few years in bathing water matters, establishing the health and control measures required to protect the bathers' health (the main objective of this Royal Decree), as well as to preserve, protect and improve the quality of the environment as a complement to Directive 2000/60/EC of the European Parliament and Council, dated 23 October 2000, which establishes a Community action framework in the field of water policy.

Furthermore, Directive 2006/7/EC requires close coordination with other Community legislation in water matters, such as Council Directive 91/271/EEC of 21 May 1991, regarding the treatment of urban waste



water, Council Directive 91/676/EEC, of 12 December 1991, regarding the protection of water against the pollution derived from nitrates used in agriculture, and foregoing Directive 2000/60/EC of the European Parliament and Council, dated 23 October 2000.

Given the extent to which human health is affected by the use of bathing water areas, it is necessary to establish quality health criteria at a national scale. These criteria will apply to bathing water and in the absence of any express prohibition on bathing or permanent recommendation to refrain from bathing.

Furthermore, parameters and parametric values must be fulfilled at the sampling point assigned by the health authority. These values are mainly based on the recommendations given by the World Health Organisation for public health reasons, and the principle of precaution occasionally applies to ensure a high level of protection for bathers' health. In the event of a breach of the quality criteria included in this provision, the underlying cause must be investigated and the prompt application of corrective and preventive measures should be guaranteed to protect bathers' health.

Furthermore, the public should be duly and sufficiently informed about the quality of bathing water areas, any corrective and preventive measures, and any other aspects that affect the bathing water areas which may entail a risk to bathers' health.

The Ministry of Health and Consumers coordinates the national information system of bathing water areas; the information unit consists of the bathing water area, the beach and the bathing water. It draws up annual national reports for public information purposes and also addresses them to the European Commission, further to its Community obligations.

The technical nature of the matter regulated in this Royal Decree requires the adoption of this regulatory provision, as the ideal instrument with which to complete and ensure the fulfilment of basic regulations applicable to the quality management of bathing water.



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When drawing up this Royal Decree, all the sectors affected have been heard, the Autonomous Communities have been consulted, and a prior report was issued by the Spanish Data Protection Agency.

This Royal Decree was issued pursuant to the provisions established in Article 149.1 of the Spanish Constitution, which entrusts the State with exclusive competence, in Rule 16 (grounds and general coordination of health) and in Rule 23 (basic legislation for environmental protection), notwithstanding the powers entrusted to the Autonomous Communities to establish additional rules of protection.

By virtue of the foregoing, further to a proposal from the Ministry of Health and Consumers and the Minister of the Environment, with the prior approval of the Minister of Public Administration, in agreement with the Council of State and after the corresponding discussion was held by the Council of Ministers at its daily meeting,



I HEREBY PROVIDE:

Article 1. Object.

The object of this Royal Decree is to:

1. Establish the health criteria to be met by bathing water, as a quality guarantee and in order to protect human health from the adverse effects of any type of pollution.
2. Preserve, protect and improve the quality of the environment as a complement to the revised text of the Water Act, approved by Royal Legislative Decree 1/2001, of 20 July.
3. Establish minimum provisions for the control, classification, management and provision of information to the public on the quality of bathing water areas.

Article 2. Scope of application.

1. This provision will apply to bathing water and its applicable beach, as defined in Article 3 below.

2. The scope of application of this Royal Decree will not include:

- a) Swimming pools and thermal water in seaside resorts and urban resorts.
- b) Water confined in a natural or artificial manner, subject to treatment or for therapeutic use.
- c) Water artificially confined and separated from surface and underground water, except for river pools or similar.



Article 3. Definitions.

The following definitions will apply to this Royal Decree:

a) Bathing water: any component of surface water where a significant number of bathers are expected or where there is a nearby activity directly related to bathing, in the absence of a permanent prohibition on bathing or of a permanent recommendation to refrain from bathing, and where there is no objective danger for the public.

b) Surface water, underground water, inland water, transitional water, coastal water, surface water mass, artificial water body, heavily modified water body, river basin and river basin district: these terms will be interpreted according to the definitions provided in Articles 16, 16 bis) and 40 bis) of the revised text of the Water Act, approved by Royal Legislative Decree 1/2001, of 20 July.

c) Competent authority:

1. Health authority: within the scope of each autonomous community, the one entrusted with the task of guaranteeing compliance with the health requirements of this Royal Decree.

2. Environmental body: within the scope of each autonomous community, the body entrusted with the task of guaranteeing compliance with the environmental and hydraulic powers of this Royal Decree. It will also refer to the Ministry of the Environment, acting through river basin authorities, in the case of inter-Community river basin districts.

3. Autonomous Authority: within the scope of each autonomous community, the one entrusted with the task of guaranteeing compliance with the management measures foreseen in this Royal Decree that are not contemplated in sections 1 and 2.

