



European Commission, DG Environment
Multilateral Screening Meeting
Croatia and Turkey



Chapter 27 – Environment – Water quality

Fish & Shellfish Water Directives

78/659/EEC & 79/923/EEC

(Official Journal L 222, 14.08.1978) & (Official Journal L 281, 10.11.1979)





Policy Framework

- **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):

 - Protection of water bodies are covered by **Water Framework Directive 2000/60/EC** adopted on 22 December 2000.

 - **Article 22** of the WFD **repeals** Directive 78/659/EEC and Directive 79/923/EEC by **22 December 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

Art.4

Art.6
WFD

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

Art.5
AnnexArt.5
Annex V
WFD

3. Set up monitoring system

- to ensure standards of water qualities

Art.7

Art.8
Annex V
WFD

4. Set up Pollution Reduction Programme

Art.9

Art.11
WFD



1. Designation of fish & shellfish waters

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

Art.4

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.**

**Art.3
Annex I**



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.**

Article 7,
Annex I



4. 1. Pollution Reduction Programme

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

Article 5

- 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

Article 6



4.2. Pollution Reduction Programme

Directive 78/659/EEC & Directive 79/923/EEC

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

Article 6

Article 5



4. 3. Pollution Reduction Programme

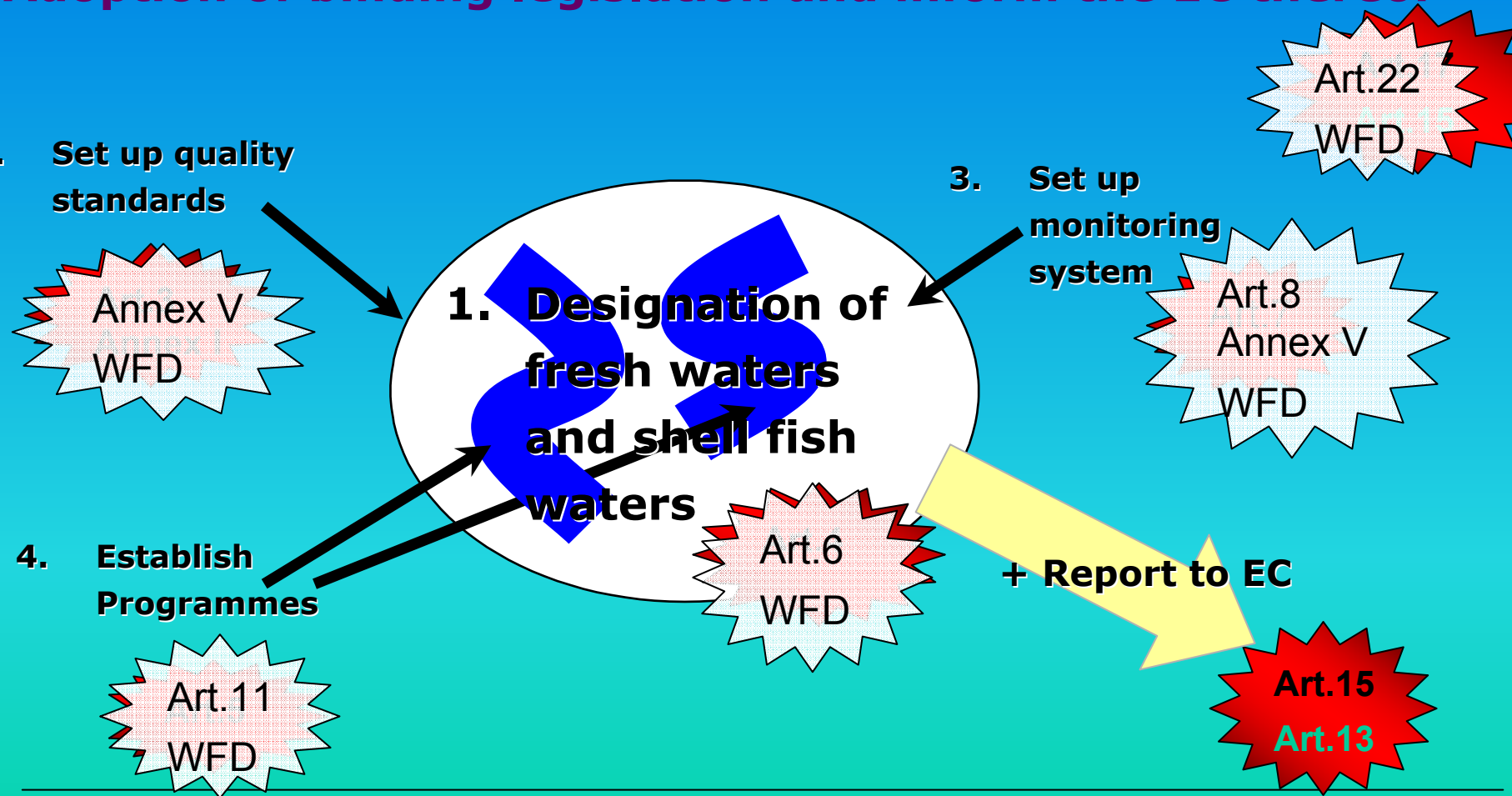
Article 6

<p><u>Directive 78/659/EEC</u> <u>(Fish water)</u></p>	<p><u>Directive 79/923/EEC</u> <u>(Shellfish water)</u></p>
<p>95% of the samples for the parameters:</p> <p>PH, BOD5, ammonia, nitrates, chlorine, zinc and dissolved copper.</p>	<p>100% of the samples for the parameters:</p> <p>,organohalogenated substances‘ and ,metals‘ (see link to Directive 76/464/EEC in Article 3)</p>
<p>Percentage listed in Annex I for the parameters:</p> <p>temperature and dissolved oxygen</p>	<p>95% of the samples for the parameters:</p> <p>,salinity‘ and ,dissolved oxygen‘</p>
<p>Average concentration set for parameter:</p> <p>suspended solids</p>	<p>75% of the samples</p> <p>for the other parameters (e.g. Faecal coliforms/100 ml < 300 („G“ but „I“)</p>



Summary

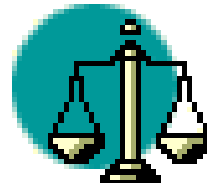
Adoption of binding legislation and inform the EC thereof





ECJ Judgements

Directive 78/659/EEC & Directive 79/923/EEC



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>