Fish & Shellfish Water Directives

78/659/EEC & 79/923/EEC

(Official Journal L 222, 14.08.1978) & (Official Journal L 281, 10.11.1979)
Overall objective of Directives:
Protection/Improvement of fresh waters (Directive 78/659/EEC)
Protection/Improvement of shellfish waters (Directive 79/923/EEC)
(Shellfish Hygiene Directive 91/492/EEC)

Objective can be achieved by implementation of other Directives (e.g. UWWT Directive 91/271/EEC).

Repealing of both Directives by WFD (by 2013):
Main obligations

1. Designation
   - Shellfish Water Directive
     • Coastal brackish waters (bivalve and gasteropod molluscs)
   - Fish Water Directive
     • Running and standing salmonid or cyprinid waters

2. Set up quality targets
   - Shellfish
     • 14 physical and chemical parameters
     • Link to Directive 76/464/EEC (e.g. metals)
   - Fish waters
     • 12 physical and chemical parameters

3. Set up monitoring system
   - to ensure standards of water qualities

4. Set up Pollution Reduction Programme
1. **Designation of fish & shellfish waters**

*Directive 78/659/EEC (Fish water) & Directive 79/923/EEC (Shellfish water):*

1. MS have **to designate** fish / shellfish waters that need **protection and/or improvement** in order to **support** or, if pollution were reduced or eliminated, would be **capable to support** fish life suitable for human consumption.

2. *May* make additional designations

3. *May* make revision of designated waters
2. Establish water quality targets

*Directive 78/659/EEC (Fish water) & Directive 79/923/EEC (Shellfish water):*

1. Quality targets have to be set for designated waters.

2. MS have to set out values for physical and chemical parameters listed in Annex I.

3. Limit values shall not be less stringent than “I” values. “G” values shall be endeavoured.

4. For parameters ‘organohalogenated substances’ and ‘metals’ emission standards are laid down pursuant to Council Directive 76/464/EEC.
3. Set up a system of controls to ensure water quality standards

**Directive 78/659/EEC (Fish water) & Directive 79/923/EEC (Shellfish water):**

1. Competent authorities have to carry out **sampling** according to **minimum frequencies** in Annex I;
   - Frequency of sampling may be reduced;

2. No pollution or risk of deterioration, then sampling may be stopped;

3. Identifying cause of value exceeding;

4. Reference methods of analysis used for calculation set out in Annex I.
4. 1. Pollution Reduction Programme

*Directive 78/659/EEC (Fish water) & Directive 79/923/EEC (Shellfish water):*

- Competent authorities **shall establish** Pollution Reduction Programme for each designated water body;
- to ensure **compliance** within 5 years of designation;

**Compliance is given:**

- Sampling taken in minimum frequencies
- at same sampling point
- Over a 12 months period
MS are required to establish programmes in order to reduce pollution and ensure compliance with limit values (=Pollution Reduction Programmes)

Content:
- Public participation
- Identification of the competent authorities for the programme/action required
- Delimitation and description of waters and areas
- Population living around this area
- Pressure Analysis and identification of polluting discharges
- Summary of the total polluting discharges
- Risk analyses
- Present a systematic and coherent set of well defined measures
- Determination of sampling points
- Present a appropriate timetable
### 4. 3. Pollution Reduction Programme

**Directive 78/659/EEC**  
*(Fish water)*

- 95% of the samples for the parameters: PH, BOD5, ammonia, nitrates, chlorine, zinc and dissolved copper.

**Directive 79/923/EEC**  
*(Shellfish water)*

- 100% of the samples for the parameters: organohalogenated substances and metals (see link to Directive 76/464/EEC in Article 3)
- 95% of the samples for the parameters: salinity and dissolved oxygen
- 75% of the samples for the other parameters (e.g. Faecal coliforms/100 ml < 300 („G“ but „I“))

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<tr>
<td>95% of the samples for the parameters:</td>
<td>PH, BOD5, ammonia, nitrates, chlorine, zinc and dissolved copper.</td>
<td>100% of the samples for the parameters: organohalogenated substances and metals (see link to Directive 76/464/EEC in Article 3)</td>
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<tr>
<td>Percentage listed in Annex I for the</td>
<td>95% of the samples for the parameters: salinity and dissolved oxygen</td>
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<td>parameters: temperature and dissolved</td>
<td>95% of the samples for the parameters: salinity and dissolved oxygen</td>
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<td>oxygen</td>
<td>75% of the samples for the other parameters (e.g. Faecal coliforms/100 ml &lt; 300 („G“ but „I“))</td>
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<td>Average concentration set for parameter:</td>
<td>suspended solids</td>
<td>suspended solids</td>
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Summary

Adoption of binding legislation and inform the EC thereof

1. Designation of fresh waters and shell fish waters
   - Art.15 WFD
   - Art.11 WFD
   - Art.6 WFD

2. Set up quality standards
   - Art.22 WFD
   - Art.8 Annex V WFD
   - Annex V WFD

3. Set up monitoring system
   - Art.17

4. Establish Programmes
   - Art.13
   - + Report to EC

European Commission, DG Environment

Brussels, 03-05 April 2006
ECJ Judgements

INFO:  http://curia.eu.int

Fish water Directive:
ECJ Judgement of 12 July 1988, C-322/86, EC v. Italy (lack of transposition)
ECJ Judgement C-298/95, 12 December 1996, EC v. Germany (required fish water quality)
Opinion of General Advocate in C-298/95, 17 October 1996

Shellfish water Directive:
ECJ Judgement C-291/93, EC v. Italy (lack of transposition)
ECJ Judgement C-225/95, EC v. Italy (failure to designate waters)
ECJ Judgement C-298/95, 12 December 1996, EC v. Germany (Quality required of shellfish waters)
Opinion of General Advocate in C-298/95, 17 October 1996
ECJ Judgement of 11 September 2003, C-67/02, EC v. Ireland (programmes)
ECJ procedure, C-148/05, EC v. Ireland (failure to designate waters)
Thank you for your attention!

http://europa.eu.int/comm/environment/water/index.html