4. Local Administration: any relevant one, within the scope of its powers.



d) Pollution: the presence of microbic pollution or of other bodies, waste or chemical substances, which affect the quality of bathing water and entail a risk to bathers' health, as foreseen in Annex I.

e) Short-term pollution: microbic pollution, due to *Escherichia coli* or intestinal Enterococci, for clearly identifiable reasons and whenever it is foreseen that the quality of bathing water will not be affected for longer than 72 hours from the moment the pollution is detected and the bathing water's quality is affected, and the environmental body has established the necessary prediction and management procedures.

f) Quality assessment of bathing water: the annual quality assessment process followed for bathing water further to the evaluation method defined in Annex II.

g) Management measures: any actions carried out to execute what is described in Articles 4, 6, 8, 10, 11, 12 and 13.

h) Significant number of bathers: the minimum number of users deemed relevant by the competent authority, particularly taking into account any past patterns, whether infrastructures or facilities exist, or any other measure adopted to promote bathing.

i) Beach: bank or shore surrounding the inland or sea bathing waters, on a quasi flat surface area, with or without vegetation, created through the action of the water or wind or by other natural or artificial causes.

j) Permanent prohibition on bathing or permanent recommendation to refrain from bathing: whenever a provisional prohibition or recommendation lasts for at least a full bathing season.

k) Build-up of cyanobacteria: this shall refer to an accumulation of cyanobacteria in the form of flowering algae, cetonium or foam.

l) Interested public: any individual or legal entity, including its associations, organisations or groups created pursuant to applicable regulations, as indicated in Act 9/2006, of 28 April, on the evaluation of the effects on the environment of certain action plans and programmes.



m) Environmental control point: the place designated by the environmental body for the taking of samples in order to control any causes of pollution that could affect bathing water areas, according to each individual profile.

n) Sampling point: the place designated by the health authority for the taking of samples in order to control the quality of bathing water, located where the highest number of bathers is foreseen, taking into account the higher risk of pollution according to the profile of the bathing water. Each bathing water must have at least one sampling point.

ñ) Register of protected areas: a register that records the bathing waters and which will be included in the river basin management plan foreseen in Article 99 bis) of the revised text of the Water Act.

o) A series of data on bathing water quality: data obtained pursuant to the provisions of Article 6.

p) Incidents: those described below:

1. Irregular situation: an event or combination of events that affect the quality of bathing water at the location in question, expected to occur no more than once every four years.

2. Extraordinary circumstance: an unexpected situation that has, or is reasonably presumed to entail, a harmful effect on the quality of bathing water and on bathers' health.

q) Bathing season: the time during which a significant number of bathers may be expected.

r) Restricted access area: areas entailing a particular geographical difficulty or restriction in access to the beach.

s) Bathing water areas: a geographical district within a municipality consisting of a beach and the relevant bathing water.



t) Protected area: an area declared to be bathing water according to the provisions established in Article 99 bis) of the revised text of the Water Act.

Article 4. Census survey of bathing water areas.

1. At the beginning of each year, the competent authority will draw up a provisional list of bathing water areas, according to what is defined in Article 3, paragraphs a), h) and n), and will notify it through the national information system foreseen in Article 14.

2. By the deadline of 20 March each year, the competent authorities will include all the minimum information provided in the Census Survey of Bathing Water Areas, in order to enable the Ministry of Health and Consumers to fulfil the provisions of Article 14.1.

3. The information foreseen in the foregoing section will at least consist of:

a) The name given to the bathing water area and its sampling points, including its geographical location and the code provided under the national information system foreseen in Article 14.

b) The bathing season, its expected duration and a control calendar for each sampling point.

c) Special situations, such as a prohibition or recommendation not to bathe during the entire season, removals, new entries, new codes or names, with respect to the previous season.

d) The profile of each bathing water area or its update or review, according to the provisions of Annex III hereto.

e) The estimates of the River Basin Management Plan in relation to the use of the waters indicated in the foregoing sections.



f) Information on the presence of infrastructures or facilities that could affect the beach or the bathing water.

g) Any other information that the competent authority deems appropriate.

4. The initial official Census Survey will refer to the one applicable to the first bathing season following the publication of this Royal Decree.

5. Any new entries must be notified before 20 March each year through the information system described in Article 14, and may be consulted by the competent authorities for information purposes and for the register of protected areas, pursuant to Article 99 bis) of the revised text of the Water Act.

6. Any removal of a bathing water area or of a sampling point must be justified by the competent authority with the following documentation:

a) A report explaining and documenting the cause(s) that has/have led to the removal of the bathing water from the Census Survey.

b) Analysis bulletins of the last two bathing seasons, with the obligatory parameters: *Escherichia coli* and intestinal Enterococci.

c) A photocopy of the administrative resolution or publication in the official diary of the autonomous community, as the case may be.

d) Graphic evidence, such as photographs or others, that back up the reasons for the removal.

These documents must be provided through the information system indicated in Article 14, before 20 March each year.



7. A bathing water area or a sampling point may be removed from the Census Survey for one of the following reasons:

- a) As a result of the situations described in Article 12.4.

- b) Structural or hydrological changes in the sampling point or in the entire bathing area, leading to a physical removal of the beach or sampling point, or that may hinder the safety of the interested public, or that become unfeasible for bathing purposes.

- c) If the circumstances change in which the area was designated as a bathing water area.



Article 5. The beach.

The competent authorities must ensure that the beach, throughout each bathing season, fulfils any applicable legislation and, in particular, they must:

- a) Maintain the beaches adequately clean, hygienic and healthy.

- b) Put up signs containing information on the characteristics of the beach and safety measures, after fulfilling the formalities foreseen in Coast Act 22/1988, of 28 July, and in the revised text of the Water Act.

- c) Watch over any possible dumpsites close to the beach to ensure they at no time cause pollution of the bathing water or entail a risk for users.

Article 6. Quality control of bathing water.

1. Tests will be conducted on the bathing water to control, at least, the parameters established in Annex I. A visual inspection will determine the water's transparency and whether there is pollution or jellyfish, tarred waste, glass, plastic, rubber or wooden waste, floating objects, surface-active substances, organic debris and any other waste or organism. Likewise, any other parameters deemed necessary by the competent authority will be controlled.

All these tests will be carried out with the frequency described in Annex IV and further to the specifications of Annex V, and the results obtained will be used to build up a data series on bathing water quality.

2. If the profile of the bathing water indicates a tendency toward the proliferation of macro algae or marine phytoplankton, the necessary research and control will be carried out to determine their acceptability and the health authority will be informed in order to assess any risks to health.



Furthermore, if the profile of the bathing water reveals a tendency towards the proliferation of cyanobacteria, an adequate control will be carried out to enable their identification and the health authority will be informed in order to assess any risks to health.

In the event that a risk to health is determined or presumed, adequate management measures will be immediately adopted, including public information.

3. During the first season following the entry into force of this Royal Decree, supervision will be carried out further to the provisions established therein. Subsequently and at the beginning of each bathing season, the competent authority will establish a control calendar for each bathing water area; the relevant test must be carried out, at the latest, four days after the date established in the calendar. For the purposes of the annual classification of bathing waters, the season will end the last weekend of November.

Article 7. Analyses.

1. An analysis of the obligatory parameters established in Annex I must be carried out further to the reference methods indicated in Annex V.

2. Nevertheless, the Ministry of Health and Consumers may authorise the use of other official methods, after checking their equivalence through official equivalence exercises. These alternative methods will be notified to the European Commission.

Article 8. Steps taken in the event of short-term pollution and incidents.

1. In the event of short-term pollution as defined in Article 3.e), and whilst this situation lasts, successive samples will be taken in no greater than 72-hour intervals, until a sample is obtained which, pursuant to the provisions of Annex IV.3.d), conforms to the values related to risk to health, whereupon the situation will be ended.



The competent authority will notify the other competent authorities of the short-term pollution in order to adopt the necessary corrective measures and to enable the interested public to be duly informed.

2. If an irregular situation arises, further to the definition provided in Article 3.p).1, the competent authority will notify the incident in order for the public to be duly informed and, if necessary, will impose a temporary prohibition on bathing.

If such an incident arises, the control calendar may be suspended. As soon as the situation ends, the supervision will recommence as soon as possible and will follow the provisions established in section 3 of Annex IV.

In the case of continental waters, the environmental body will notify the competent authority whenever the bathing water flow is lower or higher than the flow corresponding to the four-year return period, in order to designate the incident as irregular.

3. If an exceptional event arises, further to the definition provided in Article 3.p.).2, the competent authority will ensure that the necessary and adequate management measures are adopted, and will immediately notify the health authority in order to assess the risk to bathers' health.

4. Whenever an irregular situation or exceptional event were to cause, or is reasonably expected to cause, harmful effects on water quality and bathers' health, apart from the management measures indicated in the foregoing section, the public must be duly informed and, if necessary, a provisional prohibition on bathing may be established.



Article 9. Prohibitions on bathing or recommendations to refrain from bathing.

The competent authorities may prohibit or issue a recommendation to temporarily refrain from bathing, in the following events:

- a) In order to protect bathers' health if defective health quality of the bathing water is suspected or detected.
- b) If the quality requirements established in this Royal Decree are breached by the beach or bathing water.
- c) As a result of a manifest hazard or unfeasibility in the use of the bathing water area, works to accommodate the beach or if maintenance is impossible, according to the provisions of Article 5, sections a), b) and c).
- d) As a result of environmental protection needs foreseen in applicable regulations.

Article 10. Profile of the bathing water.

1. Following commencement of the bathing season following the entry into force of this Royal Decree, the environmental body will establish a bathing water profile, pursuant to the provisions of Annex III. Each profile may cover one or more bathing water areas, as long as they are adjacent.

The profiles will be reviewed each year before commencement of the season and will be updated according to the provisions of said Annex.

2. When establishing, reviewing and updating the profiles of the bathing water areas, the data obtained from tests and evaluations made will be adequately taken into account, further to the provisions established in the revised text of the Water Act approved by Royal Legislative Decree



1/2001, of 20 July, as well as the tests carried out on the bathing water by the competent authority.

3. The competent authority will guarantee that the profiles of each bathing water area are initially determined at the beginning of the 2009 season.

Article 11. Annual assessment of bathing water quality.

1. The health authority will guarantee that data series on bathing water quality are gathered through the checking of the obligatory parameters indicated in Annex I.

2. The health authority will conduct an annual assessment of bathing water quality:

a) For each sampling point of the bathing water.

b) At the end of the bathing season.

c) According to the data series on bathing water quality gathered in relation to the bathing season in question and the three previous seasons.

d) Pursuant to the procedure described in Annex II.

3. The data series on bathing water used for the quality assessment must always consist of at least 16 samples or 12 samples in the special cases foreseen in Annex IV, paragraphs b) and c) of section 3.

4. The initial data series on bathing water will be the one corresponding to the first bathing season after the entry into force of this Royal Decree. The first assessment will be carried out with the data of at least four seasons.



Article 12. Annual classification and quality status of bathing water.

1. Further to the water quality assessment, bathing waters will be classified each year for a period covering at least a full season, according to Annex II, as follows:

- a) "Insufficient quality".
- b) "Sufficient quality".
- c) "Good quality".
- d) "Excellent quality".

2. The competent authorities will adopt the necessary measures to enable all bathing water, at the end of the 2015 bathing season, to offer at least "sufficient" quality. Realistic and proportional measures will be adopted, as deemed adequate, in order to increase the number of bathing waters classified as being of "excellent" or "good" quality.

3. Nevertheless, bathing waters may be provisionally classified as being of "insufficient" quality and, despite this, continue complying with this Royal Decree. In such case, the competent authority will ensure that, in the case of "insufficient quality" bathing waters, the following measures are adopted, effective as of the bathing season following the classification:

- a) Adequate management methods, to include a prohibition on bathing or a recommendation to refrain from bathing, in order to avoid bathers being exposed to pollution.
- b) Determination of the causes and reasons why a "sufficient quality" status is not reached.
- c) Adequate measures to prevent, reduce or remove the causes of the pollution.
- d) A warning to the interested public informing of the insufficient quality of the bathing water, the causes of the pollution and the management measures adopted.



A simple and clear sign will be installed on the beach, containing information on the causes of the pollution and the measures adopted.

4. If the bathing water is classified as being of “insufficient” quality for five consecutive years, the competent authority will require that a permanent prohibition on bathing be issued, or a recommendation to refrain from bathing. Nevertheless, a permanent prohibition on bathing or recommendation to refrain from bathing may also be issued at the end of the second year of “insufficient” quality, whenever it is believed that the necessary measures to obtain “sufficient” quality are unfeasible or entail a disproportionate cost.

Article 13. Public information.

1. All public administrations are subject to a duty of information, pursuant to Act 27/2006, of 18 July, which governs the rights of access to information, public participation and access to justice in environmental matters.

2. During the bathing season, public administrations, within the scope of their powers, will actively and rapidly distribute amongst the interested public, through easily accessed devices, information on the quality of bathing water and the beach, as the case may be. Furthermore, the following information will be provided at an easily accessible point in the surroundings of each bathing water area:

a) Census survey of bathing waters and a general description of the bathing water and beach, indicating the characteristics and infrastructures available on the beach, in clear and non-technical language.

b) A current classification of bathing waters, as well as any prohibition on bathing or recommendation to refrain from bathing, through a simple and clear sign or symbol.

c) Bathing water quality during the season, based on the results obtained from a visual inspection of the beach and the analytical results of obligatory parameters.



d) In the case of bathing water exposed to short-term pollution:

1. Notification that the bathing water is exposed to short-term pollution.
2. Indication of the number of days during which bathing was prohibited or a recommendation was made to refrain from bathing during the preceding bathing season, as a result of such pollution.
3. Notice that such pollution is foreseen or is present.

e) Information on the nature and expected duration of the incidents.

f) Whenever bathing is prohibited or a recommendation is issued to refrain from bathing, a warning notifying the interested public and expressing the reasons for the same.

g) Whenever there is a permanent prohibition on bathing or a recommendation to refrain from bathing, information on the fact that the water of the affected area can no longer be considered bathing water, indicating the reasons.

h) Indication of other sources of additional information.

3. The Public Administration, within the scope of its powers, will use adequate means and technologies, including the Internet, to actively and promptly distribute the information on bathing water referred to in section 2 above, in several languages, if necessary, to include at least the following:

a) Census survey of the bathing water areas.

b) Bathing water classification of the last three years.

c) Bathing water profile.



d) Results of the tests conducted since the last classification.

e) In the case of insufficient quality water, information on the causes of pollution and the measures adopted to avoid the bathers being exposed to pollution, and control of the reasons for the same.

f) In the case of short-term pollution:

1. Conditions that could entail short-term pollution.
2. Likelihood of such pollution arising and likely duration.
3. Causes of the pollution and measures adopted to avoid the bathers being exposed to pollution and control of the reasons for the same.

The Census Survey indicated in paragraph a) above will be available before commencement of the season, and the results indicated in paragraph d) above will be available on the Internet upon completion of the analytical reports.

4. The information referred to in sections 2 and 3 above will be distributed through the Internet as soon as it is available, following commencement of the fifth bathing season after the entry into force of this Royal Decree.

5. Whenever possible, the Public Administration will provide the public with information based on georeferenced technology and will present it in a clear and coherent manner, particularly with the use of signs and symbols.

Article 14. Exchange of information and national bathing water information system.

1. Before 30 March each year, the Ministry of Health and Consumers will notify the European Commission of the annual census survey of all bathing waters in Spain for the upcoming season, indicating the reason



for any change that may have been made with respect to the census survey notified the previous year.

2. Furthermore, with the data collected during the bathing season in the national information system created in section 4 below, the Ministry of Health and Consumers will draw up a national summary report to be sent to the European Commission before 31 December each year, further to Community regulations.

3. In order to fulfil the obligation to notify the European Commission, the competent authority will inform the Ministry of Health and Consumers of any suspension of the control calendar, indicating the reasons and providing the necessary graphic documentation, through the information system established in the following section.

4. In order to enable fulfilment of the obligations indicated in the foregoing sections, the Ministry of Health and Consumers will establish and coordinate a bathing water information system, referred to as "Náyade", implemented through a software application with Internet support.

The information unit of said system is the bathing water area and it must be used by any person or public/private entity that supervises the quality of bathing water or manages bathing waters.

The main characteristics of the information system are described in Annex VI.



Article 15. Public participation.

The Public Administration, within the scope of its powers, will apply the provisions established in Article 16 of Act 27/2006, of 18 July, which regulates the rights of access to information, public participation and access to justice in environmental matters. In particular, the necessary information will be provided to enable the interested public to understand the participation process, and the relevant measures will be adopted to enable suggestions, comments or complaints to be made regarding the subject matter of this Royal Decree. These provisions will particularly apply in relation to the annual census survey of bathing water areas.

First Additional Provision. Analytical methods.

1. Any laboratories that supervise the parameters of Annex I must, upon commencement of the first bathing season following the entry into force of this Royal Decree:

- a) Have implemented in their laboratories the analytical methods referred to in Annex V.
- b) Have validated the reference methods of Annex V, ascertaining their accuracy and precision and calculating the relevant quantification and detection limits.

2. All laboratories must be accredited to use the reference methods applied to the obligatory parameters, and such accreditation must be issued by an official accreditation entity that belongs to a European Union Member State, ensuring compliance with the requirements established in the rules of the series to which UNE-EN ISO/IEC 17025 belongs, or any that may replace it in the future, which apply according to their scope of activity, before commencement of the 2010 season.



Second Additional Provision. Community liability.

Within the scope of this Royal Decree, the provisions on Community liability established in Article 121 bis) of the revised text of the Water Act, approved by Royal Legislative Decree 1/2001, of 20 July, will apply.

Third Additional Provision. Cities with a Statute of Autonomy.

Any references to the competent bodies or authorities of the Autonomous Communities will be understood to also refer to cities with a Statute of Autonomy, within the scope foreseen in their respective Statutes of Autonomy and Royal Decrees issued for the transfer of powers.

Single repealing provision. Repeal of laws.

Any provisions of the same or lower rank that conflict with the provisions of this Royal Decree are hereby repealed, particularly Royal Decree 734/1988, of 1 July, which provides quality rules for bathing waters.

First Final Provision. Implementation of European Union law.

This Royal Decree implements into internal law Directive 2006/7/EC of the European Parliament and Council, dated 15 February 2006, regarding the management of bathing water quality, thereby repealing Directive 76/160/EEC.

Second Final Provision. Powers of enactment.

The Ministers of Health and Consumers and of the Environment are hereby empowered to modify the Annexes to this Royal Decree according to progress made in scientific and technical knowledge, and to adjust them to any modifications introduced by Community regulations.



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Third Final Provision. Powers to enact.

This Royal Decree is hereby issued further to the provisions established in rules 16 and 23 of Article 149.1 of the Spanish Constitution, which reserve to the State, respectively, powers in relation to the grounds and general coordination of health and basic legislation for environmental protection, notwithstanding any other powers held by Autonomous Communities to enact further rules of protection.

Fourth Final Provision. Entry into force.

This Royal Decree will enter into force on the day following its publication in the Official State Gazette.

Issued in Madrid, on 11 October 2007

KING JUAN CARLOS

TO BE PRESENTED TO THE COUNCIL OF MINISTERS

Madrid,
THE MINISTER OF HEALTH
AND CONSUMERS

Bernat Soria Escoms

THE MINISTER OF THE ENVIRONMENT

Cristina Narbona Ruiz



ANNEX I

Obligatory parameters and values applicable to annual assessments

Internal Waters

		Quality			Unit
		Sufficient **	Good *	Excellent *	
01	Intestinal Enterococci	330	400	200	UFC or NMP/100 ml
02	<i>Escherichia coli</i>	900	1,000	500	UFC or NMP/100 ml

Coastal and transition waters

		Quality			Unit
		Sufficient **	Good *	Excellent *	
01	Intestinal Enterococci	185	200	100	UFC or NMP/100 ml
02	<i>Escherichia coli</i>	500	500	250	UFC or NMP/100 ml

* Further to the assessment of percentile 95. See Annex II.

** Further to the assessment of percentile 90. See Annex II.



ANNEX II

Assessment and classification of bathing waters

1. Insufficient quality

Bathing waters will be classified as being of “insufficient” quality whenever, in the data series on bathing water quality corresponding to the last assessment period ^(a), the percentile values ^(b) of microbiological listings are worse ^(c) than the “sufficient quality” values established in Annex I.

2. Sufficient quality

Bathing waters will be classified as being of “sufficient” quality:

- 1) when, in the data series on bathing water quality corresponding to the last assessment period, the percentile values of the microbiological listings are equal to or better ^(d) than the “sufficient quality” values established in Annex I, and
- 2) when the bathing waters are exposed to short-term pollution, provided that:
 - i. adequate management measures are adopted, including surveillance, rapid alert systems and control, to avoid bathers' exposure, by means of a warning or prohibition on bathing, whenever necessary.
 - ii. adequate management measures are adopted to prevent, reduce or remove the causes of the pollution, and
 - iii. the provisions established in Annex IV. 3.d) 1) are fulfilled.

3. Good quality

Bathing waters will be classified as being of “good” quality:

- 1) when, in the data series on bathing water quality corresponding to the last assessment period, the percentile values of the microbiological listings are equal to or better ^(e) than the “good quality” values established in Annex I, and
- 2) when the bathing waters are exposed to short-term pollution, provided that:
 - i. adequate management measures are adopted, including surveillance, rapid alert systems and control, to avoid bathers' exposure, by means of a warning or prohibition on bathing, whenever necessary.
 - ii. adequate management measures are adopted to prevent, reduce or remove the causes of the pollution, and



- iii. the provisions established in Annex IV. 3.d) 1) are fulfilled.

4. Excellent quality

Bathing waters will be classified as being of “excellent” quality:

- 1) when, in the data series on bathing water quality corresponding to the last assessment period, the percentile values of the microbiological listings are equal to or better ⁽⁹⁾ than the “excellent quality” values established in Annex I, and
- 2) when the bathing waters are exposed to short-term pollution, provided that:
 - i. adequate management measures are adopted, including surveillance, rapid alert systems and control, to avoid bathers' exposure, by means of a warning or prohibition on bathing, whenever necessary.
 - ii. adequate management measures are adopted to prevent, reduce or remove the causes of the pollution, and
 - iii. the provisions established in Annex IV. 3.d) 1) are fulfilled.



NOTES

(a) The term "last assessment period" will refer to the last three bathing seasons and the bathing season in question.

(b) Based on the assessment of the percentile of a regular density function of \log_{10} probability for the microbiological data obtained in certain bathing waters, the percentile value is determined as follows:

- i) value \log_{10} is taken from all bacterial listings in the data sequence evaluated. (If the value is zero, value \log_{10} for the minimum detection limit of the analytical method used will be taken.),
- ii) the mathematical average of values $\log_{10} (\mu)$ is calculated,
- iii) the standard difference of values $\log_{10} (\sigma)$ is calculated.

The higher part of percentile 90 of the density function for data probability is deduced from the following equation: higher part of percentile 90 = $\text{antilog} (\mu + 1.282 \sigma)$.

The higher part of percentile 95 of the density function for data probability is deduced from the following equation: higher part of percentile 95 = $\text{antilog} (\mu + 1.65 \sigma)$.

(c) "Worse" means that the concentrations expressed in UFC or NMP/100 ml are higher.

(d) "Better" means that the concentrations expressed in UFC or NMP/100 ml are lower.



ANNEX III

Bathing water profile

1. The bathing water profile referred to in Article 10 will consist of the following:
 - a) a description of the physical, geographical and hydrological characteristics of the bathing waters, including any other surface waters within the hydrological district of the bathing waters in question, that could be a source of pollution and are relevant for the purposes of this provision, and are foreseen in the revised text of the Water Act, approved by Royal Legislative Decree 1/2001, of 20 July;
 - b) a determination and evaluation of the causes of pollution that could affect the bathing water and bathers' health;
 - c) an evaluation of any likely proliferation of cyanobacteria;
 - d) an evaluation of any likely proliferation of jellyfish, macro algae or phytoplankton;
 - e) if the evaluation carried out further to paragraph b) discloses a risk of short-term pollution, the following information:
 - 1 the nature, frequency and expected duration of the short-term pollution foreseen;
 - 2 details of any residual causes of pollution, indicating the management measures adopted and the calendar applied to remove them;
 - 3 any management measures adopted during short-term pollution, as well as the identity and address of the bodies in charge of these measures;
 - f) the location of the environmental control point and sampling point.
2. In the case of bathing waters classified as being of "good", "sufficient" or "insufficient" quality, the bathing water profile must be periodically reviewed in order to evaluate whether any of the issues established in section 1 has changed and, if so, to update the same. The frequency and scope of the review will depend on the nature and seriousness of the pollution.
3. Nevertheless, a review must cover at least the provisions of the table below and must take place at least with the frequency indicated therein.



Classification of bathing water quality	"Good"	"Sufficient"	"Insufficient"
Reviews must be conducted at least every	4 years	3 years	2 years
Issues to be reviewed (paragraphs of section 1)	a) to f)	a) to f)	a) to f)

In the case of bathing water that was previously classified as being of "excellent" quality, the bathing water profile must be reviewed and updated, if necessary, only in the event that the classification is changed to "good", "sufficient" or "insufficient" quality. This review must cover all the issues indicated in section 1.

4. If works or significant changes have been made in the infrastructure of a bathing area or in its surroundings, the bathing water profile must be updated before commencement of the next bathing season.
5. The data mentioned in section 1, paragraphs a) and b), must be shown on a detailed map, whenever possible.
6. Other relevant information may be attached or included, if the competent authorities deem it appropriate.



ANNEX IV

Sampling frequency

1. Initial sampling

At all sampling points in bathing waters included in the census survey, a sample of the bathing water will be taken in order to be analysed, before commencement of the season, so that the interested public may be informed of the results at the beginning of the season.

2. Programmed control

During the entire bathing season, at least eight samples will be taken. The sampling dates must be distributed throughout the entire bathing season and the interval between sampling dates must never exceed one month.

3. Special cases

- a) If the health authority believes that the quality of certain bathing waters during a season does not entail a risk to bathers' health, sampling frequency may be reduced to a minimum of 4 samples during the season, plus the initial sampling. The interval between the sampling dates must never exceed one month.
- b) If the bathing season is less than or equal to 8 weeks, the sampling will entail at least 4 samples per season.
- c) If the bathing water is located in areas with restricted access, foreseen in Article 3.p), the sampling will consist of at least 4 samples per season.
- d) In the event of short-term pollution:
 - 1 The data series may exclude a number of samples that does not amount to over 15% of the total number of samples foreseen in the control calendars established for that period for each sampling point, or no more than one sample for each bathing season, always taking the highest value into account.
 - 2 An additional sample will be obtained to confirm the end of the incident. This sample will not be included in the data series on bathing water quality.



- 3 If it were necessary to replace a removed sample, a replacement sample will be taken before a week, at the most, has transpired since the end of the short-term pollution.
- e) In the case of an irregular situation, new samples will be obtained before one week transpires following the end of the irregular situation, to replace those excluded as a result of this situation.



ANNEX V

Methodology of sampling and analysis

1. Taking of a sample.

To the extent possible, samples will be taken 30 cm. below the water surface, in water at least 1 m. deep.

2. Containers for bathing water samples.

- a) Samples will be collected in containers that are sterilised through any of the following procedures:
 - 1 Steam-driven sterilisation for at least 15 minutes at 121 °C, or
 - 2 Dry sterilisation for at least 1 hour at a temperature of between 160 °C - 170 °C, or
 - 3 Containers that are directly irradiated by the manufacturer.
- b) The container volume will depend on the amount of water required to analyse each parameter. The minimum content in general will be 250 ml.
- c) Sample containers must be transparent and colourless (glass, polyethylene or polypropylene).
- d) In order to avoid any accidental pollution of the sample, the person obtaining the samples will use aseptic techniques to maintain the sterility of sampling containers. If the adequate procedure is followed, no other sterile equipment will be necessary (such as sterile surgical gloves, pliers or bars).
- e) The sample must be clearly identified with indelible ink both on the sample and form attached.

3. Storage and transportation of samples before being analysed.

- a) All water samples must be protected from the light, particularly direct sunlight, during all transportation stages.
- b) Samples must be preserved at a temperature of approximate 4° C, in a thermal box or refrigerator (depending on the weather) until they reach the laboratory. Transportation in a refrigerator will be obligatory whenever transportation to the laboratory is likely to take longer than 4 hours.



- c) The time lapsed between the taking of samples and their analysis must be as short as possible. We recommend that the analysis be carried out on the same working day in which the samples are obtained. If this were not possible for practical reasons, the samples should be processed within a maximum of 24 hours. In the meantime, the samples should be kept in the dark at a temperature of $4^{\circ}\text{C} \pm 3^{\circ}\text{C}$.

4. Reference analytical methods.

In order to determine the existence of intestinal Enterococci, the reference analytical methods will be:

UNE EN ISO	Detection and counting of intestinal Enterococci.
7899-1	Most probable number.
7899-2	Due to filtering through the membrane.

In order to determine the existence of *Escherichia coli*, the reference analytical methods will be:

UNE EN ISO	Detection and counting of <i>Escherichia coli</i> .
9308-3	Most probable number.
9308-1	Due to filtering through the membrane.



ANNEX VI

National bathing water information system

1. The use of the system's application through the Internet involves:

- a) The autonomous authority;
 - b) The environmental body;
 - c) The Ministry of Health and Consumers and the Ministry of the Environment;
 - d) Control laboratories;
 - e) Any other public or private body that is related to the management of bathing waters;
 - f) The local administration.
2. The following information, amongst others, is gathered by the national bathing water information system:
- a) Geographical and administrative location of the bathing water area and its sampling points;
 - b) Laboratories to control the quality of bathing water;
 - c) Sampling data, a visual inspection and analytical results obtained on obligatory parameters;
 - d) Characteristics of the beach;
 - e) Health inspections;
 - f) Information on incidents and short-term pollution;
 - g) Profiles and environmental data for each bathing water area.
3. The information contained in the system should be duly updated during the bathing season. It will be obligatory to provide, at least, the data reflected in each form, in order to fulfil sections 1, 2 and 3 of Article 14 herein. The bodies that hold this information will be liable for the truthfulness of the data filed by the persons designated as professional users.
4. Access to the system through the Internet will be carried out through the website of the Ministry of Health and Consumers. At this website, users may have access to a user's manual and to updated technical procedures, as well as other documents of interest.
5. Professional access shall refer to one that is restricted to the staff professionally bound to the public or private entities that manage the bathing water or that supervise bathing water quality, control laboratories, the health administration, the



environmental body, the Ministry of Health and Consumers and any other public bodies entrusted with bathing water management duties.

6. The initial user profiles for professional access will be:
 - a) The Application Manager;
 - b) The Autonomous Manager;
 - c) The Ministerial user;
 - d) The Autonomous / Provincial / Territorial Health Unit / Hydrological user;
 - e) The municipal user;
 - f) The laboratory user.
7. Before registering onto the system, the competent authorities must provide an official and written notification to the Ministry of Health and Consumers, including a list of any dependent persons who are requesting professional access as autonomous managers or ministerial users, providing their full name and Spanish Identity Card (DNI).

Likewise, a manager from each body or entity must provide official and written notification to the autonomous manager, including a list of any dependent persons who are requesting professional access to the system, providing their full name, DNI and tasks to be executed, user profiles and scope of activity.

8. In order to be registered on the system as a professional user, it will be necessary:
 - a) To be included in any of the lists foreseen in the foregoing section;
 - b) To have installed a personal digital certificate, 2CA class, issued by the National Factory of Coins and Stamps, or any other electronic certificate accepted by the Ministry of Health and Consumers, in the Internet browser of the computer used to connect to the system.
 - c) To register as a system user, through the application itself.
 - d) Registration on the system as a professional user will be of unlimited duration, unless the authority manager were to notify his removal in writing to his director. Any removal notification must include the name of the user to whom title of the loaded data are transferred.
9. The Ministry of Health and Consumers will at all times adopt the necessary technical and organisational measures to ensure data security and to avoid any data alteration, loss, unauthorised processing or access, in light of the state of the art, the nature of the data stored and the risks to which they are exposed, whether derived from human activity or from their physical or natural surroundings.



10. The loading of analysis bulletin information may be carried out with XML files. The same validation of data and user privileges will apply as in the entry of information provided on a form.

The functional characteristics of information downloads through an XML file are: users may download all data to which they have access; and information access control is inherent to the user's connection.

11. Upon the launching of the system, the Ministry of Health and Consumers will carry out an initial loading of the new official census survey, containing basic information sent by the autonomous communities related to the location of bathing waters, to be completed by the autonomous communities.

12. All bathing water analysis bulletins must be loaded within a week at the most following the drafting of a report of the analytical results.

13. The interested public may consult the general information available on any bathing area that is entered into the system, through a function other than professional access and through the Ministry of Health and Consumers' website.

14. The processing of any personal data will be governed by the provisions of Organic Act 15/1999, of 13 December, on personal data protection, and other implementing provisions.